



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Dé Céadaoin, 18 Samhain 2020

Wednesday, 18 November 2020

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

Machnamh agus Paidir.
Reflection and Prayer.

Gnó an tSeanaid - Business of Seanad

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

The need for the Minister for Agriculture, Food and the Marine to provide an update on the calf investment scheme.

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 Róisín Garvey of the following matter:

The need for the Minister for Education to make a statement on the provision of autism spectrum disorder, ASD, places in second level schools in County Clare.

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

The need for the Minister for Health to outline when community social day care facilities for older persons are expected to reopen; and when respite care facilities for older persons and their families will reopen.

I have also received notice from Senator Mary Seery Kearney of the following matter:

The need for the Minister for Transport to make a statement on the terms of reference for the feasibility study into the MetroLink route to Knocklyon, Dublin 16.

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

The need for the Minister for Public Expenditure and Reform to make a statement on the

awarding of State contracts to successful tenderers from outside the State, in particular the assessment criteria, policy and procedures in place.

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

The need for the Minister for Housing, Local Government and Heritage to allocate urban regeneration and development funding for Clonmel, County Tipperary.

I have also received notice from Senator Rónán Mullen of the following matter:

The need for the Minister for Health to make a statement on the continuing Covid-19 restrictions on religious worship in Ireland and the constitutionality of these restrictions.

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 Victor Boyhan of the following matter:

The need for the Minister for Agriculture, Food and the Marine to make a statement on a proposal by the Antiparasitic Resistance Stakeholder Group to conduct an economic impact assessment of EU Regulation 2019/6; and whether he intends to seek a derogation from this regulation.

I have also received notice from Senator Jerry Buttimer of the following matter:

The need for the Minister for Finance to clarify whether travel agents qualify for the Covid restrictions support scheme.

The matters raised by the Senators are suitable for discussion and I have selected those of Senators Lombard, Dooley, Garvey, Bacik, Seery Kearney and Gallagher and they will be taken now. The other Senators may give notice on another day of the matters that they wish to raise.

Nithe i dtosach suíonna - Commencement Matters

Agriculture Schemes

Senator Tim Lombard: I welcome the Minister for Agriculture, Food and the Marine, Deputy McConalogue, to the House to discuss the issue of the calf investment scheme. Last January, a calf investment scheme was announced, initially for €1.5 million. It was expanded to €4 million. Some 2,500 farmers have applied for the scheme. I welcome the opportunity to discuss the Minister's detailed report because I want to know how many farmers received a payment under the scheme. It is a worthy scheme. It gave the opportunity for on-farm investment to farmers when it came to calf rearing. This has been a deficit in the system over the past few years. We have seen a major expansion in dairy and beef herds, particularly on the dairy side. A total of 1.5 million dairy cows will calve in January, February and March and investment in calf-rearing equipment on those farms will be welcomed.

The one drawback of the scheme, which I have mentioned, is that it was announced on 7 January this year. For a three-week period between 7 January and 28 January, farmers had an opportunity to apply for this scheme at the start of the calving season. It was illogical in that sense. It is akin to announcing the Christmas bonus on St. Stephen's Day. If we are to have a new calf-rearing scheme, it needs to be announced in the next few days. Announcing it in January is too late for the industry. The preparatory work that goes into spring calving has begun. Sheds are being cleaned out and washed and equipment is being readied. From 7 January, 1.5 million dairy cows will calve, particularly in my part of the world. That preparation is in full swing at the moment. I hope we have a new scheme and that it is announced shortly in order that dairy farmers who need this equipment will have the opportunity to apply in a timely manner. That has to be in the month of December, allowing an opportunity to have the equipment in place for when the calving season starts in full.

This was a new scheme. It is important to acknowledge it was the first of this nature. Because it was a new scheme, we had to learn from the pitfalls. There were positive aspects but the opportunity is there for a new scheme. However, it has to be rolled out in December to give farmers the opportunity to apply and get the equipment in place so when they have the busy spring period, which is only eight weeks away, they can have the equipment to work through the calf rearing, which has been an important part of the animal welfare issues we have been trying to work through in the past few years.

Covid is another issue. There has been a reduction in labour in farms. This scheme allows for a major reduction in labour. The labour required in calf rearing is immense. By investing in this equipment, labour is reduced. Labour is not there at the moment anyway, but it reduces the opportunity for being caught offside regarding the availability of labour.

I welcome the Minister's report and look forward to responding to him. Will we get a copy of the written statement?

Minister for Agriculture, Food and the Marine (Deputy Charlie McConalogue): I welcome the opportunity to provide an update on the calf investment scheme for farmers. I thank the Senator for raising this matter, which he has raised on many occasions before on the agriculture committee and which he has a strong commitment to developing.

This on-farm investment scheme supporting investments in calf-related items opened to farmers last January. The scheme was one of a series of measures put in place in advance of the spring calving season last year with a view to ensuring the best possible calf welfare outcomes. The scheme is fully funded by the Exchequer. A total of €4 million was secured to fund the scheme, which was open for applications between 7 January and 28 January this year. The minimum investment required for the scheme was €1,000, while the maximum investment was €7,500, with both figures excluding VAT. A 40% grant aid applied to applications meeting the terms and conditions of the scheme. This means the maximum grant payment per holding was €3,000.

I am pleased to report that there was a great deal of interest in the scheme with 2,414 applications received. Approvals to proceed with the investments issued to 2,338 applicants. Applications for payment could be submitted as soon as the investment was complete. The final date for the submission of payment claims was extended to 30 September 2020 in light of Covid-19 restrictions. More than 1,500 payment claims were submitted by this date, which is a substantial number. Payments under the calf investment scheme commenced in August 2020 and are

issuing on an ongoing basis as cases are cleared by the Department for payment. Any applicant who has been contacted by the Department with a query regarding their payment claim is urged to respond as soon as possible to provide for the earliest possible issue of payment.

With regard to calf welfare, I recently attended a meeting of the calf stakeholder group, which is an ongoing group hosted by my Department, to hear the activities that various stakeholders are taking to support and ensure the welfare of calves born in Ireland each year. It was good to hear the positive contribution of the various participants, including the farm organisations, and that Ireland's position with regard to calf health and welfare compares favourably internationally.

I was pleased to note the ongoing research initiative by the Department and Teagasc on the issue of the transport of calves and the Irish Cattle Breeding Federation-Teagasc projects on enhancing dairy/beef integration efforts.

It is also important to point out that the Department continues to operate a large on-farm investment scheme, namely, the targeted agricultural modernisation scheme, TAMS. TAMS comprises a suite of seven measures and was launched under the Rural Development Programme 2014-2020, with a budget of €395 million over the full period of that programme. To date, expenditure under TAMS II has exceeded €242 million. Under the young farmer capital investment scheme, additional support is available for young trained farmers and they are offered a higher rate of grant aid of 60%, compared to the standard rate of 40%. Payments under the TAMS II scheme continue to issue on an ongoing basis.

I encourage all approved participants who have completed their investments to submit their payment claims. I also urge any calf investment scheme applicants with any outstanding query from my Department to respond as soon as they are able to do so to allow for the early issue of payments under the scheme.

Senator Tim Lombard: I thank the Minister for his comprehensive response. I take it that 838 applicants still have not responded to the issue. In fact, it is more. Does he know how much money is left in the budget pot? How much is unclaimed? Is there a proposal in the Department to have a new scheme? Does the Minister think a new calf investment scheme will be announced in 2021? Does he think it will be announced at an earlier date than this year? Will there be any calf investment scheme? The uptake of this scheme has been amazing. The interest from the agricultural community in my part of the world is very much there. I am worried that we will not have a scheme this year. It is important that we do. Will the Minister clarify if he is proposing to have a scheme for 2021? If so, when will he announce the dates?

Deputy Charlie McConalogue: I do not have the figure to hand but there is sufficient funding in place to cater for the number of applications that were approved. There is no funding in next year's budget for a new calf welfare scheme. In the budget, I secured an 11% increase in funding for the Department compared to the funding for the outgoing year. That is significant and is targeted at ensuring we can continue all the schemes in place at the high level they are at. There is no specific follow-on funding in place for this.

I take the Deputy's point on the timing of this year's scheme but almost 2,500 farmers applied. That has made a significant benefit, which will be there this year for those farmers too. I will monitor it. It was a successful scheme, which contributed significantly to calf welfare and management on farms. I will continue to monitor its success and the need for any further

investment. I thank the Senator for raising the issue.

School Accommodation

Senator Timmy Dooley: I welcome the Minister of State to the House. In 2019, the then Department of Education and Skills entered into an agreement with Limerick and Clare Education and Training Board to provide seven classrooms and ancillary accommodation at Gaelscoil Mhíchíl Cíosóg in Ennis at an estimated cost of €3 million. The project had been agreed, a design team was put in place and plans were drawn up, the normal procedures for the development of such a school.

I express my appreciation for the work the team in Gaelscoil Mhíchíl Cíosóg in Ennis has achieved over the years. In 2006, the school was the fastest growing Gaelscoil outside of Dublin with an enrolment of 190 pupils. In 2020, a total of 481 pupils are on the roll. It is a fast developing school and has played into the development of the Irish language in County Clare and the wider area. That has been well recognised with further investment in the Gaelcholáiste in Ennis Community College. The school has provided a seed for the rebirth of the Irish language in the area.

Unfortunately, despite the fact that the plans have been drawn up and an agreement is in place, there is no provision for an adequate sports hall and assembly area. That is a major deficit from the perspective of the Department. It would make sense to include a sports hall and assembly area as part of the overall investment. The Minister knows that the economy of scale achieved in doing this type of work when builders are on site far outstrips trying to do work at a later date. A two-stream school needs those kinds of facilities. There is inclement weather in the west of Ireland, similar to the weather in Dublin today. That is a regular feature of life in the west and it would be inappropriate for children not to have the necessary facilities. I appeal to the Minister, notwithstanding the protestations from the Department, to have another look at this project and try to provide the appropriate infrastructure to a school like this. It educates our children and develops the Irish language.

There is a wonderful team in the school, under the principal, Mr. Dónal Ó hAiniféin, and a fantastic board of management which has put a lot of work into this project. Let them get on with their job of running the school, rather than having to continuously deal with the Department and argue over whether a sports hall and general purpose area should be included in the project. They have done so much to get the school to this point. I appeal to the Minister of State to put in place, or add to the agreement that is already in place, provision for a sports hall. It is needed and is important. I hope the Minister of State can advance the case as soon as possible.

Minister of State at the Department of Education (Deputy Josepha Madigan): I congratulate Senator Dooley on his appointment to the Seanad and thank him for raising this matter. It allows me to clarify the current position on Gaelscoil Mhíchíl Cíosóg which, as the Senator said, is a Catholic co-educational school with an emphasis on the Irish language. I understand it has 471 pupils; the Senator said there are 481. Either way, it has a large school population.

I will outline some of the background to this matter. In 2014, the school authority applied to my Department for capital funding under the additional school accommodation scheme. The Department subsequently approved an extension to the existing school building comprising five mainstream classrooms and two special education tuition rooms, on which I commend the

school. Delivery of the project was devolved to Limerick and Clare Education and Training Board.

At that time, the school authority was requested to manage its enrolment and not grow beyond the principal and 18 mainstream teachers in line with the approved accommodation. Following the appointment of the design team to the project in 2015, a master plan for the project was submitted to the Department for consideration. It outlined accommodation for a principal and 20 teachers and included a substantial new physical education, PE, and general purpose area, along with ancillary and administrative areas which were not approved as part of the project brief and would not qualify for funding under the terms of the additional school accommodation scheme.

At a meeting with officials from the Department that year, the school authority signalled its intention to reject the devolved funding offer. However, in 2018 a further meeting between officials and the school authority was held and agreement was reached to increase the scope of the project to include two additional mainstream classrooms, in effect raising the long-term projected staffing for the school to one principal and 20 teachers. At that meeting, the matter of a new PE and general purpose area, to which the Senator referred, was also discussed.

My officials once again informed the school authority that the provision of a PE hall did not form part of the additional school accommodation scheme and could not be considered for inclusion in the accommodation brief for the proposed extension. The school authority was advised at that meeting that it was open to it to apply for this accommodation under the major capital programme to be considered in future years. The approved building project is, as the Senator knows, currently in the early stage of the architectural design process.

A stage 1 submission was approved by the Department in April 2020. The school authority had again requested that the brief be amended to include a sports hall and had submitted drawings showing a sports hall included. The position of the Department, from my instructions, remains unchanged and it is not possible to fund a PE hall or general purpose room under the additional school accommodation scheme.

As the Senator will be aware, capital planning and budgeting are undertaken on a multi-annual basis. Under Project Ireland 2040, the education sector will receive approximately €12 billion between 2018 and 2027. This includes €8.8 billion for the school sector and €2.2 billion for higher education infrastructure. The specific allocations in each area are closely monitored and may be adjusted from year to year to take account of project progress and other factors. Since 2018, in excess of €1.2 billion has been invested in capital infrastructure under the school building programme. A further €725 million has been allocated for investment in 2020.

As the Senator knows, the Department has a large pipeline of projects for delivery under the school building programme. The main elements of the pipeline currently include 372 large-scale projects and approximately 800 projects for delivery under the Department's additional school accommodation scheme, which includes the additional accommodation project for Gaelscoil Mhíchíl Cíosóg.

Senator Timmy Dooley: I thank the Minister of State for her response. The effort made by the board and principal of the school at the time to get the development that was needed was substantial. The school was working out of temporary accommodation. The only option available to the school was the additional school accommodation scheme, which is what the

authority was told. Regardless of what scheme the project fell under, there will be 20 teachers, associated classes and a two-stream school when the structure has been completed.

I know full well what goes on in the Department from having dealt with this issue year after year in respect of other schools. It has a rigid silo approach. That will have to be dismantled a little bit. I know the Minister of State is committed to that kind of work. We will
11 o'clock have to tear down some of the silos. Schools have been told that they can only get X if they are in scheme Y. If the project proceeds, there will be 20 teachers and 16 mainstream classes, but no sports hall. That will have a negative impact on the education of the children in the school.

We all recognise that a sports hall will have to be built under some scheme at some stage, which will cost a lot more money. I am hopeful that some of the people in the bowels of the Department can start to think more broadly and outside of the box on schemes they have developed. With the political leadership of the Minister of State, I have no doubt that some consideration will be brought to bear in due course.

Deputy Josepha Madigan: I thank the Senator. I will bring his comments and contribution to the attention of the Minister. We would be *ad idem* about having a sports hall in a gaelscoil. We want children to be able to partake in physical exercise but there are certain criteria for certain schemes. In this context, the application for Gaelscoil Mhíchíl Chíosóg for a PE room will be considered under Project Ireland 2040 funding and that is open.

While good progress continues to be made with the roll-out of projects, the enhanced funding levels envisaged under the national development plan, NDP, will be key to ensuring the successful delivery of the remaining elements of the pipeline of projects, for the period 2018 to 2027. I can assure the Senator that it is very important to the Department of Education that all children will be in a position to avail of sports and exercise within school buildings as opposed to just outside.

Special Educational Needs

Senator Róisín Garvey: I welcome the Minister of State at the Department of Education, Deputy Madigan, to the House, and I congratulate her on her new role. It is a pleasure to have her here.

My Commencement matter is a very straightforward issue. We are all aware that the number of people diagnosed with autism every year is on the increase in this country. We have done quite well in recent years with regard to the autism spectrum disorder, ASD, units in the primary school sector. I tabled my Commencement matter because we are not doing so well at secondary school level. I want to find out from the Minister of State whether there are specific plans in place to build more ASD units in County Clare and all over the country. All across the country there is only one place for every three pupils who need a secondary school ASD unit. The children who have come from ASD units at primary school have grown accustomed to the structure and routine with great results. Now we have parents who supported each other all the way as their children spent eight years in primary school now almost having to compete with each other for the one place that is available in the secondary school system. I would like to know what will remedy the situation.

For some reason, three quarters of the ASD units are attached to DEIS schools. Not in any scientific paper anywhere ever has it been shown that there is a socio-economic link with having autism. Why have units mainly been attached to DEIS schools? Why is it not allowed to attach ASD units to private schools that are funded by the State and that taxpayers help subsidise?

Can the Minister of State specifically tell me what will be done in the immediate and short term to increase the number of ASD units in secondary schools in County Clare? Why have 75% of all ASD units been attached to DEIS schools? That seems completely wrong. We want equity in education and we want the same choices for everybody so ASD units should be attached to all types of schools. Why is it not allowed to attach ASD units to private schools?

Deputy Josepha Madigan: I thank the Senator for raising this important matter. May I also take the opportunity to congratulate her on her election to the Seanad?

Enabling children with special educational needs to receive an education appropriate to their needs is a priority for this Government and for me, as the first dedicated Minister with responsibility for this area. Next year, over 20% of the total education budget or €2 billion will be invested in supporting children with special educational needs. As a result, the numbers of special education teachers, special needs assistants, SNAs, and special class and school places are at unprecedented levels. As many as 197 new special classes have been established nationally for the 2020-21 school year. Of these, approximately 189 will be new ASD special classes with 64 of these in post-primary schools. Budget 2021 provided for an additional 235 special class teachers in 2021. We hope this investment will provide 1,200 additional special class places.

My Department's policy is that all children with special educational needs, including those with autism, can have access to an education appropriate to their needs and preferably in school settings through the primary and post-primary school network. This policy has been informed by published research, including the report of the task force on autism, entitled *An Evaluation of Educational Provision for Children with Autistic Spectrum Disorders 2006*, and the National Council for Special Education, NCSE, policy advice outlined in *Supporting Students with Autism Spectrum Disorder in Schools*. This policy ensures that the majority of children with SEN attend mainstream classes with their peers. Such placements facilitate access to individualised education programmes that may draw from a range of appropriate educational interventions. These are delivered by fully qualified teachers, with the support of SNAs, special education teachers and the appropriate school curriculum.

Some students may find it difficult to manage full-time placement in a mainstream setting. For these students, placement in a special class or special school setting, where lower pupil-teacher ratios apply and other supports are available, may be appropriate.

The National Council for Special Education is responsible for planning and co-ordinating local education provision and school placements for children with SEN. The NCSE has advised that there are currently nine special classes that support students with autism in post-primary schools in County Clare. One of these classes is an additional one for the 2020-21 school year.

The NCSE recognises that there is a requirement for additional special class provision at post-primary level, as mentioned by the Senator, in Shannon and Ennis over the next few years. This is based on local information regarding projected demand for future specialist places for students with autism. It is open to any school to make an application to the NCSE to open a special class, which will be approved where it is considered that there is a sustainable demand

into the future. The active collaboration of school communities is vital to the effective inclusion of students with special educational needs. Planning for the future takes into consideration the current availability of such places and focuses on those locations where additional provision is required.

The NCSE is currently consulting with local schools, patrons, other education partners and my Department in order to ensure that additional post-primary special classes can be established, which is what was alluded to by the Senator. Where a school is not in a position to expand its specialist provision within its existing accommodation, the school can submit an application to my Department for capital funding to reconfigure existing spaces to accommodate the expansion or construct additional accommodation. The NCSE, through its network of local special educational needs organiser, SENOs, will continue to engage with the local schools to support the establishment of additional classes as required.

I thank Senator Garvey for giving me the opportunity to address this issue. My Department will continue to support the NCSE and schools through the provision of the necessary funding, and capital investment, to ensure all children are successful in accessing an education.

Senator Róisín Garvey: I thank the Minister of State for her response. One new class for 2020-21 means just six more places for the entire county of Clare. That will not even meet the needs of the eight pupils coming from Sixmilebridge to Shannon so the process needs to be sped up.

I heard the Minister of State's clear statement that it is up to schools to apply. That probably answers why private schools and non-DEIS schools do not seem to have any ASD units. Obviously they do not want or are unwilling to supply the service to pupils with autism in their school communities, which is something that should be analysed by the Department if we want equity in education. Having 75% of all ASD units attached to DEIS schools is not good enough in this day and age. The service should be equally provided to all schools and I suggest that the Department conduct more research on the issue.

My question asking why private schools do not have ASD units was not answered. The situation with private schools, especially as they are State funded, is interesting and I shall raise the matter another time. I appreciate the Minister of State's response and I will continue to work with her on this issue.

Deputy Josepha Madigan: The Senator mentioned joined-up thinking so I wish to reassure her that the Department meets the NCSE on a weekly basis. I am the very first Minister with dedicated responsibility for this area and there is a huge body of work to be done.

Senator Róisín Garvey: Yes, I know.

Deputy Josepha Madigan: There is a forecasting model that is being developed with the NCSE so that we can work with existing schools and know, from a demographic perspective, how many children and people with special needs will need accommodation. One of the announcements I made this week was that all new school buildings - I got this commitment from the Department - will be able to open and have space for special classes and sensory rooms in the future. The difficulty is with existing schools. We have the legislative mechanism under section 37A of the Education Act, which we have used occasionally. We used it in south and west Dublin and we are still in that process with some schools. We want to work with schools and we want them to work with us. The door of the NCSE is always open to engage with SE-

NOs. I do not want any child with special needs ever to be in position that he or she would not obtain that access. There is equity in education and we want to ensure we reflect that adequately and provide for those children. I will do all I can to achieve that and I hope to work with the Senator on this in the future.

Senator Róisín Garvey: I understand now that it is also important for schools to apply for such units and that they are not simply provided arising from a departmental stipulation.

Care of the Elderly

Senator Ivana Bacik: I thank the Acting Chairman and welcome the Minister of State to the House. It is good to see her back here again and I thank her for all of her work on the areas within her brief. I am aware that the Seanad recently discussed day care services for persons with disabilities. My Commencement matter has a specific focus in asking the Minister of State to outline when community social day care facilities for older persons and respite facilities for older persons and their families are expected to reopen. It is a more specific issue.

To give some context, we know that many families are struggling to cope because community day care facilities for older people have remained closed. Day care centres are used by approximately 14,200 people. Their closure means many carers are lacking a crucial support mechanism that enables them to take respite breaks. Sage Advocacy, a support and advocacy service for vulnerable and older adults that has been in communication with me, has been undertaking extensive research into a phenomenon known as carer burnout. The Minister of State will be well aware that this is seriously affecting those carers for whom services have not resumed. We await publication of the research findings but we are well aware of the issue.

Many people have contacted us because they are exhausted. Yesterday, in an article in *The Irish Times*, Professor Suzanne Cahill reported that 70% of spouse carers for people with dementia had at least two chronic health problems, one third had clinical depression and most had visited a health service professional in the previous month. This is clearly a wider public health issue as well as an issue of empathy, compassion and rights for older persons. Many facilities remain closed, meaning many older people may become increasingly socially isolated from their peer group and others. The lack of social interaction will have a negative effect on their mental and physical health and the health of their carers.

While I am conscious that we have had extensive discussion of this issue in the Oireachtas, without a timeframe there is a lack of certainty. I am aware that the HSE is undertaking risk assessments in respect of local services, which is very welcome, and that huge efforts are being made by those working in this area to ensure that services will be provided. However, the Government's position remains that some services may not be suitable for reopening. Again, I understand that with current Covid-19 restrictions, the usual dynamic of social interaction has changed. Some facilities may simply not be suitable. The positive news on vaccines gives us hope that services will return to normal in due course. For many people and their families, an issue arises due to the absence of a timeframe and clarity on when all services will be able to reopen. The Minister of State, in answer to a parliamentary question on this matter last month, stated she would ask the HSE to continue to assess the risks and benefits of reopening and would explore alternative methods of service delivery for older people. Has she received an update on this? What arrangements will be made for those for whom reopening is simply not a viable possibility in the short term?

We have found ways to ensure our childcare facilities, schools, universities and colleges could reopen, at least in some form, within the parameters set out to protect public health. We are discussing plans for reopening the hospitality sector, including restaurants, as well as other sectors of society. This is clearly a vitally important part of a broader discussion around quality of life, especially as we have seen other healthcare facilities opening. Very important issues around the provision of healthcare for people in a non-Covid-19 environment are being recognised. I ask that the reopening of all day care services for older people be prioritised.

Minister of State at the Department of Health (Deputy Mary Butler): Gabhaim buíochas leis an gCathaoirleach Gníomhach and I congratulate her on taking the Chair. I also thank Senator Bacik for the constructive way in which she always raises these particular issues as they are very close to all of our hearts. I have just spent the last hour on a webinar with Irish Rural Link and a significant part of the conversation was spent discussing care of the elderly, meals on wheels, day care centres and active retirement groups which are hoping to restart. This is, therefore, a very timely Commencement matter.

As we are all aware, community services such as day care and respite play an important role in enabling older people to continue living in their communities and maintain their social connections. However, the introduction of physical distancing, isolation and restricted contact with loved ones has changed the usual dynamic of social interaction.

The HSE is working closely with providers and community staff to identify where service is most required and has been undertaking risk assessments of local services. This is to ensure, insofar as possible, that day care and respite services can resume in the context of Covid-19, having regard for public health advice. Services will resume when it is safe and all infection prevention and control measures and the requirements of physical distancing can be maintained to protect service users and staff and prevent any further spread of the virus. Unfortunately, I am not in a position to give a definitive timeline. When I was appointed to this role on 1 July our aim was to open these services in September and that is what we were working towards. The risk assessments were being undertaken in every community healthcare organisation, CHO. I was very hopeful at the time that we would be able to open them, even at a restricted level. Unfortunately, as we all know, the virus knows no boundaries and with the escalation again in the figures from the end of September into October, it has not been possible to do so.

Some day centres may not be suitable for reopening due to the constraints of their physical environment. It will be necessary to continue or expand alternative service delivery models. Some of the issues identified by the HSE include the sharing of facilities with other groups or clients and transportation of clients to day care centres where family members cannot assist. This has proven to be hugely problematic where some day care centres use small minibuses to move perhaps ten or 12 service users. The availability of isolation areas should a client or a member of staff become unwell is also an issue that has been identified.

The HSE has established a focus group to ensure day care centres continue to be prioritised and to develop a plan to assist service providers in having a suite of options available for the provision of day care and supports. This plan will be developed in line with the current Covid-19 roadmap.

Additional or new home support packages are being put in place for the most vulnerable clients, with the focus on both the carers and the persons who attend the day care services. A model of day care in the home is being finalised. Focused on individuals with dementia espe-

cially, this model is being reviewed with a view to transferring it to regular day care centres. The model will continue to develop even when day care centres reopen and will be based on the needs assessment and benefits for clients and carers.

At present, the HSE is only allocating respite provision to clients most at risk of carer breakdown or an inappropriate admission to hospital. As the Senator will be aware, the whole premise of the winter plan is to try to keep older people at home as much as possible and avoid having to transfer them to acute hospitals. We are very conscious of those who are most at risk of inappropriate admission and respite occurs in such circumstances.

Senator Ivana Bacik: I thank the Minister of State. As always, she gave a comprehensive response and I note more detail is provided in the written response. I always endeavour to be constructive.

This is clearly a vitally important issue. The Minister of State frankly acknowledged that while the plan was to reopen in September, unfortunately that has not been possible. It is still very disappointing and frustrating for persons in need of these services and their families not to have any sense of a timeline. It gives hope to hear that a focus group has been established in the HSE to ensure services are being prioritised. It is also very helpful to hear about alternative service delivery models within those proposals. However, it would be great to be given a better indication of the sort of timeframe that might be envisaged by the HSE's focus group. Clearly, planning is ongoing and, as the Minister of State noted, within that plan there is a recognition that some services will not be able to reopen and that alternative methods of delivery should be available. Perhaps she will elaborate a little more on the timeframe. Are we talking months or some time in the spring, for example? That would be helpful.

Deputy Mary Butler: I fully understand the impact that the continued delays in reopening recreational respite services is having on older people and the important role this service plays. My mum attended a day-care centre near to where we live. She misses going there, the friends, the chat and the conversation. It is very important for people. All I can say is services will resume when it is safe to do so, but I cannot see that happening before Christmas. I am very hopeful that when we come out of lockdown, we will be able to open services, even at a reduced level, in the spring. That is what I am aiming for and I am working closely with the Department and the HSE to ensure that will become a reality. It will be difficult and not all services will be able to reopen. If we could, however, open some services at a reduced capacity, it would give hope to many and I will continue to work towards that.

Transport Infrastructure Provision

Senator Mary Seery Kearney: I thank the Minister of State for his time. All three Government parties gave commitments in their manifestos to carrying out a feasibility study of metro south west. This was given on the back of considerable campaigning by the Metro South West group. As the Minister of State might imagine, the campaign group was delighted when it heard that the study was going ahead but when it sought the terms of reference, it found that the study was confined to a stand-alone metro to Knocklyon. The group was informed by officials in the Department of Transport that it refers to a stand-alone line to the city rather than being a continuation of the MetroLink to south-west Dublin. It makes no reference to that preferred option of continuation and does not take into account Firhouse as an area of growing population. The lack of this continuation of the link was the very basis on which the campaign over recent

years was mounted. There was a lack of consultation with the group, which is a matter of regret because taxpayers' money is now being spent on a feasibility study where there is a perception that it has been designed to fail.

The group that is campaigning is not a fly-by-night group; it represents 35 residents' associations in that south-west triangle between the two Luas lines. They have gone to considerable effort to demonstrate that buses alone cannot deliver sufficient capacity to fulfil the public transport needs in south-west Dublin. The contrast between south-west and south-east Dublin is quite stark. South-east Dublin has the DART, the Luas and the long-established high-quality bus corridor along the Stillorgan Road, whereas south-west Dublin connectivity is based on buses alone. A deep analysis has gone into BusConnects, taking it at its height with all that it proposes. There still will be only an additional three buses and an additional capacity of 240 seats and passengers for that huge area of population and an even larger projected population. Developers are actively building houses, South Dublin County Council is developing land and 480 ha has been zoned for residential development. The bus capacity does not meet the population need, as it stands, let alone the future capacity. It is crucial, therefore, that buses will not be the only answer. We needed another solution and, as a result, an awful lot of work went into the south-west metro proposals, with an earnest analysis of the population and public transport capacity. It is deeply disappointing that the terms of reference of the feasibility study, as they stand, are so incredibly narrow.

The feasibility study should stand on a number of pillars. First, it should be independent and objective but, with due respect, the National Transport Authority, NTA, has stated that buses alone will meet the need. It has rejected the Metro South West group's proposals several times based on a significantly outdated study that has no relevance to the proposal as put forward by this campaigning group. It is not independent and does not seem objective, and so prescribing the terms of reference in this instance, I venture to say, is not appropriate on its part. The designation of the terminus for the continuation of the MetroLink should be left open. Prescribing it as Knocklyon greatly limits its capacity and its scope for being a really productive feasibility study. Lastly, it should be timely and co-ordinated so that the outcome of the feasibility study is in line with the rail order next year, and independent consultants need to be involved. The cost-benefit analysis of extending the MetroLink to south-west Dublin and using the boring machine there stands on its merits and makes sense.

I urge the Minister of State to have meaningful discussions with the campaign group and to include its views in the terms of reference.

Minister of State at the Department of Public Expenditure and Reform (Deputy Osian Smyth): I thank the House for inviting me to speak here for the first time. I am impressed by the passion and coherence of the question the Senator put forward. The Government is committed to a fundamental change in the nature of transport in Ireland. We believe that to deliver on this commitment, we need a whole-of-system perspective for all modes of transport, whether active travel, bus or rail. That means developing evidence-based multimodal transport strategies that will guide development over the medium and long terms, and transport strategies that are integrated with land use plans and enable local authorities to locate houses, jobs and other demand factors along high-capacity transport corridors. This is the type of framework that many of our EU and international peers use and it is the one that can deliver fundamental change.

In Ireland, we are beginning to see the emergence of that type of framework. In the greater

Dublin area, there is a statutory 20-year transport strategy, developed by the NTA and approved by the Minister for Transport. It is a transport strategy that covers all modes and all counties in the greater Dublin area, namely, Dublin, Meath, Kildare and Wicklow. It must be reflected in all land use plans and is subject to extensive and statutory consultation during its development. The current strategy was published in 2016 and referred to two metro lines, effectively a metro north and a metro south. Those projects were initially considered for development as one project known as MetroLink but, in response to issues raised during the non-statutory consultation process, the preferred route for MetroLink is now proposed to link the estuary in north County Dublin with Charlemont on the Grand Canal and future-proof for a later connection to the Luas green line. That project will be taken forward for Government approval next year and, if approved, will be submitted to An Bord Pleanála.

That does not mean we are not open to new ideas or the potential for other metro options. The NTA is preparing to launch a review of the transport strategy to ensure that it is kept up to date and informed by latest developments. This need to review and refresh is both common sense and a requirement of the legislation, which states that the strategy must be reviewed by the NTA every six years. As part of that review, the NTA will consider the potential for future metro options in the greater Dublin area, including the potential for one in the south west of the city. The first step in considering that potential is to conduct a feasibility study, a process the NTA is seeking to start. The study will consider whether a metro-type solution should be pursued further for this part of the city. The study area will be similar to that considered in the original transport strategy and will examine the south-west corridor in general. This is just one analysis being conducted as part of the NTA's broader review of the transport strategy. The intention is that all these various strands of analysis will be published by the NTA next year as part of the public consultation on the review of the strategy. Everyone will then have an opportunity to consider the information and to put forward their views on how the revised transport strategy should look.

The transport strategy is a very important framework for the future development of transport infrastructure in the greater Dublin area and I expect that many people will have interesting ideas on what any revised strategy should contain. I look forward to hearing the Senator's views on the matter.

Senator Mary Seery Kearney: I note and fully respect the openness to modality changes for our entire population. There is no question that we are trying to encourage that. The Minister of State outlined an evidence-based framework that goes along with work patterns, residential capacity and predicted development. However, the terms of reference for the Knocklyon feasibility study with Knocklyon being a stand-alone link, suddenly removes whole sections of the population who are currently only being served by buses. Therefore, having the metro terminate at Knocklyon does not make sense. With due respect to everything the National Transport Authority, NTA, does, it did a study previously where it also confined the population, whereas the population proposed by Metro South West group and everything it has based that proposal on is a population that is exactly the same as that which would justify the building of the green line. It really needs to be broadened and to consider the population of Firhouse.

Deputy Ossian Smyth: As I said, it is whole-of-system approach. The route in the south west is not fixed. It is not decided yet. It is not even decided whether it will go south west. The south east is also being considered in a feasibility study as are other sections around the city. All the different proposals that are made for where we should expand our rail network will have to be prioritised according to each other. It is not yet fixed. I am happy to bring the Senator's

comments to the Minister. I absolutely recognise the south west of the city has a particular problem in terms of transport constraint due to the layout of the narrow streets. This came up during the BusConnects consultation in that it was very difficult to put in public transport in that area. I am also aware that since 1975 there have been proposals for rail connections towards the south west of the city and beyond where the M50 is now.

Senator Mary Seery Kearney: I thank the Minister of State.

Public Procurement Contracts

Senator Robbie Gallagher: Ar dtús by mhaith liom fáilte mhór a chur roimh an Aire Stáit chuig on Teach inniu. At the outset I welcome the Minister of State to the House and wish him every success in his role and portfolio.

I have been contacted by many people in County Monaghan and elsewhere who have voiced their annoyance, concern and anger at the number of substantial State contracts being awarded to contractors outside the State at the expense of local contractors. For example, from 2017 to 2020, Monaghan County Council awarded 22 State contracts of which ten were awarded to contractors outside the State. Upon further examination of the period 2019 to 2020, 13 contracts were awarded and eight of those were awarded to contractors outside the State. The total value of those eight contracts was €23,000,700. That is a substantial amount of money and a major potential loss to the local economy.

It is frustrating for a local contractor who tenders for such contracts to see businesses lose out and to see the business going outside the State. It is also frustrating when those same local contractors employ local people. Those same local contractors buy their materials from local suppliers and pay rates and taxes in this State. We all understand the State tendering process. However, local people in County Monaghan are asking questions about a tendering process that more often than not results in contracts being awarded to firms outside the State as opposed to contractors inside the State.

Many people are asking questions about the State tendering process that consistently results in local firms losing out. They seek some form of investigation into the awarding of substantial State contracts. All the contracts I mentioned are in excess of €1 million. We seek clarity that the process the State is currently undertaking is fair to everyone, that it is a level playing field and that there are no hidden areas that some people can take advantage of, especially from outside the State as opposed to contractors inside the State. I would like the State to carry out inspections before a contract is awarded, during the contract and at the end of the contract to ensure all areas of employment law and other areas are fully compliant and above board. Local contractors would like, where possible, to get work within their own county. It is extremely frustrating for them to see contracts being awarded to firms outside the State whose employees have to travel to the county in the first instance before they even start work and who also have that added expense.

I look forward to hearing the Minister of State's comments. In addition, what effect, if any, will Brexit have with respect to State contracts, particularly for people from outside the State?

Deputy Ossian Smyth: The Senator acknowledged there are legal and regulatory hurdles to what we are trying to do here but I share his enthusiasm for what he is trying to achieve.

Public procurement in Ireland is governed by EU and national law, and national guidelines. The EU treaty principles of equal treatment and non-discrimination, transparency, mutual recognition, proportionality, free movement of goods and services and the right of establishment must be observed on all tenders. Public procurement procedures require all applicants to meet the standards set out in the tender documentation when applying for public contracts. The assessment of a tenderer's financial and economic standing, and professional and technical capacity is a key part of the procurement process. This is because the contracting authority must be satisfied that a tenderer has the necessary capacity to carry out a contract if awarded it.

Establishing the appropriate certifiable criteria that are relevant and appropriate to a particular contract is a matter for the contracting authority concerned. In this case it would be Monaghan County Council. This is because the contracting authority is in the best position to gauge the criteria that are appropriate to the needs of a proposed contract to ensure value for money and minimise risk to the Exchequer. The qualification criteria that are required by the contracting authority should be proportionate to the subject matter of the contract. Verification of compliance with the non-exclusionary grounds for selection is sought before the awarding of any contract and to ensure they meet the award criteria, whether they are inside or outside the State. A contracting authority should also ensure it has appropriate contract management mechanisms in place post award to ensure compliance by the contractor with its obligations under the contract.

The Office of Government Procurement, OGP, supports compliance by providing procurement solutions, advice, guidance and systems for public bodies promoting good practice and proactive engagement with our sourcing partners in health, education, defence and local government sectors through the procurement executive. Furthermore, the OGP's key account managers are in regular contact with the procurement officers in Departments and public bodies to help, support and remind them of their obligations regarding public procurement. It should be noted that it is the responsibility of each contracting authority to ensure it adheres to the policy framework and associated guidelines which have been developed to facilitate compliance with the public procurement rules. Public procurement practices are subject to audit and scrutiny under the Comptroller and Auditor General and Local Government Reform Acts.

There is a section in our programme for Government about procurement and several references to it. We refer to the fact we want to see green public procurement brought in and social considerations taken into account when bids are awarded. We are working on that and that must be done within three years, which is our commitment in the programme for Government. A local supplier may be bidding against an organisation on the other side of the world and that distant company would have a much larger carbon footprint in the delivery of its service and labour practices, and the amount of money it would be investing in employment and training may be much lower than is being done in the local firm. If we can find a mechanism to operate in that respect, that is certainly one of my objectives in this Ministry.

The Deputy asked about Brexit. The year 2020 has been the year of the pandemic and 2021 looks like it will be the year of Brexit. We do not know yet whether we will have a deal. The budget was formed on the assumption that we will not have a deal. I will come back to that issue in my response to follow-up questions.

Senator Robbie Gallagher: I thank the Minister of State for his response. I am heartened by the fact that he is going to have a look at this whole area. As I said, it is deeply frustrating for local contractors, and indeed the local community, to see substantial contracts in excess of

€1 million being awarded on such a frequent basis to contractors from outside the State and the huge loss that is to the local economy. All I am looking for here is a level playing field. I wish the contractors who are successful good luck and as long as we are all on the pitch at the same level, then I do not have a problem with that. I welcome the Minister of State's comments and look forward to more checks perhaps being carried out on successful companies to ensure that fairness and transparency exist at all times for everyone.

Deputy Ossian Smyth: In 2017 the Office of Government Procurement, OGP, prepared an information note about how to deal with Brexit and what was ahead. It has updated that every year since then and is about to produce the latest version. Obviously events are changing very quickly and it is a huge challenge. We also have the Brexit funds coming in from Europe and there will be more news about that shortly.

On the awarding of tenders to foreign companies, the Senator may or may not be aware that 94% of public procurement spend is awarded to companies that are within Ireland and that a majority of public procurement spend goes to SMEs. That has been the case for a number of years, according to the latest data we have. I understand that has not been the Senator's experience in his particular area and absolutely accept that. I meet SMEs on a quarterly basis at the SME advisory group and ask them for any ways in which they want me to change public procurement policy; we have regular engagement with them. If there is anything else the Senator wants to talk to me about I am always available.

Sitting suspended at 11.42 a.m. and resumed at 12.04 p.m.

12 o'clock **An tOrd Gnó - Order of Business**

Senator Regina Doherty: The Order of Business is No. 1, motion re the arrangements for the sitting of the House on Tuesday, 24 November, to be taken on the conclusion of the Order of Business, without debate; No. 2, motion re the sixth report of the Seanad Committee on Procedure and Privileges on Standing Order No. 45, to be taken on the conclusion of No. 1, without debate; No. 3, motion re the appointment of the Chair of the Seanad Special Select Committee on the Withdrawal of the United Kingdom from the European Union, to be taken on the conclusion of No. 2, without debate; No. 4, a Private Members' Bill, Seanad Bill 2020 - Second Stage, to be taken at 1.30 p.m., with the time allocated to the debate not to exceed two hours; No. 5, statements on living with Covid and an update on the level 5 restrictions, resumed from last week, to be taken at 3.45 p.m. and to conclude at 4.30 p.m., with all Senators not to exceed five minutes, but Senators can share time, with the Minister to be given no less than eight minutes to reply to the debate; and No. 6, statements on flooding, to be taken at 4.45 p.m. and to conclude at 6 p.m., with the contribution of group spokespersons not to exceed eight minutes and all other Senators not to exceed five minutes, but time can be shared, with the Minister to be given no less than six minutes to reply to the debate.

Senator Lisa Chambers: Last Friday, the UK's High Court issued a landmark ruling regarding gig economy workers. The ruling stated that the UK had failed to properly implement EU law, specifically certain parts of two EU health and safety directives which had not been transposed correctly. This meant that some self-employed workers did not enjoy the same legal protections as employees. As Members will know, the gig economy is characterised predomi-

nantly by workers with short-term or freelance contracts. Those workers are the van drivers, takeaway delivery drivers and couriers, all individuals whom I consider to be front-line workers. They are people who have worked right through this pandemic and have been on pretty much every doorstep in this country in recent months. They have worked continuously and are at a higher risk of contracting the virus than employees in some sectors.

In the specific case to which I refer, the Independent Workers Union of Great Britain, IWGB, sought a judicial review of the implementation of the relevant EU directives and the gap in protection for those it represents. Concerns were raised about the provision of personal protective equipment, PPE, to these workers and it was found that they should enjoy the same protections as other workers, should have access to PPE and should, if they feel unwell, be allowed to stay home from work. In his ruling, Mr. Justice Chamberlain stated that the issues were of potentially wider significance and found that the IWGB was correct to say that the term “worker” includes those working in the gig economy.

This could be of significance in Ireland since we also have many workers who are employed on those types of contracts. These people work for Deliveroo, Just Eat and DPD and other couriers and have been on every road and every estate in the country this year. I ask that the Leader bring the Tánaiste and Minister for Enterprise, Trade and Employment before the House to provide an update on the Department’s view on that ruling and whether there may be significant implications for Ireland. Are gig economy workers properly protected and is there a requirement under those EU directives for the provision of PPE to those workers in this country?

I raise a second issue which came before the House yesterday and which was broadly discussed across all media. I refer to the EU budget and the provision of Brexit and Covid recovery supports. Members will be aware that Poland and Hungary have vetoed the EU budget because they are seeking concessions in respect of abdicating elements of the rule of law, significant human rights infringements and limitations on free speech within their jurisdictions. This has the potential to delay significant amounts of money coming to Ireland to protect our economy, assist the recovery from Covid and protect against the impact of Brexit on 1 January. I ask that the Minister for Foreign Affairs, Deputy Coveney, come before the House to discuss the implications of the actions of Hungary and Poland, including how they might affect Ireland in the context of accessing the funds to which I refer. I ask that the Minister update the House on what is happening at EU level regarding how it intends to deal with this matter. My view is that this behaviour needs to be stamped out. Poland and Hungary cannot be allowed to get away with what they have done and there need to be significant consequences for those member states trying to impede the recovery of the EU from Covid.

Senator Michael McDowell: I wish to move an amendment to the Order of Business to delete the motion relating to the sixth report of the Seanad Committee on Procedure and Privileges on Standing Order 45, which is scheduled to be considered without debate. I do so on the basis that this matter is one for which there was no adequate notice to my group of the proposal to further curtail the amount of time available to speakers on legislation. The effect of this motion is to reduce the amount of time for somebody proposing a Bill to eight minutes and other Members to five minutes. The proffered reasoning is that, in the past, inadequate time has been available for many speakers who wish to speak on Second Stage of legislation or on motions. Whatever about motions, Second Stage requires more than eight minutes for the proposer, especially when we accord to the Minister who frequently attends to reply to these debates up to 20 minutes or half an hour to respond to a legislative proposal. It does not allow the proponent of legislation to do what the Minister would do when introducing legislation in the House, namely,

explain its contents or examine the arguments in any detail.

This is part of a pattern which is now emerging in the House of treating it with utter contempt. I do not have to remind the House that the late Senator W.B. Yeats made a speech about resisting the abolition of civil divorce in Ireland by parliamentary procedure, in which he reminded the Catholic majority that the Protestants in Ireland were no petty people.

Senator David Norris: Hear, hear.

Senator Michael McDowell: I read the speech and I think it took approximately 20 minutes to deliver, and he was frequently interrupted. Our procedures now are such that we are reducing ourselves to almost the status of old-fashioned telegram boys. We are not debating things seriously or providing for serious debate. We are reducing the role of the House as a legislative organ, especially in respect of legislation, to practically nothing.

The Leader should remember that this House is under stress due to Covid, but its function is not suspended by Covid. If there is inadequate time for people to contribute to Private Members' business, there is plenty of scope for the Leader to extend the time for Private Members' business and allow Members to contribute for a longer period.

We are reduced to statements on issues when there is no legislative load coming to the House from the Government. The time has come to take a stance, not for the dignity of the House but for the essential democratic function of the House, to say that we will not accept this reduction in speaking time and slots to practically meaningless proportions just because it suits the Executive of the State.

Senator Annie Hoey: Senators may have seen over the weekend a rather discouraging piece in *TheJournal.ie*. A series has been done by Noteworthy on the way staff in the higher education sector are being treated. Many are on zero-hour or term-time only contracts or are not being paid for the enormous amount of overtime they do. Institutions will argue that they do not have the budgets to pay all of their staff, hence the use of these contracts and postgraduate students for unpaid tutorial or lecturing work. This is no way to treat staff.

Over the summer, postgraduate students in NUI Galway were expected to teach as part of their postgraduate studies with no remuneration. This has been a widespread practice for a long time, but it is the first time it has been so blatant. It is no coincidence that in Ireland vocational roles are treated so poorly. Teaching and healthcare staff are affected. I mention again the plight of our student nurses and midwives who are on the front line and are still unpaid. I request, via the Leader, that the Ministers for Enterprise, Trade and Employment and Further and Higher Education, Research, Innovation and Science come to the House for statements on employment practices in the higher education sector.

This is stand up awareness week, which is co-ordinated by BeLonGTo, an organisation providing a stupendous service for LGBT youth. This week, schoolgoers and everyone else are being asked to come together and take a stand against homophobic, biphobic and transphobic bullying in schools, for our friends and ourselves. If people wish to show support to the LGBT people in their communities, I invite them to do so online with the hashtag #standup20 and reach out and see some of the incredible work BeLonGTo is doing in our schools in supporting LGBT youth. As someone who came through the school system a number of years ago, I would have loved to have had support like that when I was in secondary school. I commend BeLonGTo on that work.

This week is trans awareness week and Friday, 20 November, is trans day of remembrance. I remind everyone that trans people would just like to get on with their lives without having to defend their very existence. From this House, I send my solidarity to the trans community this week. I think of those in the trans community in Ireland and globally who are no longer with us, either through their own hands or through violence perpetuated against trans people. An enormous number of lives are lost every year through violence towards the trans community.

Transphobia and hate are not welcome in Ireland. We will not tolerate it. The extraordinary amount of hate towards the trans community online is unacceptable and we will not stand for it. I invite people to take note of trans awareness week and the trans day of remembrance this Friday, and to be supportive of those initiatives.

Senator Pauline O'Reilly: Government parties are often pulled into petty squabbles, as we have seen over the past few weeks. It has been brought to my attention that our communications have been quite poor in recent months. The current news cycle means that a story lasts for a matter of one or two hours and people have to get their message out very fast. This means we are on the defensive all of the time rather than pointing out what we are achieving as a Government.

The Government has recorded some unprecedented achievements. I spoke to the people in the council in my city, Galway, today and in the background I heard their excitement when they talked about how they were spending funding. They sent me a list of what they feel they have achieved for their city. There is discussion about politicians and civil servants and public servants but we are all on the same team and want to achieve things for our communities.

Galway will be a transformed city. Parklets will be developed in the early part of next year. The July stimulus money is hitting now and people are seeing a difference. We will not see the difference from budget 2021 until next year. It is still a story, but we will not see it. We need to start talking about what it is that we are achieving in government and what is achieved when the Opposition and Government work together instead of getting dragged into petty squabbles.

We should say that we have made a huge difference for the people of Ireland during a difficult time. We will now see some of our cities transformed into something that can be seen in other parts of Europe such as Oslo, San Sebastián and other places we love to visit on holidays. We will see some of that in our cities. People will be able to sit on the streets surrounded by bio-diverse pollinator-friendly planting in the middle of our streets. That is something that we have to be really proud of and start talking about, rather than going on the defensive all of the time.

Senator Paul Gavan: I agree wholeheartedly with everything Senator McDowell has said. That is not easy for me to do because we come from very different political perspectives. The fact of the matter is that I find myself, not for the first time, in complete agreement with him.

There is something very worrying happening in the Chamber. There are not many of us in opposition. There is a large conservative bloc across the way. The two conservative parties are together, along with the Green Party. We do not have much in the way of speaking time to begin with. If we are serious about using the Chamber in the sort of constructive way Senator O'Reilly described, the last thing we should be doing is reducing speaking time for the few of us who are in opposition.

I appeal to the Leader not to go ahead with this. I have spoken to my party leader about the matter. She does not have the agreement of Sinn Féin at this point. We ask her to park this point

so that we can work collectively. We do not agree to the reduction in speaking time. There is too little of it for those on the Opposition benches as it is. The issue I want to raise today is childcare. It was raised last week, I think, by Senator Carrigy. He spoke about the crisis in childcare and he was right to highlight it. However, he suggested a temporary loosening of the qualifications required to work in childcare and I want to say this is not a solution. The reason we have a crisis in childcare is because the pay and conditions of childcare are so appalling. The reason we have a crisis in childcare is because thousands of childcare workers have to sign on each summer. The reason we have a crisis in childcare is because the average rate of pay is just €11.46. The reason we have a crisis in childcare is because 79% of childcare workers have no recourse to a sick pay scheme.

Sinn Féin put forward very concrete solutions in this regard and suggestions for the budget to ring-fence €30 million to ensure every childcare worker gets a living wage, as was asked for by the SIPTU trade union that has organised thousands of them. We also asked for a minimum of five days' sick pay. I have raised this issue in the Chamber for five years in a row and, once again, the Government of the day ignored those requests and did nothing for childcare workers.

I appeal to everyone in the Chamber because we all know people working in childcare and they are voting with their feet. There is a huge issue in terms of people leaving the sector because they cannot afford to earn a living in it. We speak about essential workers. These are essential workers. There were 19 outbreaks of Covid in one week in October in childcare services but these workers are not required to wear a face mask. It is all well and good to applaud these essential workers but the fact of the matter is that for the past six years nothing has been done for them. The Government had an opportunity in recent budgets and once again it ignored it. I call for a debate on childcare services because we need to hear everyone's views on this and come up with concrete solutions.

Senator David Norris: Has there been any movement on the question of Standing Order 41, which inhibits discussion of financial matters in this House? I raised this matter quite some time ago and every party and every individual in the House all agreed it should be got rid of. It was then kicked to touch to the Houses of the Oireachtas Commission. I would like to know what is happening. It looks like another example of bureaucratic inaction. I would like to see some advance. We are always speaking about Seanad reform. Here is a perfectly simple matter that we have in our own hands so let us do something about it.

Senator Malcolm Byrne: I endorse the remarks of my colleague, Senator Chambers, on the actions of the Governments of Hungary and Poland and the continual breaches of the rule of law and the attacks on freedom of the press and on minorities. They are not European values. I certainly support the call for this debate.

I welcome the arts and culture recovery task force report that has been published, in particular the recommendation that the Minister, Deputy Catherine Martin, will champion on the introduction of a universal income scheme for a three-year period for those involved in the arts, cultural, audiovisual and event sectors. We have spoken a lot in the House about those working in the arts and event sectors being among the hardest hit during the pandemic. This is something that is very important but the quicker we can start this scheme to get the money into artists' hands and, more important, to allow those in the sector to help us through this recovery, as they have already been doing, and help us rebuild as a society, the better. They will play a very important role in this.

We have spoken about the successes and progress we have seen in the vaccines. A worrying trend has been the development on social media and other sources of anti-vaccine fake news. While I am not opposed to debate between medics on how vaccinations will be rolled out, for unqualified people to spread anti-vaccine messages is simply not acceptable. I ask that we have a discussion on the House and that, if necessary, legislation be brought forward to ensure that the tech giants in particular take responsibility to prevent the spreading of anti-vaccine nonsense.

Senator Mary Seery Kearney: Over the past few days, I have had two remarkably similar but distinct queries on next-of-kin, who is next-of-kin when a loved one is in hospital, their right to be informed and their right to information. One of the calls to me involved a spouse who believed he was entitled to know what was happening to his wife in hospital and the other was from a sister about her dependent sibling in hospital. In both cases, the hospitals were very reasonably following the instructions of the patient as to who had a right to be informed. To be fair, they had very impressive systems of allowing information to come to them so they could ensure that in making the decision of who will get the information the medical team was fully informed. This has brought to mind that there is a misunderstanding in people's minds about what next-of-kin is and what power next-of-kin has. In fact, they have none and there is no such thing really.

In 2018, Sage Advocacy carried out research that showed 70% of people believed next-of-kin was someone called in an emergency, 57% of people believed it was someone who can make a decision on medical treatment, 52% of people believed it was someone who can make a decision on life-support treatment and 32% believed it was someone who can have access to a person's bank account if that person cannot. These are very serious misunderstandings. While we await the commencement of the Assisted Decision Making (Capacity) Act it is important that people understand the role of power of attorney and enduring power of attorney and that people need to put in place these systems. There needs to be an understanding that just because someone is a relative, however close, even a spouse, it does not necessarily entitle them, particularly at this time when there is a lack of access to patients in hospitals. We need to have a discussion and statements on this.

Senator Gerard P. Craughwell: I second Senator McDowell's amendment to the Order of Business. I want to remark on the performance of the Minister, Deputy Coveney, in the Dáil yesterday. It was really heartening to hear a Minister for Defence speak about the rejuvenation of the Defence Forces, putting them front and centre and making sure they have the resources they need to drive forward. The terms of reference of the commission on the future of defence in Ireland are soon to be released and I would like a debate in the House after they are released so we can discuss them with the Minister.

Today, a save Ireland's search and rescue group, which I chair, began to issue press releases. The search and rescue contract is coming up. It will be worth more than €700 million over the ten years from 2023. Thanks to the work of the Air Corps we now have sufficient pilots and trained crews to take over part of the search and rescue operations in Ireland, particularly on the east coast. Due to the Government investment in fixed wing aircraft we now have the aircraft to provide top cover for the entire country. I was really heartened yesterday to hear the Minister, Deputy Coveney, speak about his willingness to look at how the Air Corps can merge into search and rescue operations. We also need the Minister, Deputy Eamon Ryan, on side because it is a contract of the Department of Transport. It would be a massive morale boost for the Defence Forces and, in particular, the Air Corps. We knock the Government a lot, and

I will do some of that later, but today I want to recognise the Minister, Deputy Coveney, and congratulate him on the huge work he is doing on defence. I hope it delivers what he expects and what I expect.

Senator Fiona O'Loughlin: I support Senator Craughwell's call for a debate in the House on the terms of reference of the commission on the future of the Defence Forces. I was very pleased, along with Deputy Chambers, to ensure that in the programme for Government there really were strong commitments on the Defence Forces. I was pleased to hear yesterday's announcement by the Department of Education that all new primary and secondary school buildings will have an autism spectrum disorder, ASD, unit going forward. This is important in terms of inclusion. It is also hugely important that our young people with disabilities will have the opportunity to have an education in local schools along with their siblings and neighbours. It sends a strong message.

We must now look at the existing schools around the country that do not have facilities for ASD students. We need to have that debate here. We had the Minister for Education in the Chamber; we need to have the Minister of State with responsibility for special education.

Approximately three years ago, we had a situation in my town of Newbridge where 11 young students left two ASD units in a primary school. It took five months for them to get a place in a secondary school. It was appalling that 11 young people were left without any form of education or stimulation for five months. We need to act. We are coming to another pinch point. Having had a conversation with the principal this morning, I know the Holy Family Catholic Secondary School for Girls in Newbridge has put in for an ASD unit. I certainly hope that will be in place next September. I want a strong message to go to the Minister on that and also about seeking a debate on the provision of special education in mainstream schools.

Senator Emer Currie: Families and people woke up to the news today that Dublin Zoo faces an uncertain future. This is sad but understandable in the circumstances. The zoo is a magical place for children. While it is important for domestic and international tourism and it is a major employer, it is part of the fabric of family life, particularly where I live in Dublin 15.

Many families have annual passes and the recurring visits are like markers in the development of a child. They come back and notice how much their child has grown and changed and how much the animals have grown and things in the zoo have changed. It is educational and teaches children about animal conservation and welfare.

It is important to say it is not the fault of the zoo. It had emergency cash reserves but those are gone. It has not had statutory funding from the Government in 15 years and it is not-for-profit. As it said, one cannot furlough an elephant. This is an always-on business. It is, however, also home to more than 400 animals that cost €500,000 per month to feed and it is a home that costs €1 million per month to run. We have stepped up to help homes all around the country. We should step up to help this home. It should not be any different.

I call on the Government today to intervene and support Dublin Zoo at this moment.

Senator Marie Sherlock: I support the call by Senator Gavan for a debate on the child-care sector. I also support the call by Senator Chambers to ask the Tánaiste and Minister for Enterprise, Trade and Employment to come into the Chamber to talk about the groundbreaking judgment in the UK High Court last Friday because there is a long-standing issue with regard to the rights of self-employed persons and gig workers in this country.

In Britain, it is a little different because there are a number of classes of workers and so we had the judgment. In Ireland, the answer will be that the health and safety legislation does not apply to the gig workers. Having the debate here, however, is important, because for a number of years now, legislation on the rights of gig workers and the self-employed has come before the Dáil and the Seanad and has gone nowhere. That debate is an important first step.

I wish to put on the record my grave concerns with regard to the Government's handling of the pandemic and the decisions that now need to be taken in advance of Christmas. We are at level 5 but the case numbers at the moment suggest level 5 is not working. A number of serious decisions must now be taken with the expiry of level 5 restrictions in a short period. The question must be asked of Government that if the message is not getting through under level 5 restrictions at the moment, what research and efforts is it making to ensure the message gets through to the population? A behavioural subgroup was set up under NPHET and disbanded last July. My information is that there was no sufficient commissioning of research or, indeed, understanding of what people are responding to.

Finally, we know behaviour is the single greatest defence against this virus. I, and many of my party, are not convinced the Government is taking behaviour seriously at this point. I ask the Leader to convey that to the Government.

Senator Mary Fitzpatrick: I support Senator Currie's call for Government assistance for the zoo in the Phoenix Park.

The scariest thing I did in my life was give birth to my three children. I spent the first seven months of my first pregnancy in denial and the final two months saying I genuinely cannot do this. If it had not been for the Rotunda Hospital and the amazing staff, including the midwives, nurses and doctor, I do not believe I would have ever found the courage I managed to find. I would never have imagined I would have such courage, and three 10 lb babies later, here I am. They are teenagers who drive me mad; I wonder why I ever did it.

The Rotunda Hospital, for those who do not know, is on Parnell Square. It is the world's oldest maternity hospital and dates back to 1745. It has brought more than 300,000 babies into the world. Even in pandemic times, approximately 700 babies per month have been born in the hospital.

An article on the front page of one of our Sunday papers last weekend highlighted an issue that all of us in the constituency have been campaigning on for the past number of years. It relates to a report completed by KPMG that documents safety concerns in the hospital relating to chronic overcrowding, a lack of space and a lack of capital investment to address the ancient infrastructure and buildings.

I ask that the Leader invite the Minister for Health to come to the House and address the serious issues raised in the KPMG report, and outline what action he and the Department will take to support the midwives, nurses, the Master and the doctors in the Rotunda Hospital to continue to deliver babies safely into our capital city.

Senator John Cummins: My good colleague and friend, Senator Currie, said much of what I was going to say about Dublin Zoo. I will, however, reiterate what she said about Government support at a time we have given unprecedented support to organisations such as sporting bodies, and justifiably so, because of the financial stress they are under. An institution such as Dublin Zoo certainly warrants support from Government.

It launched a fundraising campaign this morning and I encourage people to get behind the zoo. I have fond memories, as do, I am sure, many people in this Chamber, of visiting Dublin Zoo as a kid with my family, with school tours in primary school and in recent years with younger family members. More than 1.3 million visitors go to see such amazing animals each year and that costs money. As the director of the zoo said, and as Senator Currie echoed in her contribution, one cannot furlough an elephant nor turn off the lights of the zoo when one goes home at night. We have all seen the fantastic work done the workers in the programme on television and the great joy it brings to see these animals up close and in person. I reiterate the calls for further Government support for Dublin Zoo. I imagine that Fota Wildlife Park in Cork is facing a similar situation.

Senator Lynn Boylan: I echo Senator Sherlock's remarks on the necessity for correct behaviour in controlling the virus. Given my experience of a committee meeting yesterday, Senators and Deputies are not complying with mask wearing and are showing blatant disregard for other Members as well as for the staff manning the committee rooms. We have repeatedly been told that visors are not appropriate.

I wish to raise the growing concern about the increase in the number of tragic and unnecessary deaths of homeless people. Fifty deaths of rough sleepers and people in emergency accommodation have been reported in Dublin alone, and we are yet to reach the rough winter months. Increases in deaths among people known to homeless services have been reported in Cork and Galway as well. In January, the Dublin Region Homeless Executive, DRHE, stated that there had been 34 such deaths in 2019. On "Morning Ireland" yesterday, the DRHE revised that figure upwards to 49. We undoubtedly have a growing problem. These tragic and unnecessary deaths should not be happening and we need to do more to prevent them.

I welcome the Government's commissioning of a report, but it needs to act. We must see an end to dormitory-style accommodation. There is no place for it in this day and age. We must also see an increase in mental health and addiction supports for those experiencing homelessness. Covid has placed a significant strain on the mental health of many on this island, in particular the most vulnerable people living on our streets. We need a dramatic increase in tenancies under the Housing First policy in order to get people out of emergency accommodation. This model works and there is no reason it cannot be rolled out across the country. We need to introduce adult safeguarding reviews to ensure that, when someone dies, we fully understand the reasons for the death and address the problems in order to prevent it from happening to someone else.

People experiencing homelessness are among the most vulnerable in our society. We have an obligation to do much more to help them. I request that the Minister for Housing, Local Government and Heritage attend the Seanad to outline what he and his Department are doing to ensure that we reduce the number of these tragic deaths.

Senator Eugene Murphy: Will the Leader ask the relevant Minister to attend the House to update us on the N5 national road project from Ballaghaderreen on the Roscommon-Mayo border to Scramoge in my area of Strokestown on the Dublin side? As Senator Chambers and other Senators from the west will know, it is a 34 km stretch of road. The project has been coming for a long time and will cost €200 million when everything is taken into account. The contractor was to be announced by now but that has not happened. I am sure it will, but it is important that we get this project up and running as quickly as possible. Much of the work has been done, including in the towns and villages that will be bypassed, for example, Strokestown,

Frenchpark, Tulsk and Bellanagare, and the project is ready to go. The fatality rate on the current stretch of road is twice the average on national primary routes. From a safety aspect, it is important that this development proceed without delay. Will the Leader use her good offices to invite the Minister in order to update the House and, perhaps, give us the good news that the project will start as soon as possible?

Senator Victor Boyhan: On 15 November 2000, which is nearly 20 years ago to the day, I sat as a guest in the Public Gallery and listened to the then Minister for Health and Children, Deputy Micheál Martin, discussing the use of vaccine trials and experimentation on children in institutions in the State. Promises were made. There was a long debate in the Seanad that evening. Senator Norris, who has just left, made a lengthy contribution, as did my colleague, former Senator Helen Keogh. The then Minister made a compelling statement. If we were to track all of the correspondence since, we would see the many promises made. The debate is contained in Volume 164 No. 10 of the Official Report. I will email this information to every Member of the Oireachtas today because it is important that everyone read it.

Some weeks ago, the Seanad had a lengthy debate on the mother and baby homes commission. For those who do not know, Bessborough was included in the vaccine trials investigation. That information was discussed and brought to the commission and I look forward to its recommendations and report, but that was only a sample of institutions.

Roll on 20 years and we are facing Covid. I am not anti-vaccination. Indeed, I support vaccination but I also support the right to bodily integrity enshrined in our Constitution. It is everyone's right, children and adults alike. Justice has not been done where the people in question are concerned. I met quite a few of them in recent months. Will the Leader invite the relevant Minister or the Taoiseach to the House? I will give one commitment to the people listening to us - week in, week out for the next six months, I will raise this issue until such time as people get justice. Will the Leader ask the Taoiseach to attend the House once he has reflected on his comments, in which regard I support him? I want him to return to the Seanad. Little did I think that I would be here as a Member of Seanad Éireann 20 years later or that he would be the Taoiseach, the man who might be able to do something for these people.

Senator Tim Lombard: I concur with the comments made by Senators who raised the issue of Dublin Zoo, but I will put a southern twist on the matter. Complexes like Dublin Zoo and Fota Wildlife Park need to be debated in the House. More importantly, action by the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media, Deputy Catherine Martin, is necessary. It is appropriate that she attend the House next week to discuss this issue. Fota Wildlife Park is a major driver of our economy and one of the largest tourist attractions on the southern end of Ireland. It is a place that families like mine frequent monthly when we have the opportunity. That the complex is now closed is detrimental to society.

We need a package of measures to be put in place. Keeping the two complexes going costs tens of millions of euro. They are enshrined in our communities and societies. We are rightly supporting sporting clubs and other businesses, but these two organisations are outside the net for some reason. That is unfortunate. Action is needed urgently. In rebuilding our society post Covid, it is key that these complexes be left intact and supported fully. We must consider the issue of the animals. Everything must be done in that regard. As anyone who has visited Fota knows, it is a fantastic complex with animals running around its hundreds of acres. Fota needs to get a package of supports. Otherwise, it will be under pressure.

Senator Sharon Keogan: I hope the Leader will forgive me for being parochial - I do not normally adopt this approach in the Chamber - but I wish to raise the issue of a secondary school for Duleek. There are 12 feeder schools in the Duleek area. We have the land, a 23-acre site that was allocated for the provision of a school by the bishop in County Meath. I have brought this matter to the attention of the Minister for Education, but I would appreciate it if the Leader did whatever she could to accelerate the process. This week, a number of parents received letters stating that there was no room for their children in schools in Drogheda and Ashbourne. Something needs to be done urgently. The land is available and ready to go. It has community zoning. There is no reason the Department of Education should not consider a new secondary school for Duleek.

I concur with what Senator Currie and a number of others said about Dublin Zoo. The Department of Agriculture, Food and the Marine published its animal welfare strategy document yesterday. It is incumbent upon us, and the Government, to look after national institutions such as Dublin Zoo. The zoo faces a staggering cost every month. We need also to ask factories and people in the food production business that may have a lot of food waste to donate to Dublin Zoo at this time because it definitely needs support.

Senator Aisling Dolan: In the recent budget, over €740 million was allocated in respect of school buildings under Project Ireland 2040. Scoil an Chroí Naofa in Ballinasloe has been waiting 20 years for a new building. Generations of children have gone through the school and had children of their own and still there is no new building. How did this happen? In 2000, the boys' and girls' schools amalgamated to form one school. School buildings were promised at that stage. The existing buildings date back to the 1960s. I went to infant school there. It is the only Delivering Equality of Opportunity in Schools, DEIS, band 1 school in County Galway. There is a fantastic team of teaching staff and special needs assistants, SNAs. There is an ASD unit in the school. Children travel from east Galway, Roscommon and Westmeath to attend the school. It is shocking that, in 2020, over 290 students are still waiting in the cold because there are serious heating and insulation problems.

Planning permission was granted in 2011 and has been extended. As a councillor and now a Senator, I have worked with the principals, teachers, students and families to progress this project through the planning stages with Galway County Council and its design team. I am delighted to hear that the final designs will be submitted to the Department of Education this week. I call on the Leader and the Minister for Education to prioritise the needs of this DEIS band 1 school, especially as it is also dealing with the Covid-19 crisis. I will be working with the Department to ensure this development is accelerated to meet the needs of Scoil an Chroí Naofa, but also the children and families in Ballinasloe. It cannot be left any longer. They have waited 20 years. There is €740 million in that budget and I want to see this development happening in the next year.

Senator Rónán Mullen: I was amazed by the decision of Dublin City Council a couple of nights ago in respect of a proposed development at Oscar Traynor Road. This is an area of Dublin near which I used to live. There was a plan to have 253 social homes, 172 affordable homes, 214 cost rental homes and 214 private homes on the relevant site. Councillors put a stop to that entire development by a vote of 48 to 14. The result is that not a single unit will be built on the site for at least eight years. The supposed reason for the decision is that instead of allowing a developer-led project with a 50-50 split between private sites and social and affordable houses, councillors want the council to develop the site to provide 100% social and affordable housing. That seems to me to be a case of cutting off one's nose to spite one's face. In other words, petty

ideological reasons now mean that instead of having 425 social and affordable homes, there will be none in that development. Those 48 councillors were led by Sinn Féin and its colleagues on the hard left, but the merry band also included councillors from the Labour Party.

I would like a debate with the Minister for Housing, Local Government and Heritage, Deputy Darragh O'Brien, to discuss a number of issues. Quite apart from what the Minister might say, it would be an opportunity for our Sinn Féin and Labour Party colleagues to explain to the House how their parties can justify incredible decisions such as that one. I lost track of the number of sermons I heard from Deputy Ó Ríordáin when he was a Member of this House on the need for more housing and yet he is one of the local politicians opposing this development. He is not alone. The same people who bleat in these Houses about a constitutional right to housing opposed the building of houses in local communities. To quote Katharine Hepburn in "Guess Who's Coming to Dinner", nobody seems to know nothing no more.

Dublin City Council seems to be dysfunctional and incapable of addressing the housing crisis in this city. It routinely vetoes or stymies housing development. Perhaps it is time to start considering stripping that council of its planning powers if it will not do what is needed. Council members have discussed all sorts of motions in recent years, from the eighth amendment to the Constitution to whether to raise the Palestinian flag over City Hall, but they are failing to deal with people's fundamental needs. I request a debate with the Minister on the issue.

Senator Alice-Mary Higgins: Following on from the previous contribution, I note a factual inaccuracy. There is no reason development cannot take place on the site. The eight years to which the Senator referred is the opinion of one person. The real debate we need to have is whether Ireland will be taking advantage of the fact that we can access loans at rates of 0% or lower in order to build public housing. The capacity is there and if it was a matter of developers rushing to build, we would not have tens of thousands of planning permission applications for developments that we fast-tracked through this House that have not been built.

Senator Mary Fitzpatrick: They were not passed through this House.

Senator Alice-Mary Higgins: The State should be able to, and can, build. It has built in the past. We were asked to expedite fast-tracked planning permission which was then not used, as the Senator will be familiar with. Strategic housing developments were never built. We may have a debate about it.

(Interruptions).

An Cathaoirleach: To be clear, if anyone wants to interrupt, they have to do so in adherence with Standing Orders.

Senator Alice-Mary Higgins: I refrained from interrupting during the previous debate. I second the proposals for adjournments or a 90-minute or one-hour period for the Seanad Bill. I second the proposals to oppose the taking of the proposed amendment to Standing Orders in respect of speaking times for Private Members' business. I believe that is a signal of intent from those who once sought to abolish this House and who now seek to cut away at it through a thousand cuts, specifically by cutting away the time for the proposal and seconding of Private Members' business, including legislation, by Senators. The Private Members' business slot is not simply a platform for making statements or attacking political rivals, it is also for putting forward legislation. It is good parliamentary practice that when legislation is put forward on Second Stage, all parts of the Bill are put forward by the proposer. That is not allowed for. I

remind the House that at least three Private Members' Bills that came through this House became law during the lifetime of the previous Oireachtas. Private Members' business - and the legislation we put forward during the time allocated for it - is a meaningful process and not simply something to be chopped away at. The Government has a majority and can win votes. Please let it not also silence the voices of those in opposition who are putting things forward.

Senator Regina Doherty: I will go from back to front, if that is okay. There is a motion on the Order of Business regarding the sixth report of the Committee on Procedure and Privileges, CPP. One would be forgiven for thinking, from the various and fairly passionate statements that have been made here, that this was not agreed yesterday at the CPP. I was not at the CPP-----

Senator Alice-Mary Higgins: The CPP did not do that.

Senator Regina Doherty: I did not interrupt the Senator. I can see that she is passionate about this but I will not listen to charges made against me and my colleagues for, in Senator Higgins' opinion, trying to dispel an opportunity for debate. For the record of this House and to dispute what was said here this morning, a proposal was brought by me, on behalf of the Government, to the CPP-----

Senator Michael McDowell: It was not on the agenda.

Senator Regina Doherty: If the Senator does not mind, I will say what I have to say and then he can decide how to respond.

An Cathaoirleach: The Leader, without interruption.

Senator Regina Doherty: A proposal was brought yesterday by me, on behalf of my colleagues, to the CPP. It was discussed at the CPP and I acknowledge that I was not present. A message was sent from the CPP, by the administrative people, that the proposal had been agreed yesterday and, as a result, it was placed on the Order of Business this morning. If the proposal was not agreed, the motion should never have been put on the Order of Business. I was not at the meeting yesterday but the reports were that Sinn Féin, the Labour Party and the Independent Senators who were present agreed with the proposal. I assume that is why the administrative people who look after us in this House asked me to put the motion on the paper this morning so that what was agreed at CPP yesterday could be passed in our Standing Orders. If it was not agreed, I am more than happy to send it back to CPP. I will not tolerate Senators saying that we are trying to reduce Private Members' time to 90 minutes when, in fact, the motion is for the full two hours and Standing Orders denote that it is two hours. All we were trying to do was to allow more Members the opportunity to speak and for leaders not to have 12 minutes but to give everybody here the chance to offer their opinions and views during Private Members' business.

1 o'clock

As I said, it can certainly go back to the CPP. I will withdraw No. 2.

On the number of debates that have been requested this morning, I agree with Senator Chambers regarding the directive that was issued a few days ago. We have spent the past eight months genuinely looking at elements of our society that have contributed greatly to the functioning of it, whether they are communities, businesses, public services, that in many of our day-to-day dealings, we probably heretofore took for granted. One could probably delve even further to look at some of those who are perhaps not treated as well as they should be by businesses. Based on my own experience, there are probably tens of thousands of people working

in the gig economy, and I will certainly ask for a debate on that ruling to make sure that they are looked after and that the reflective rule of law on that EU directive is transposed.

There is also a need for a debate on the reaction yesterday of our Hungarian and Polish colleagues to the multiannual financial framework funding. It is not, and should never be, good enough or accepted by the other 25 member states that two member states that have a questionable way of observing the rule of law in the EU, which we all accept, assert that it does not stand in their countries. We certainly need a debate on that issue.

I will certainly make a request for a debate on higher education funding. I absolutely agree with Senator O'Loughlin that the announcement by the Department of Education yesterday that every and any new school will have ASD units and individual ASD teams is welcome. Indeed, two colleagues raised the much-needed school buildings in Duleek and Ballinasloe. There is not a community that we all live in or represent that does not have children with special needs. What absolutely should be made a rule of law today is that every school in the country should be compelled, as was the case in south Dublin last year, by directive of the Department of Education, to have ASD units, however small, and reflect on the needs of the children that they serve.

The last thing I will bring up is our much loved Dublin Zoo. One can see from the representations that were made here this morning how valuable an institution it really is. I do not know if Members heard the director on radio this morning, but one would have to commend the zoo for having the reserves that it had accumulated and that allowed it to stay open for the past number of months without any income and that will allow it to survive until early next spring. However, I believe it is incumbent on the Government to look after the zoo, Fota Wildlife Park and other institutions that are much loved by families. This is the case whether they have young children or not; my own children are no longer small, but we still love going to the zoo. It is incumbent on us to look after the zoo. On behalf of all Members, I will write to the Taoiseach today to ask him to make sure that the funding is looked after.

Senator Victor Boyhan: What about my point?

Senator Regina Doherty: I will certainly ask. I am not sure whether we will be offered the Minister for Children, Equality, Disability, Integration and Youth in the context of that issue, but I will certainly ask; that it is no problem.

Senator Mary Fitzpatrick: I raised a very important point and I do not need the Leader of the House to respond in detail, but will she take it up with the Minister for Health and ask him to come to the House to address the concerns raised about the Rotunda Hospital?

Senator Regina Doherty: I will, absolutely.

Minute's Silence to Mark 100th Anniversary of Bloody Sunday

An Cathaoirleach: Before I go to the motions that were brought forward at CPP, Seanad Éireann has agreed to observe a minute's silence in remembrance of the 14 people who were killed in Croke Park by the combined forces of the Royal Irish Constabulary, the auxiliary British armed forces and the Black and Tans on the afternoon of 21 November 1920, on what is forever known as Bloody Sunday. Today is about commemorating the 14 people who were killed

on that afternoon. One hundred years ago, men, women and children went to a football match between Dublin and Tipperary and never returned to their families. It is fitting and appropriate that today Seanad Éireann should remember the lives lost and the loss to those families.

The names of the 14 people who were killed in Croke Park were: Jane Boyle, aged 26, from Dublin; James Burke, aged 44, from Dublin; Daniel Carroll, aged 30, from Tipperary; Michael Feery, aged 40, from Dublin; Mick Hogan, aged 24, from Tipperary; Tom Hogan, aged 19, from Limerick; James Matthews, aged 38, from Dublin; Patrick O'Dowd, aged 57, from Dublin; Jerome O'Leary, aged 10, from Dublin; William Robinson, aged 11, from Dublin; Tom Ryan, aged 27, from Wexford; John William Scott, aged 14, from Dublin; James Teehan, aged 26, from Tipperary; and Joe Traynor, aged 21, from Dublin. Seasaigí, le bhur dtoil, agus cuimhneoidimid ar na daoine a fuair bás 100 bliain ó shin. Ar dheis Dé go raibh a n-anamacha.

Members rose.

An tOrd Gnó (Atógáil) - Order of Business (Resumed)

An Cathaoirleach: Senator McDowell has proposed an amendment to the Order of Business, "That No. 2, motion re the sixth report of the Seanad Committee on Procedure and Privileges on the amendment of Standing Order 45, not be taken today." Is the amendment agreed? Agreed.

Order of Business, as amended, agreed to.

Sitting Arrangements: Motion

Senator Regina Doherty: I move:

That, notwithstanding anything in the Standing Orders relative to Public Business:

The Seanad on its rising on Wednesday, 18th November, 2020, shall adjourn until 10.30 a.m. on Tuesday, 24th November, 2020 and the following arrangements shall apply:

- (a) The Order of Business shall be proposed at 10.30 a.m. in the Dáil Chamber;
- (b) Commencement matters shall be taken at 1.30 p.m. in the Seanad Chamber;
- (c) Business ordered to be taken subsequent to Commencement matters, shall be taken in the Seanad Chamber.

Question put and agreed to.

Seanad Special Select Committee on the Withdrawal of the United Kingdom from the

European Union: Motion

Senator Regina Doherty: I move:

That the Order of the Seanad of 16th October, 2020, relating to the Seanad Special Select Committee on the Withdrawal of the United Kingdom from the European Union, be amended in paragraph (2) after ‘12 members’ by the insertion of the following:

‘, one of whom shall be Senator Lisa Chambers who shall be Chairperson’.

Question put and agreed to.

Sitting suspended at 1.10 p.m. and resumed at 1.39 p.m.

Seanad Bill 2020: Second Stage

Senator Michael McDowell: I move: “That the Bill be now read a Second Time.” It is important, perhaps, to note that on 1 February 2018 the then Taoiseach, now Tánaiste and Minister, Deputy Varadkar, came to this House and endorsed the principle of the Manning report and announced his intention to establish an all-party implementation group and spoke strongly in favour of the principle of amending the way Seanad Éireann was elected. He indicated that he was going to establish a group which over an eight-month period would come forward with proposals on how, in turn, the proposals of the Manning report would be implemented.

Subsequent to that, between February and June of that year, the group was established and its terms of reference were set out by a Government decision. The group met and I was elected as its chairman. The group met over a period from June to December 2018 when it completed and presented its work to the Taoiseach. The group had the advantage that the Department of the Taoiseach paid for the retention of a skilled parliamentary draughtsman to devise a Bill that would be appended to the report. The group itself met on many occasions, deliberated on how it intended to craft a report, and received evidence about the practicality of various ways of implementing the Manning report.

The report was sent by me, as chairperson, to the Taoiseach in December 2018 and in early 2019 I noted that the Taoiseach had made somewhat dismissive remarks about the report in Dáil Éireann, in the Chamber in which we are now. I asked to see him on this issue and he told me, much to my surprise and disappointment, that he himself was an abolitionist during the referendum and that he had no particular interest in progressing the matter any further. This contrasted greatly with the impression that he had given the Seanad the previous February.

Over 12 months the situation had changed dramatically and we were then running into a general election and suddenly all interest in the Bill disappeared. I was told that the Government had no intention of introducing the Bill in Dáil Éireann, as I had recommended in my covering letter and in addition to that, I was told that it could be introduced by any private Member but the Government in those circumstances would allow a free vote and it was highly unlikely to go anywhere.

That set of circumstances smacks to me of utter cynicism. The Manning report was put in

place following the rejection by the people of a proposal to abolish this House and this report was published and it became part of the programme for Government for the 2016 to 2020 Administration to implement it. Yet by early 2019 that commitment was completely thrown aside and all interest in implementing the Manning report seemed to have evaporated in a miraculous way.

My own view is that this was breathtaking political cynicism because many Members participated in the Manning report implementation group, Members who are here in this House and others, in good faith believing that they were finally taking the steps without constitutional change, to give the people of Ireland a very substantial say in who sat in this Chamber. That is what was proposed, is what the Government had committed itself to doing and is what was immediately taken off the agenda and effectively thrown into the political wastepaper basket.

We now come to the point where the question of Seanad reform simply will not go away. I want to welcome the Minister of State with responsibility for electoral reform here and I have spoken to both him and to the Minister, Deputy Darragh O'Brien, about this matter. I fully empathise with the position of the Minister of State who has indicated that his party wanted to have Seanad reform as part of the programme for Government but that the other two parties showed very little interest in having it there. In fairness, that is the truth of the situation. The Minister, Deputy Darragh O'Brien, as I understand it hopes to have somebody on the Government benches move an amendment to the motion for a Second Reading of this Bill today to postpone the Second Reading until 31 December 2021 in order that further consideration to the implementation of the Bill can be given by the section of the Department over which the Minister of State has responsibility. The effect of that amendment, if it were carried, would be to put into the record of this House that the Bill would be deemed to be passed on 31 December 2021 and it would fall then to be considered whether it or other legislative proposals which the Department had come up with in the meantime would be progressed thereafter to Committee Stage etc.

As far as I am concerned, Senator Malcolm Byrne introduced legislation recently designed to implement the result of the referendum and to spread the university seats more equitably across institutions of higher education. The result of that Bill if adopted in isolation would be that perhaps 800,000, or perhaps with the passage of time 1 million or more people, would elect 10% of the Members of this House provided that those people were graduates of higher education. The remainder of the electorate, which would probably be 2 to 3 million other people - though a declining fraction as higher education is more generally available - would have no direct say and that 1,200 people, being representatives in local government and the Oireachtas would elect or select the remaining 90% of this House.

The case for reform is overwhelming. I remind the House that the former Taoiseach, Enda Kenny, in order to try to induce the people to accept the referendum for the abolition of this House informed the people prior to the referendum vote that if his proposal to abolish this House was rejected he would not reform this House. That was also a very cynical move. He effectively was saying that he would leave it as undemocratic as it was so that the people were not to think that they would get a better Seanad, but he changed his mind when he got what he described as a wallop at the hands of the electorate in his attempts to wreck this House and the Constitution with it.

I will not talk about recent controversies but one of the functions of this House is to ensure that certain powers in respect of the Judiciary are not abused by a majority in Dáil Éireann and we have our own separate function in that respect.

We have other functions. This House has a veto on any plans to implement any measure at European level to deploy the passerelle clause, in other words, to give up unanimity requirements. This House, under the Constitution, has significant functions apart from its legislative scrutiny function.

I will continue in the short time provided for in the Standing Orders of this House in the form in which they still are. I would have had to sit down about three minutes ago if a certain thing had happened this morning. This Bill was crafted in good faith by a collective effort of Members of Dáil Éireann and Seanad Éireann. It was modular in form. It acknowledges that change will not happen in a big bang. It was gradual in form, in that it provided for a phased introduction of these reforms. It was a genuine, bona fide effort to finally give this House a broader base with regard to the people who select who is here. It was also designed, as the Manning report attempted, to retain a function for representatives in local government to have an input into the composition of Seanad Éireann and thereby the Oireachtas. It is a fair Bill. It is expertly drafted. It is capable of being implemented. It may cost money but it is worth doing.

Now is not the time for cynicism or further delay. The Minister of State has told me privately, and said that I was at liberty to say this, that he wants to go ahead with these reforms. This is the occasion on which to do it. I wish that we would make faster progress than the amendment, which is likely to be tabled by the Government in respect of the Second Reading indicates. I am taking the Minister of State at his word that he is genuine and bona fide committed to implementing the reform of the Seanad in the way that he has indicated in private to me. I thank him for those assurances.

Senator Gerard P. Craughwell: I welcome the Minister of State to the House. I welcome the opportunity to debate Seanad reform for the second time in as many weeks. In 2013, when I was not a Member of this House and never dreamt that I would be, I did everything that I could during the referendum campaign to ensure that this House would survive. When I was elected to this House, I was deeply honoured, and I am as honoured and as privileged today as I was in 2014 when I came in here. Many of my colleagues have said to me that in my support for this Bill, I am committing political suicide. If this is what I have to commit political suicide for, I will gladly go to my political grave, because this House desperately needs reform.

I have been told that no county councillor will ever support me again for supporting this Bill. I believe our county councillors are far more discerning than some people in this House give them credit for. In 2015, I addressed a meeting of county councillors from all over Ireland on the issue of their pay, terms and conditions. They were told at that meeting that it was bad that this new Independent Senator had brought their pay into the public domain, and that people were working in the background on it and would sort that out for them. It is 2020 now and it was not sorted out. Maybe the county councillors would get much more from the 15 people they have elected here than the 43 who have failed to deliver for them in the entire life of the Seanad. I am talking about the time since 1937.

I commend my colleagues, Senators McDowell and Higgins, and indeed Senator Warfield. They all sat on the committee that Senator McDowell was talking about and came up with this draft. It is an ideal Bill. In an ideal world, it would be the Bill that would come to reform the Seanad. It should be the last Bill that this House ever needs because it should bring this House to be what it was envisaged to be in 1937. What have we done with it? We have turned it into a replica of the Dáil. We have a Government and an Opposition side. In the current Seanad, we have a rubber stamp. Anything that comes here is passed. We do not give legislation the right

scrutiny that it should get in this House. This House was never meant to have Government and Opposition. This House was meant to be populated by academics and vocational experts who would put legislation through its paces and recommend that legislation be returned to the Dáil if it was deemed to be faulty. That does not happen and we have Government and Opposition.

The Bill is ambitious and, if passed, as my colleague Senator McDowell has said, it does not have to be implemented in one fell swoop. It can be implemented in a modular way that would allow for a less disruptive implementation. I know that the Minister of State's party is committed to Seanad reform but I am afraid, if the boat sails today, that it will sail forever. I do not understand why we have to wait until 31 December 2021. There would be nothing wrong with passing this Bill through all Stages in this House and letting it go from there to the Dáil to remain in the Dáil for whatever length of time it takes to pass through the Dáil. There is no need to do what is happening today. Were this Bill passed, it would radically change the Seanad. It would radically change vocational representation in the Seanad. From my perspective, it would deliver much better representation for the vocational groups that we are here to represent.

Having 28 Senators here who are elected under a general franchise by members of the public would give this House the credibility it deserves. Far too often, and the Minister of State is no different, I have sat in company and people have said the Seanad is a rest home for failed politicians or a warm-up home for those who want to get to the Dáil. It is treated with nothing but disdain by many people in this country. As an Independent Senator who was fortunate enough to be elected, I would be the first person to admit today that my election in October 2014 was a fluke. It was a good fluke because it led to other Independent Senators coming in after me. It led to a realisation by independent county councillors around the country that they could elect Independents to this House.

When I look at the history of this House, the great things that happened in this House were all initiated by Independent people. I look at my colleague, Senator Norris, one of the great orators and legislators in this House. I think of Feargal Quinn and of John Crown, who left this House saying he would never return because it would never be reformed. We have to take our courage in our hands and reform this. If this is my political death, and an end to my political career, I will walk out of here proud because at least I tried, but I am so disheartened.

This House was formed in 1937. In 1942, there was an amendment to the way this House does its business. Other than that, it has sat in the doldrums. It is difficult not to see the public view that it is simply a rest home. It is difficult, with this Government, to see that we have moved away from having people from civil society among the Taoiseach's 11 nominees. There is one such person, Senator Flynn, and I am delighted that she is here. In the previous Seanad, there were six Independents, and there were Independents in the Seanad before that, all great Senators.

As a former postgraduate from the University of Limerick, I welcome the expansion of the university panel. As the Bill passes through, there will be amendments, probably looking at the cost. At the end of the day, we need to make the Seanad answerable to the people of Ireland, who pay our salaries.

When I saw the amendment tabled last night, my heart sank into my boots. I saw that nothing has changed. Cute hoorism is alive and well and is living in Ireland. Not one of them would have the courage to come in here and actually vote down this Bill.

What they will do is adjourn it until 31 December 2021. I have a written speech and I really just cannot go through it because I am so bloody disheartened by what I see. I see cute hoorism working its way through. This is the second or third time since 2014 that I have seen this. We had the wonderful Manning report but it was only the fourth or fifth report. We have had three pieces of legislation come through this House yet nothing has happened.

The ball is at the feet of the Minister of State and I plead with him to not allow what they are trying to do to this Bill. I thank my two colleagues, Senators Higgins and McDowell, for the marvellous work they have done in bringing this Bill before the House.

Senator Mary Fitzpatrick: I move amendment No. 1:

To delete all words after “That” and substitute the following:

- “the Bill to be read a second time on 31st December, 2021, to allow for further consideration of the Bill”.

I wish to share my time with Senator Cassells. I thank Senators McDowell and Higgins, and all of the Senators and Deputies, I guess, who worked on the commission and the report. I have to say ráiméis because what I have just had to listen to is exactly what gives this House a bad name. I do not know what or where Senator Craughwell thinks I come from but I consider myself very much part of civil society. I am somebody who has contested multiple elections. I have been elected in my own right to the largest local authority in the country having topped the poll on many occasions, so I have every right to be here. As somebody who lives closest to this House, and worked the hardest and longest to come to this House, it is a real privilege for me to participate in this debate. Nobody can accuse me of taking either the short or scenic route to Leinster House so I will not listen to him. What I will say is that this is a really important debate and important House so it is a huge privilege for any of us to take a seat here and participate in debates.

I encourage the Minister of State, and I have spoken to the Minister for Housing, Local Government and Heritage, Deputy Darragh O’Brien, about this, but we cannot deal with the Seanad in isolation. I have read the draft legislation. It has many good parts and much of it I support but it has some issues. I note that when the committee had concluded its business there was not unanimous support. That is hardly surprising because when one puts a bunch of politicians together the multiplying effect of disagreement is compounded.

From where I stand in looking at this matter, the broadening of the electorate is very welcome but the perverse sub-panel arrangement must be addressed. I cannot describe it any other way but perverse. The constituencies need to be updated and take account of the modern world. The way that I expect the Minister of State to respond to this is that he will talk about the commitment from Government for broader electoral reform and the very clear commitment from three parties that have a majority to deliver an electoral commission. The programme for Government explicitly says it will, “Establish an Electoral Commission to provide independent oversight of elections and referendums, to inform the public” [the people who we are meant to serve] “about elections and referendums, to update and maintain the electoral register”, which is something I would welcome in Dublin Central. It will, “Empower the Electoral Commission to regulate online political” activities, which is something that I know will scare some political organisations but is not a concern for me or my party. It will, “Mandate the new Electoral Commission to examine the use of postal voting”. I know that Trump and others complained about

it but we would welcome that as it is a really valuable service for a lot of our electors.

I appreciate that Senators McDowell and Higgins are disappointed that the Government has responded by saying it will deal with this again in a year but I suggest that they take heart. My journey here has taken me 16 years and I never gave up. I urge them not to give up but stick at this and not adopt an adversarial approach. This House does not have to be divided and can deliver reform, and broader electoral reform, but it takes two parties to work together.

Senator Shane Cassells: I deeply regret that Senator Craughwell in making a case for the legislation that is before us, chose to besmirch the credentials of people on this side of the House. If he wants to check my academic and professional qualifications over a 25-year period then he need only check with the Clerk of the Seanad.

As is so often the case, we are doing things backwards because I believe that we have already had Second Stage. I know because I stood over there on 7 November last year when we had a two-hour debate on this report with the Minister of State's predecessor, Deputy John Paul Phelan. It took him a full year to make his way into the Chamber from the presentation of the report in December 2018. I remember it well because I sat with Senator McDowell as we waited for the report to come across from the printers that particular Christmas week. I recall the dismissive nature of the then Minister of State's retort on that day in the Chamber was hugely regrettable.

We have already had Second Stage and it took place from June 2018 until Christmas 2018, which I believe is the longest Second Stage ever. We met weekly with only one objective which was to deal with the legislation because the then Taoiseach had asked for the text of a Bill to be produced in conjunction with the report. As has been pointed out, the State provided an expert draftsman to produce that text. What other Members of Parliament are going to have that resource at their disposal, to bring a Bill in here before any Minister, when the Taoiseach himself commissioned members of the Bills Office of the Oireachtas to help with the compilation of the legislation? One will not find a more well crafted piece of legislation during the term of office of the Minister of State when he debates in this House. Today, we should be on Report Stage yet, perversely, we find ourselves back at the start.

I was a proud member of the Seanad reform commission. I pay tribute to Senator McDowell on the manner in which he chaired the commission because it was inclusive, comprising members of all parties and none. The witnesses, if people took the time to read the report, were drawn from all areas of life. When I and my party campaigned for the retention of the Seanad in the referendum we did so on the basis of reform. This is unlike the current Tánaiste whose idea of reform is to use the scalpel. That is par for the course considering that the idea of reform of the former Minister, Phil Hogan, was to abolish a whole load of councils across the country.

One of the big issues that people may dwell on is extending the franchise. Dr. Theresa Reidy conducted an extensive consultation on this in countries where it already exists in other parts of world. There is a large participation in the initial period but that tails off. It is those who are actually committed to the electoral franchise. We consistently have over 1.2 million people, who are citizens of this State, who never bother to vote on polling day and the number increases on local election day. When people are afraid of extending the franchise either into Northern Ireland or abroad we must remember that over 1.2 million people never bother to turn out on election day and use their franchise that people fought to give them.

I commend the work not just of the signatories of this Bill but the entire membership of the commission who sought to get legislation that could be accepted by all Members of the House. We have done things backwards as we have already had Committee Stage. One will not find a more detailed Committee Stage than what was undertaken, so we should really be on Report Stage today.

Senator Barry Ward: I also join with other Members who have congratulated the signatories to this Bill on the work involved in it. I do not know if I can say this definitively but physically it is probably the largest Private Members' Bill that has ever come before the House. There is an enormous amount of work in it and I recognise the acknowledgement of the work done by Dr. Maurice Manning and the committee which gave rise to this legislation. I know Dr. Manning very well. He was one of my lecturers and mentors, if I can say that, in college and the man who probably led me down the road of becoming a nerd with an interest in the Seanad despite not being a Seanad Member. We all recognise that the level of public interest in this House is much more limited than it should be. I acknowledge that much of the reason for that is the manner in which the House is constituted and the various issues that are dealt with in this Bill.

Senator David Norris: And the lack of press coverage.

Senator Barry Ward: Yes, there is also a lack of press coverage. I, of all people, would like to do more about that but it is not within my gift, unfortunately.

Last week, when we debated the Bill brought forward by Senator Byrne and his colleagues, I said that in 2003, the then Senator Mary O'Rourke, who I believe was Leader of the House at the time, chaired a committee on Seanad reform to which I contributed. I had the privilege of sitting in the Seanad Chamber for the first time and making known my views on the Seanad. My views then were more radical than the measures proposed in this Bill but I also recognise they would have required substantial constitutional as well as legislative reform.

The provisions in this Bill are wonderful. There is a great deal of good material in it, much of which I support. However, I do not support the Bill in its entirety and in that regard I echo what other Members have said. I do not want to be so precious as to suggest it is denigration of the 43 Senators elected on the panel system but I take issue with the suggestion that this House is not democratically elected. That was said during the debate last week and I resist that suggestion.

Senator David Norris: Hear, hear.

Senator Barry Ward: Senator Norris said it last week in the debate. Unfortunately, I did not have time to contradict him but I will do so today. The Senators who are elected by local authority members around the country are democratically elected Members of this House. They are indirectly democratically elected in exactly the same way as the Taoiseach. Nobody ever suggests the Taoiseach is not democratically elected. He is, however, elected by a college of elected persons in the same way the 43 Senators in this House are elected by a much larger college which is spread throughout the country and represents local communities. I absolutely resist any suggestion to the contrary. The danger with making that suggestion or challenging it in debates like this is that it becomes part of the popular discourse that, somehow, this is not a democratic Chamber. It is a democratic Chamber. That argument could perhaps be made in respect of the 11 nominees.

Senator Craughwell stated that the Seanad is not as it was envisaged by Éamon de Valera.

That is not true. The Seanad operates exactly as de Valera envisaged it; it is powerless, divided and deals with legislation in a way that is subservient always to the Dáil. That is exactly what he wanted and it is what he got. The Seanad is, therefore, the way the framers of the Constitution envisaged it would be. Perhaps the clearest sign that that is the case are the 11 nominees because their stated purpose is to ensure the Government maintains a majority. It is far from the idyllic House Senator Craughwell describes, one populated by academics and experts. I am not necessarily suggesting there is a lack of academics and experts in this House, far from it.

It was always intended that there would be an Opposition and a Government side and it has always been thus. Even if that were not the case, the Seanad could not operate because the lack of certainty would create a malaise. The absence of agreement and of parties and structures in the House would end up merely delaying the passage of legislation. I have great respect for Senator Craughwell who is a friend and near neighbour of mine but to suggest there should not be politics or politicians in a House such as this completely ignores the value of the contribution politicians have to make.

A feature of modern society is that we simply dismiss the skill set politicians have. In many cases, this has been developed over years of local government and other types of political activism involved in making decisions that are saleable and transmissible. I can give any number of examples of people who came into politics in this country, sometimes high office, without training or serving an apprenticeship. The difficulties they had when they got there became clear because they had not had the benefit of sitting in a council chamber or working in an organisation or political party. Having served such an apprenticeship and having gone through that process, I know that in my 11 years at Dún Laoghaire–Rathdown County Council I learned much about how chambers such as this should operate, how decisions should be made and, more importantly, how to make decisions and bring people with us. It is not the job of the Legislature or, indeed, the Executive to impose decisions on people that they cannot or will not wear. Part of the job of a political assembly, the Seanad included, is to make decisions that bring people with us and include them.

I baulk at the suggestion that this is not a democratic Chamber. We represent people all over this country, not just the councillors who elect 43 Senators or the thousands of university graduates who elect the National University of Ireland, NUI, and Trinity College Dublin Senators or the Taoiseach who appoints 11 people to this Chamber, but the people of this country. We are amenable and available to all those people in a way, I suggest, members of the upper houses in pretty much all other European countries that have them are not. I suggest that Irish politicians are closer to the ground than the vast majority of their counterparts in western democracies. We have the benefit of that and it is due, in no small part, to the fact that most Members of this House are elected by grassroots activists, local politicians and hard-working councillors who are incredibly close to their electorate at local level. There is enormous benefit in that.

I do not want it suggested that I am degrading the 11 Taoiseach's nominees because although de Valera may well have intended their role to be one of ensuring a Government majority, they have also been used to identify gaps in the representation of this House. I say that knowing a number of them are here and I particularly acknowledge Senator Flynn in this regard. Former Senator Billy Lawless is another example, as is former Senator Ian Marshall. They are people who have represented views in this House that are not widely held in this country. There are also elected Members who do that as well.

The Seanad has a measure of democracy which goes beyond the mere geopolitical physical

representation one gets in the Dáil. I disagree with Senator Craughwell that this House is a mirror of the Dáil; it is quite the opposite. If we look back through the work the Seanad, including in this term, has done in identifying flaws in legislation that has been passed in the Dáil, we see that, on a number of occasions, Senators have said “Hang on a minute; there is a problem with this section.” We do not get enough credit for that but it happens because we have a House of informed, hard-working people who listen to people on the ground. Having said that, Senator McDowell is correct that the case for reform is unassailable. We need to reform and we all want to reform. I will reluctantly support the Government’s amendment because it is important from the point of view of facilitating reform. Reform is coming, however, so let us make sure we are all part of it.

Senator Ivana Bacik: I welcome the Minister of State to the House and his stated commitment to reform in this area, which Senator McDowell has also noted. I commend Senator McDowell and his colleagues on bringing forward this important Bill. I also note Senator McDowell’s most interesting account of some of the context and background to Seanad reform.

I spoke on this matter last week when we debated Senator Malcolm Byrne’s Bill and I mentioned a sense of *déjà vu* which I believe many of us feel when we discuss this topic. It is useful to remind ourselves of the hugely significant constitutional role played by the Seanad. It is important that Senators continue to assert that role. It is, in fact, the reason a number of us, including me and the other Labour Party Senators and Senator McDowell, took a case before the High Court earlier this year to assert the role of the Seanad and seek clarification on the constitutional issue around the status of the Seanad post election. Without going back over that case, it was important.

Colleagues spoke about the contribution made by the Seanad and Senators to ensuring robust levels of scrutiny of legislation and bringing forward legislation. In my time as a Senator, I have had a number of Private Members’ Bills accepted. These have become law on issues as diverse as the legalisation of humanist weddings, recognition of freelance workers for collective bargaining purposes and prohibition of female genital mutilation.

The Seanad can and does play an important role in the development and scrutiny of legislation. The current Seanad is different from the Dáil in one particular respect, namely, we have a far better gender balance with 40% of Senators now women. That is a record high. This is very welcome when the Dáil, however, continues to languish behind so many other European legislatures in its proportion of women Members, where only 22.5% of our Teachtaí Dála are women, even with gender quota legislation in place. It is entirely right in this sort of debate to assert the importance and significance of the Seanad. We also acknowledge that reform is long overdue. Indeed, in 2013, when the referendum was happily defeated and the proposal to abolish the Seanad was vetoed by the people, this was really a vote for reform not for the *status quo*. All Members on both opposition and Government sides will acknowledge that. As Senator McDowell did, I also acknowledge that the Green Party in both the most recent election and in the negotiations for the programme for Government appear to have pushed for Seanad reform as a priority. I am glad that in last week’s debate the Minister of State stated that although the programme for Government disappointingly does not include an explicit commitment on Seanad reform, the three composite parties have recognised the need for urgent action and that action would happen in 2021.

In that context we can consider the ground that has been laid and the preparatory steps that have been taken towards that reform. Without going back over all of the detail, we are all aware

of the Manning report, which was a very important process chaired by former Senator, Maurice Manning. I am also a big admirer of him and he, along with his other colleagues, did extraordinary work in bringing on the process of reform and producing a very clear set of proposals in a Seanad Bill in 2016.

At the time of the preparation of the report, I made a submission on behalf of Labour Party Senators, which I spoke about last week and which put forward a series of practical ways in which the Seanad could be reformed to bring about universal suffrage, an expansion of the electorate for the six university seats and so on. Those proposals merit review because they answer many of the concerns about the need for reform to make the processes for the election of the Seanad more democratic.

We are all also aware of the Seanad reform implementation group so ably chaired by Senator McDowell on which I was glad to serve for the Labour Party. That group broadly endorsed many of the proposals in the Manning report and diverged from it on a number of issues. The group's report included a draft Bill, which Senator McDowell has mentioned.

This Bill effectively builds on the recommendations of those different processes. I am very happy to support it on behalf of the Labour Party because while it differs from the proposals we put forward to the Manning report in some ways, it nonetheless represents a practical and effective way to reform the Seanad. It has some merits.

The proposal to establish a Seanad electoral commission is welcome. It would manage the electoral process and deal with some of the undoubted logistical issues that arise from changing and expanding the electorate for the 49 elected Senators.

The provision whereby the Minister may appoint different dates for the commencement of the provisions to allow for an incremental expansion of the franchise is also welcome. That answers perhaps one of the main objections or obstacles to Seanad reform, which is that of cost and logistical difficulty. If one can set out an incremental process, that would address that issue.

The processes for the holding of Seanad elections and the nomination of candidates as set out in Part 4 follow the constitutional requirements and there are also provisions relating to the filling of casual vacancies, how the Seanad commission is to be set up and to function, and so on.

Crucially, the Bill would also do what Senator Byrne's Bill sought to do in that it would expand the franchise for the six university seats to enable graduates of higher education institutions throughout the State to vote, which is very important, is something that I support and was in the Labour Party proposal in 2015. This Bill, because it is more comprehensive, is a better vehicle within which to bring about that reform for the very reason that I pointed out last week when we were debating Senator Byrne's Bill, which is that his Bill would effectively bring about a lopsided Seanad and a very skewed electorate, with 800,000 voters electing 10% of the 60 Senators while the others would remain to be elected by the much smaller electorate that currently applies.

It is essential that we bring forward legislation that creates a comprehensive package of reforms for the 49 elected Members, albeit that we would allow, enable or provide for within that comprehensive framework the incremental bringing about of the expansion of the franchise. No Member would consider it as feasible to do everything all at once but it is important that if we are reforming the university panel by expanding the electorate there, we do this in the

context of the broader reform proposals from the Manning report and from the implementation group. That is the big strength of this Bill as opposed to Senator Byrne's Bill.

The Labour Party has always called for the need to establish an electoral commission, which is very important, and our proposals had some significant aspects to them that are not included either in this Bill or in the implementation group report. One of these, in particular, is that we proposed Seanad and Dáil elections would take place on the same day. That is quite a radical proposal and is permitted under the Constitution but would answer the critique often levelled at us that people who have failed to win a seat at the general election then turn around and run for the Seanad. This proposal did not find favour with either the Manning report or the implementation group and is again worth reviewing.

In conclusion, the principle of universal suffrage is of great importance as is that of the expansion of the university seats. The Government motion is disappointing and I ask Government Senators, who may be very reluctant to support that motion, to allow this Bill to pass Second Stage so that we can all work then together to ensure that it becomes reality. Gabhaim buíochas.

Senator Vincent P. Martin: Gabhaim buíochas leis an gCathaoirleach. People are judged by actions, not mere words. Today is an action. I hope I can be forgiven for not getting carried away and being slightly reticent in not being overly optimistic for any radical solution in the short term. One only has to look at the history and the delay upon delay the House has suffered. In 1979, the outcome to a constitutional referendum permitted a significant extension of the franchise to third level graduates but there has been no progress 41 years later. Then 2013 was a pivotal year in the history of the Seanad when a power grab by the Executive of the day spectacularly backfired on it because civil society groups spoke up for this Upper House, when the voices of our fellow politicians and national parliamentarians were not to be heard and their endeavours ran contrary to democracy. It is sometimes dangerous to name names in case I leave anyone out but I wish to mention in this debate my friend and colleague, the late Noel Whelan, who was front and centre of that campaign-----

Senator Ivana Bacik: Hear, hear.

Senator Vincent P. Martin: -----was a wonderful gentleman and was missed during the general election as well to crunch the figures and predict individual constituencies. He is irreplaceable. We had so many others such as Katherine Zappone, John Crown, the brilliant Feargal Quinn, and let us not forget the role of the Attorneys General. With a week to go, I recall John Rogers being hauled out on the "Six One News", and they played a pivotal part. I am also proud of the Green Party. Members are not privy to the parliamentary discussions of the Green Party and they may be fortunate in that regard, but I assure the House that I am unaware of any member of our parliamentary party that is against reform of the Upper House. We were proudly there in 2006 and 2013, when we had no Senator in this Chamber but we still saw the benefit of the House.

Where are the obstacles? We stand indicted 41 years later. Incidentally, how could I forget the father of the House, Senator Norris, who is a fantastic ambassador for the Upper House and its retention, and I ask him to forgive me for not mentioning him in the raft of names I mentioned earlier? This is, however, a non-exhaustive list, but Senator Norris's incredible appetite and energy have been a tremendous plus for this House.

I ask again then where the obstacles are. It is not Senator Fitzpatrick who eloquently told

us of her road to the Seanad, which was not an overnight success. Nothing was handed to her easily.

I am privileged to be a Member of this House. Unfortunately, apart from its vital constitutional role, its true potential has to date remained largely unfulfilled. It will not be blocked by Senator Ward. I do not know what is causing the obstacles. Senator Craughwell in his exuberant over-enthusiasm to welcome the Bill was unfair on the many officeholders of the Seanad who went before us and who may not have come from the university panels. If they suffered from an Achilles' heel, it was not a self-inflicted problem, rather it was the nature of the House and how it operates.

I speak from the vantage point of having been an elected county councillor on two different local authorities, which happen to be in two different provinces. County councillors are not afraid of change but there is a bogeyman or woman and I do not know what the problem has been. There is a potential knight on a white horse who could translate words into action. His name, and Members have heard it first here today, is the Minister of State, Deputy Noonan. I believe him. I have known him for a long time as a party colleague. He is a man of his word. I am very pleased that he is behind the steering wheel. I will judge this matter on the basis of actions not words, but I believe there is a real opportunity. I have spoken to the Minister of State privately on numerous occasions.

Well done to all the sponsors of this Bill. It is an incredible work of drafting art. Of course, changes will be made to it but that is the nature of our job as legislators. I am glad the Minister of State has reached out to Senator McDowell and others. I am glad Senator McDowell takes him at his word. I advise Senator Craughwell that I do not believe this House is as divided as it appears. He and Senator Fitzpatrick could reach out to each other. We have one common goal. We are all on the same side. The Minister of State is on our side.

Just like I named all those people who deserved credit for the 2013 success, the biggest credit of all goes to the people of Ireland. Their voice was heard that day. They said "No" to the Executive power grab. We must remember that it is the people of Ireland who should be front and centre of all we do.

This is an encouraging day and I give the Bill a qualified welcome. I will do everything I can as a Senator to make this happen but the Minister of State can understand the years and years of frustration. I know a number of environmentalists. They were thrilled when Senator McDowell was elected to this House. They are not typical bedfellows. I can think of the rumble in Ranelagh but many environmentalists who care about this Seanad said, "Let McDowell at it. He will give this a bit of impetus that is so badly needed". I know he is doing that but time is rolling on. Even with the likes of Senators McDowell, Norris, Bacik, and Craughwell, this job of work is still before us.

I hope in the lifetime of this Seanad, we can look back on this day. If there is one wish I have above any other - it is not a party-political aspiration - it is that we would reform this House once and for all, deliver on our promises to the people of Ireland and make the Seanad something that would be potentially very special. This House has such potential to allow the unionist voice of Ireland and of citizens from all over the world to be heard here. There is also potential to expand the franchise relating to the university seats. I say to Senator Norris that it is a shame in a way that last week we started with tackling the best part of the Seanad, the most democratic part, but that was an irresistible opportunity to support all change. Last week, the

Senator branded that a form of gerrymandering. I think his tongue was in his cheek when he said that. An extension of the franchise has to be good. I predict that Senator Norris would top the poll no matter how many were added on to the number of graduates.

Senator Ivana Bacik: Hear, hear.

Senator David Norris: What about the young people?

Senator Vincent P. Martin: The young people would not have a chance in that particular constituency.

Senator Michael McDowell: They will have to buy more stamps.

Senator Vincent P. Martin: They will have to buy many more. Perhaps a president of a university students' union could come through and steal one of the seats. It was brave in a way for those Senators-----

An Leas-Chathaoirleach: I must remind the Senator of the time.

Senator Vincent P. Martin: -----to permit and support the extension of the franchise. Perhaps the McDowell vote or the Mullen vote will peter out at a certain height and fall short of the quota - they were very selfless in pushing that through - or perhaps some gimmicky politicians could top the poll. That was a risk we took but it was in the better interests of democracy.

An Leas-Chathaoirleach: I am sorry to interrupt the Senator's very interesting contribution.

Senator Vincent P. Martin: Well done to all involved. We are on their side, led by the Minister of State. I ask that people judge him by his actions as well as his words.

Senator Fintan Warfield: I have not prepared many notes but I have a lot of paper in front of me, which is all from the then Taoiseach's Seanad reform implementation group. I might reference some of that material.

It dawned on me as the debate was proceeding that this is one of the most important days of this Seanad term. That has been reflected on. We will not be presented with another such comprehensive Private Members' Bill in our time here. I say that because I am losing hope in our ability to deliver Seanad reform. I want to use my time to appeal to all Senators as we have so little time here, even those of us who are lucky enough to be re-elected. Much of the debate has focused on references to "I" and that "I got here this way or that way". Ultimately, we have very little time here. We would all do well to use our limited time to prioritise this issue so that we can leave here and say that we are proud of the role we played, that we started Seanad reform in this House and that the legislation went to the Dáil and was enacted. In the end, it is about setting aside self-interest and the comfort of the *status quo* and saying "I am willing to jeopardise a seat or my position to change the system".

It is not that the Seanad is undemocratic - Senator Ward touched on this - because it would be unconstitutional if that were the case. The issue I have is that it is just about democratic. The majority of Senators are elected by approximately 1,200 people. A candidate in a Seanad by-election is elected by even fewer than that number, namely, by Deputies and Senators.

I made most of the points in favour of this Bill in the debate which took place last week. I

thank Senator McDowell for bringing the Bill forward. It was the main the focus of my contribution last week. I will not repeat the points I made but I will say why I am so proud of this Bill and the work I put in alongside others in bringing it to this stage of development. It was a collective process. The annexe has been used at times to belittle the work of the committee by saying the annexe was a dissenting view. I would never have submitted a statement on behalf of Sinn Féin in that annexe if I had known the annexe would be portrayed as a dissenting view. It is far from it. We worked hard to produce this legislation.

For my part, I am proud of the amendments. I tried to get the vote at the age of 16 in there. That was rejected but I still supported the report. I tried to achieve a greater number of Senators to be elected by the public. That was rejected, a compromise was made and we supported that. Another amendment was adopted to the effect that, where a nominating body had more than two nominations, it would be required to have an equal balance of male and female and, where a balance was not achievable, the majority nominated by the nominating body would be women. On the factors to be considered by the Taoiseach, I was passionate that the Taoiseach would give regard to and have consideration for minority groups, that is, to people and communities who do not have representation here in the Seanad. Other amendments concerned undertaking initiatives to encourage voter registration. Others were about reforming the way we do by-elections by looking at a replacement list, as the European Parliament does, so a by-election would not be just elected by the Dáil and Seanad.

In conclusion, I will not support the Government amendment. This place is not the real world. I do not think we would get away with the type of stalling we have seen on Seanad reform in any other workplace. It is disappointing that we see it here again in the proposal from Senator Doherty to delay the Bill until next year. It has been done to kill Bills of mine in the past and I have no doubt it is designed to kill this Bill. That is a huge regret on one of the most important days in this Seanad and for Seanad reform.

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

To delete “31st December, 2021” and substitute “31st May, 2021”.

Senator Ivana Bacik: I second the amendment.

Senator Alice-Mary Higgins: I will speak to the amendment later. I am glad to co-sponsor this very comprehensive legislation at 104 pages. While I am one of the co-sponsors, this legislation is not simply a product of those who are putting it forward today. This is the agreed legislation that came from the Seanad reform implementation group and the points made by Senator Warfield are important because there has been a suggestion that this is a magic impossibility and that we cannot find agreement. In fact, this legislation is the proof that agreement can be reached. It is testimony to that. Like Senator Warfield, I had proposals that I brought into this. I would have liked a different balance with more people elected directly from the public than by councillors. Compromises were made. People brought their best ideas. They were debated with expert testimony and expertise in, as Senator Cassells stated, one of the longest Committee Stages on legislation ever. There were months of Committee Stage and every single line was gone through. We each had our say and brought our proposals. People engaged in good faith and some proposals were successful and others were not. In the end, the legislation was published and there was a unified report. There are annexes with different opinions that people have, as they do with any legislation, but there is no minority report. To be clear, this is the report of the implementation group.

People have different views on different issues, including on issues they feel should be subject to constitutional change in the future, such as the idea regarding the titles of the panels, mentioned by Senator Fitzpatrick, which requires constitutional amendment. That was not within the scope. People parked the wider ideas they had around political reform and other issues they were interested in and engaged in a disciplined way with the task at hand, namely, to look at how the recommendations of the Manning report would be implemented. It was a task that reflected the programme for Government commitment directly, which was not a commitment to look at Seanad reform but a programme for Government commitment in the last Oireachtas to implement the Manning report. We were that far along the stages that we were looking at having the recommendations already and this was the tool to implement them. That is what we bring forward and what does it mean? It means every citizen over 18 in this State would have a vote. They would be able to vote on one of the panels but only one, so that we would move away from the situation for university electors sometimes having two votes. They would each be able to vote on one of the panels, according to the theme and subject matter that was most passionately important to them. For example, they might say education is a huge issue for them and they would use their vote on the education panel. We would benefit from not simply the different persons who may put themselves forward as candidates - many excellent people already put themselves forward as candidates for the Seanad elections. We would benefit from the expertise, insight and knowledge of the electorate who would express what they know and consider to be important. Those who voted in 2013 to retain the Seanad because they wanted it reformed, as an expression of good faith, were telling us they wanted to have a say in the Seanad. They would have a say in the Seanad, an input into who enters this Chamber and direct representation. That was the promise made and I was part of the campaign in 2013 to retain and reform the Seanad. I take that seriously. We have talked in the last week about the 1979 referendum. The 2013 referendum is an equally important mandate.

That is the legislation we put forward. It is detailed, comprehensive and entirely compatible with the Constitution. It is expertly drafted and it was cynically disregarded. The then Taoiseach, Deputy Varadkar, came to speak to us after asking us to leave our legislative proposals aside and work together, as we did. He told us after all that he was not interested in it whatsoever. I asked him if he was sincere. I am afraid to say the clear message he gave was that he was not sincere in relation to Seanad reform. There was a question about the mysterious reasons that Seanad reform is not happening. It is not happening for a number of reasons but one clear reason is that two Fine Gael taoisigh in a row and a Fine Gael Minister who occupied the role, now occupied by the Minister of State with responsibility for Government reform, Deputy Noonan, chose not to follow through on their promises in a programme for Government and on the Bill they had commissioned and requested. We lost two years because of a cynical desire to put it aside. That is why I am very concerned. I do not accept that everybody is on the same side on this. There are those who do not want Seanad reform. There are those who wanted the Seanad to be abolished, and as it was not abolished, they are quite interested in seeing it being ineffective and not reformed. I say that having engaged in good faith with all parties over a number of years.

It is the case, however, that the Taoiseach has previously expressed an interest in Seanad reform. In fact, in 2014, following the 2013 referendum, Deputy Micheál Martin brought forward legislation to suggest there should be one person, one vote in the Seanad, the same idea in the Bill. That is what the now Taoiseach brought forward as a private Member six years ago. I accept the Minister of State's bona fides in expressing interest in moving forward in the area of Seanad reform. A senior Minister has also expressed that he is committed to moving forward

with reform in this area. They now hold that power and responsibility. In this case, the Taoiseach, the relevant Minister and the relevant Minister of State are members of Fianna Fáil or the Green Party. I rarely mention parties in the Chamber and try to avoid it, but it is relevant in this context. The other party in the coalition had its opportunity over an extensive period. It had the Ministries and the power as taoisigh but it chose not to move forward with Seanad reform. That ship has sailed. It is now the responsibility of those with that brief to work with all parties and ensure this is delivered.

I cannot accept the amendment to postpone the Bill and will have to oppose it. As Senator Cassells noted, the Bill has had many Second Stages and upwards of 100 hours of Committee Stage debate. The intention of the amendment to postpone the Bill by not just 12 months but to the very last day - New Year's Eve - of 2021 is to stall the Bill further. It would basically provide that we would not come back to it until 2022 when, I remind the House, the rotation of Taoiseach will occur. It is now the responsibility of Fianna Fáil and the Green Party not to bounce this ball back out of their area of control and not to allow this legislation and progress in the area to be stalled until 2022, when the authority will be with the person who will then be Taoiseach, who has expressed in the Dáil Chamber that he does not believe in this legislation.

I have proposed an amendment that will instead provide that the Bill should be read again in May. It will allow time for a springtime engagement in advance, a summer between Second Stage and Committee Stage, a proper conversation and engagement, and it would mean we had progressed the Bill this year. I urge the Minister of State to consider accepting my amendment to move the Bill past Second Stage on 31 May instead.

An Leas-Chathaoirleach: The House will understand the decision of myself and the Cathaoirleach to, at this juncture, call the father of the House. I do not think there will be any objection. We will then return to the rota.

Senator David Norris: The Bill is a bit like the curate's egg; it is good in parts but stinks in some of the others. I have advocated since 1979 the extension of the franchise to the University of Limerick and Dublin City University. I have always been onside for that and I think it would be a good thing. I also think the idea of an element of universal suffrage is terribly important for the democratic strengthening of the House.

My friend who has just left the Chamber challenged me on the question of democracy in respect of the county council seats. I well remember the days when party officers used to lock Senators in the party rooms, tell them who to vote for and stand over them until they did so. How democratic was that?

Senator Paddy Burke: Which parties did that?

Senator David Norris: The Senator's party, among others. Of course they did. I remember it. I saw it and was an eye witness to it-----

(Interruptions).

Senator David Norris: -----so nobody can challenge me on that one.

Senator Paddy Burke: That is an outrageous assertion.

(Interruptions).

Senator David Norris: I will most certainly not withdraw it.

An Leas-Chathaoirleach: Senator Norris, without interruption.

Senator Paddy Burke: I have been here since 1979 and I never saw that take place.

Senator David Norris: Well, I most certainly did.

(Interruptions).

Senator David Norris: With regard to the Bill, the idea of one constituency - I will come back to this - is absolutely unmanageable and would lead to a kind of gerrymandering because young people would be gerrymandered out of the process.

There are references to various institutions in the Bill but I think it should now be the technological university that is mentioned.

There is no question that the register is defective but there is no solution. Young people get jobs, move around, go to England or America, come back, go off on holidays, do this, that and the other, and are virtually untraceable. It is a miracle that so many people are caught in the register.

Senator Vincent P. Martin: Senator Mullen does great work on that.

Senator David Norris: I have asked Trinity College several times to give us access to the email addresses of constituents. I do not see why it would not. It is a way of communicating with them. I would like that to be included in the Bill. We should have access to the identities and email addresses of our constituents. That would make democracy considerably better.

The Bill states, "In order to be eligible to be nominated as a candidate for the institutions of higher education constituency, the person shall be required to hold a requisite qualification". I wonder what kind of lunatic would use that requirement. People talk about elitism; there is elitism for you. I glory in the fact that to be a candidate for either the National University of Ireland or Trinity College, one does not have to have a degree. One has just to get a nominator, a seconder and six assenters. That is democratic and that is the way it should be.

I would like to see anybody defend the provision for Taoiseach's nominees as democratic. It is a farce. Of course that feature was intended to give the Government the balance, but this House should not be an oppositional, party-controlled House. It should be for people who have a professional interest and who are capable of adding something to the debate. They should not have to be members of a political party, although I will acknowledge that many excellent people have been nominated by taoisigh and I pay tribute to the various taoisigh for the calibre of the people they have nominated.

Turning to the provision for the electorate, this is a real stinker. The Bill states, "At every Seanad general election the electorate shall consist of ... Irish citizens who are resident in Ireland". That is a couple of million to start with, despite the fact that somebody gloried in the fact that more than 1 million people never vote, but they have access to the vote if they want. It will include, "persons entitled to claim Irish citizenship in Northern Ireland and who reside in Northern Ireland or in the State". That is another few hundred thousand. It will include, "Irish citizens who hold a current and valid Irish passport and who reside outside the State". There is another few million. What about it? Shove them all in. The more, the merrier - uncle Tom

Cobley and all. The Bill goes on to include, “Irish citizens holding a requisite qualification and who are graduates of an institution of higher education in the State, and ... serving members of the Dáil, members of the outgoing Seanad, and serving members of local authorities”. I do not know how many million there are there. It is absolute madness.

I will support the Bill. I am not going to go on about it. I made points in the previous debate about, for example, revising and bringing up to date the nominating bodies. That is an obvious one and it really should be done.

Like the curate’s egg, the Bill is good in parts, but there are some absolutely glaring defects in it, and I hope they will be addressed or amended.

Senator Michael McDowell: On a point of information, the number of Irish passport holders amounts to approximately 800,000.

Senator David Norris: That is a fairly big amount. I would not like to have to contact 800,000. I know we get postage-----

Senator Rónán Mullen: The Senator would need a few more Oireachtas envelopes for that.

Senator David Norris: I certainly would. That is another issue. I was going to ask what happened to the envelopes. I recall when we got 2,500 envelopes; that is now down to 350. That is absolute nonsense, particularly for people like myself who use the envelopes to contact constituents with newsletters.

Senator Paddy Burke: I welcome the Minister of State to the House and congratulate him. I have not had the opportunity before this to wish him well with his portfolio.

I agree with Senator Norris that the Bill is a bit like the curate’s egg: good in parts and not so good in other parts. I thank Senator McDowell for bringing it forward. It has been a good debate but, at the end of the day, I hope in the 12-month timeframe up to the end of next year that the Minister of State uses the time to consider how we go forward with reform of the Seanad, whether it is by constitutional change, referendum or by leading on and amending the Bill before us.

I sat on the committee that Senator McDowell chaired in a very exemplary fashion, and we had some excellent meetings. We learned a lot and it was a good basis for the Bill that has been produced, but there are shortcomings. Senator McDowell will agree that we had to work within the constraints of a previous referendum and the Constitution, and that is why I feel that we need a referendum to change Seanad Éireann. If we are going to have a second Chamber, and the people have decided that we will, I believe that the only way that we can have that meaningful change that the public will appreciate is by way of referendum.

There is talk about extending the franchise to the other universities. I assume that was brought in for minorities, but 80% of the people in this country now go through third level education, so why do we need a universities vocational panel for the House? Why do we need representation for that sector? The vast majority of Members have third level education anyway. We would only be moving the chairs on the deck, and that is one of the reasons we need a change. That type of change can only take place through a referendum.

How can the franchise be extended to 800,000, as Senator McDowell has mentioned, including Irish passport holders abroad and people in Northern Ireland and the Republic of Ireland? There would have to be two electoral registers. We cannot maintain the current electoral register for Dáil and local elections, because there are many shortcomings in how it is compiled. How would having two registers work? I am very much in favour of the provision in the Bill to establish a commission for reform of the electoral register. If one looks at the practical outcome of reforming Seanad Éireann, the franchise could be extended to between 4 million and 5 million people. That is twice the number of people that vote in Dáil elections to elect 160 Members. There would be double that to elect 60 Members to a second Chamber. How feasible is that?

From a cost point of view-----

Senator Fintan Warfield: All I hear are problems. What about solutions?

Senator Paddy Burke: Maybe they are practical problems-----

Senator Ivana Bacik: Try sitting on this side.

Senator Paddy Burke: I did not get a definitive answer when I asked at a committee meeting what the cost would be of extending the franchise under the constraints that exist with postage and everything, but in my view it would cost twice as much to elect 60 Members to Seanad Éireann as it would to elect 160 Members to Dáil Éireann. It costs somewhere north of €20 million for a Dáil election, so one would be talking about more than €40 million to elect Seanad Éireann under the new Bill.

It has all the sorts of problems I have mentioned, so I hope that the Minister of State evaluates all of the issues before he returns to the House at the end of next year, and that he puts us on a path forward. There is no doubt that there needs to be change, and while this House does a great job scrutinising legislation, we can do a better job if we stick at it. One of the problems is that the vast majority of Members want to be Members of Dáil Éireann. The Labour Party proposal to have elections on the same day could be a way forward. There are many issues to address and there are inadequacies and shortcomings in this Bill.

There is also the problem in regard to the counting of votes. One could have a count for a vocational panel where there are 500 electors with 40 or 50 candidates. One could imagine how long that would take; it could take weeks to count and transfer the percentages of votes, etc. That could take an enormous length of time as well, and one would also have to consider the cost of holding those counts in centres. There is a lot to take into account if we want to reform Seanad Éireann. After all, we are talking about a second Chamber. In the previous Seanad, the Government had no majority; in this Seanad, the majority is about two to one, as the Government has 40 and the Opposition has about 20 seats, and I do not see much difference in either Seanad. In the previous Seanad, there was not much of a change in the way we did our business compared with the way we are doing it today-----

Senator Gerard P. Craughwell: We worked hard.

Senator Paddy Burke: We did work hard.

Senator Jerry Buttimer: We were very inclusive.

Senator Paddy Burke: And we succeeded. All in all, I agree with the Minister of State's

proposal to adjourn this matter until next year. I do not think I was the man who proposed going to New Zealand, as Senator McDowell said. He should withdraw that remark or he should clarify who said it. It certainly was not me who said it.

An Leas-Chathaoirleach: The Senator's time is up.

Senator Paddy Burke: The Minister of State has a lot of food for thought regarding how we should go forward and many issues to consider. I wish him well over the next 12 months and I look forward to him coming back to the House before Christmas next year.

An Leas-Chathaoirleach: To be helpful to colleagues, I wish to explain that the Minister must be called at 3.20 p.m. and Senator McDowell at 3.35 p.m. to reply. A number of Senators are offering and I am making them aware of this in case they want to arrange time sharing. Senators Mullen, Byrne, Buttimer and Gavan are offering, and we will not be able to hear all of them.

Senator Eileen Flynn: I am here as well.

An Leas-Chathaoirleach: I am sorry, the Senator had not indicated to me. I did not have her on the list. That is fine.

Senator Jerry Buttimer: On a point of information, must we conclude today? Can we not roll the debate over because more speakers have offered?

Senator Gerard P. Craughwell: If the Senator had his way we would have a year for the debate.

Senator Eileen Flynn: I am here and I would like to speak.

An Leas-Chathaoirleach: Unless Members share time, not everyone will get an opportunity to contribute. On the basis of my list, I call Senator Mullen.

Senator Rónán Mullen: I will be brief.

Senator Jerry Buttimer: The Government benches suit the Senator.

Senator Rónán Mullen: I thank the Senator. The day might come but the weather will be considerably changed in this country when it does, I suspect. An Leas-Chathaoirleach agus an Aire Stáit, fáilte romhat.

When I think of this Bill, I am reminded of the story that all of us have heard many times about the old man in Connemara who is asked the way to Dublin when a motorist stops his or her car and the old man replies, "If I were you, I would not start from here at all." I say that with great respect for Senator McDowell and the former Senator, Dr. Maurice Manning. Both of them have done Trojan work in trying to craft a very honourable and creditable proposal to bring about a Seanad reform that everybody with a titter of wit can see is long overdue and greatly needed. The problem is that they were presented with a mandate that required them to produce a proposal that is very unwieldy and difficult. I say that while fully acknowledging that this is very carefully prepared and intelligent legislation. However, it is hopelessly constrained by the requirement that these proposals must operate within the current constitutional arrangements.

It is worth taking a step back to consider how we got here. This whole chapter on Seanad

reform we are dealing with has its roots in the proposal by the former Taoiseach, Enda Kenny, to hold a referendum to abolish the Seanad, which he also proposed when in opposition. Many people criticised the then Taoiseach's proposal. I stated at the time that it was a crass reach into the cookie jar of popular ideas to present a proposal that would signal to the public that we were going to clean up politics, get rid of wastrel politicians and wasteful public institutions and make democracy simpler by having only one House of the Oireachtas. Thankfully, the voting public saw through the proposal.

For some reason, when the people voted down the abolition of the Seanad that was interpreted, rather conveniently and cynically, by the then Government as meaning that what we now must do is reform the Seanad within the existing constitutional arrangements as though the holding of one referendum and its failure meant that it was not logical or right to hold another referendum to reform the Seanad. The stupidity of that is very obvious when one realises that the then Taoiseach proposed to change our political institutions radically by having a referendum so there was no reason for future necessary change and reform. It was rightly interpreted that the public had not voted to leave things as they were but wanted reform. Somehow, cynically and rather too conveniently for the political establishment, the view was taken that there was a need to reform the Seanad but that this should be done without changing the Constitution. That happened while all sorts of other referenda, good and bad, were being proposed arising out of the Citizens' Assembly process. That was deeply cynical because the ultimate motivation for offering to continue to scrutinise the issues and come forward with a proposal, but without having constitutional change, was to force upon people like former Senator, Dr. Manning, and Senator McDowell the obligation to prepare something that just would be very difficult to work. That is my honest belief.

Senator Michael McDowell: Will the Senator give way for a point of information?

Senator Rónán Mullen: Yes, of course.

Senator Michael McDowell: I always put on the record the fact that the efforts to have the Citizens' Assembly, which came up with a diverse set of proposals, to consider this proposal were stopped as well. The assembly was prohibited from discussing the matter.

Senator Rónán Mullen: It is very helpful that the Senator brought that fact forward. Neither of us is an unqualified admirer of the Citizens' Assembly mechanism, to say the very least.

What is urgently needed, if politicians are genuinely sincere about reform, and as I said last week, is that we identify a date by which the necessary reform must be carried out. We also need a committee of these Houses to consider and be tasked with coming up with a proposal that will, in my view, necessarily encompass a proposed constitutional change and have accompanying legislation to give effect to that.

I am on the record as stating that what I would like to see is a Seanad elected by means of a list system that would allow a national electorate to consider people on the basis of the ideas they have, as groups, and that this would balance, very appropriately, the local basis on which Members of the Dáil are elected. I have said all of this before and I would like to see the various matters to which I refer teased out by a future committee that might be established to consider these proposals. I support the Bill because I support what is an honourable and intelligent attempt to follow through on the mandate that was given.

An Leas-Chathaoirleach: The Minister of State has generously agreed to reduce his speech

by five minutes. In order to facilitate contributions from everyone in respect of this very sensitive issue on which people wish to comment, I propose to give the remaining speakers two minutes each in which to make their points. Is that agreed? Agreed. Next are Senators Byrne and Buttimer. They will have two minutes each. Senator Flynn is also on my list.

Senator Malcolm Byrne: I welcome the Minister of State on his weekly visit to the Seanad. I broadly support this legislation. We had quite a strong debate on the Bill I brought forward last week, the purpose of which is to enact the seventh amendment to the Constitution. The legislation before us relates to a broader question on our democracy and what we would like to see happen during the lifetime of this Oireachtas. It will be good if, at the end of this period, we are able to say that we introduced an effective electoral commission and implemented Seanad reform along the lines of what is suggested in Senator McDowell's Bill. I have issues with some parts of his Bill but they can be teased out on Committee Stage.

We need to look more generally at how we deal with particular business. I find it difficult that the Whip is applied in every circumstance. I certainly believe that for matters relating to the programme for Government and important issues such as the budget, the party Whip must apply. On issues such as this legislation, however, there should be a lot more crossing of the aisle. I hope that in the discussion that will happen on this legislation that there will be a lot of crossing of the aisle. I know happened at the committee chaired by Senator McDowell. Prior to that Dr. Manning's group and Mary O'Rourke's group examined this matter. In fact, Seanad reform is the modern equivalent of draining the River Shannon because it is proposed on a regular basis. We should be the Oireachtas that delivers Seanad reform.

I disagree with much of what was said by Senator Burke, particularly as a great deal of it was a rerun of the 2013 referendum. We need to move beyond that. We need to look at modern ways of voting and have a modern electoral register. I support the Bill.

An Leas-Chathaoirleach: In order for this to work, we must get a move on.

Senator Jerry Buttimer: I welcome the Minister of State and congratulate him on his appointment. After 41 years and 14 reports, we still do not have common ground other than it is Groundhog Day and we want Seanad reform. I very much respect Senator McDowell but on his side of the House there is no equality of where to go. There are some people, and not Senator McDowell, who think it is their way or no way in terms of this debate. Therein lies the problem. Senator Byrne has a proposal to amend the seventh amendment. We have been waiting 41 years for action in respect of that amendment. My view is let us reform. Senator McDowell had a survey of graduates where 51.8% of respondents did not want to extend the franchise to those living in the North and abroad. Others are opposed to extending the franchise to graduates of the new colleges in the NUI constituency. Among the political class, there is a view regarding the casting of our county councillors to one side, on one level, while on another level some of us believe there should be a Seanad election on the same day as the Dáil election. There is merit in what Senator Mullen said concerning a list system in his proposal for Seanad reform. The bottom line is that we will not get agreement on what Seanad reform means. For some people reform, as in the Latin word "*reformato*", means to improve, but is it improvement? There is then the chemical definition of reform, which is meant to be catalytic, but it is pouring petrol on what is happening. There is merit, therefore, in the Government's proposal to have more time because there will not be agreement. I commend Senator McDowell on his perseverance, integrity and professionalism.

Senator Eileen Flynn: I welcome the Minister of State to the House. It is a privilege to stand in front of a Minister of State who I know believes in equality. I have many notes on this issue, but I will be brief and refer to the most important issues. Referring back to what my great friend, Senator Ruane, said earlier, since 1937 people like me have not belonged in our own Parliament, the Houses of the Oireachtas, both the Upper House and the Lower House.

I strongly support this Bill. As Senator Higgins said, if we need to push this process out further, we should do so only for six months. Let us have a look around us. Do we see people of colour in the Chamber? Do we see people with disabilities? Do we see people from the Traveller and Roma communities, people who live and belong in Ireland? We do not see those people.

This process is now in the hands of the Minister of State. I have all the faith in the world in him and I am not in any way being an arse-licker in saying that. Like me, he has been a community development worker and I understand that he fully believes in equality. We can work together in the Seanad, which can be a platform for Travellers and others in society. This is our House as much as it is everyone else's. The Seanad is being reformed and the process is in the hands of the Minister of State. I am delighted that is the case. I know I am putting a lot of pressure on him by saying that but I have hope that reform will happen. I beg the Minister of State to let it be sooner rather than later so that this House can be one for all of us in Irish society.

An Leas-Chathaoirleach: I thank Senator Flynn. We have had model performances, and I have no doubt that Senator Gavan will achieve that as well in two minutes. Those who understand their argument can make it in two minutes.

Senator Paul Gavan: I will make some brief points. I welcome this Bill, especially the fact that it includes our brothers and sisters in the North of Ireland. We hear much about republicanism, but true republicanism means giving everyone in Ireland a vote and a say, and this Bill does just that. It is not a perfect Bill but, as many previous speakers said, it is worthy of support because it brings us a long way down the road of real reform of this Seanad. I am very disappointed by what I have heard from the other side of the House. I cannot imagine how Senator McDowell must feel when he hears comments to the effect that this is a really important debate, he should stick at it and there needs to be change. We are all on the same side, apparently. To paraphrase St. Augustine, I think, and Senator Mullen may correct me on this, Lord make me in favour of Seanad reform, just not yet.

(Interruptions).

Senator Paul Gavan: As Senator Buttimer so eloquently put it, there have been 14 reports. Forgive me, and I am not doubting the Minister of State because he strikes me as a very decent man, but I do not believe there will be Seanad reform because the two conservative parties - his party's partners in government - will move heaven and earth to ensure there is no reform. Those parties are past masters at talking about reform in Parliament after Parliament and then ensuring that nothing changes.

I commend Senator Craughwell on making a courageous speech. With no disrespect to anybody else, the finest speech has just come from Senator Flynn, who summed up in a few words everything that is wrong with the Seanad, this elite House, as it is. We badly need reform. The notion that we will meet on New Year's Eve next year is, frankly, ridiculous. I ask that support be given to the amendments to the amendment and, failing that, that we do not talk about Seanad reform again.

An Leas-Chathaoirleach: I thank the Minister of State for his indulgence and for shortening his speech.

Minister of State at the Department of Housing, Local Government and Heritage (Deputy Malcolm Noonan): Senator Flynn has summed up, in essence, what we are trying to achieve. I take on board all the comments. It is also important to state that during my attendance in the Seanad in recent weeks, I have been deeply impressed with the level of debate. I thank Senators McDowell, Higgins and Craughwell for bringing forward this Bill. I also thank the members of the Seanad reform implementation group, which was chaired by Senator McDowell. Its work led to the creation of this Bill, alongside the contribution of the 2018 report.

Before I comment on the Bill, it is worth reflecting on the background which brought us to this point. An independent working group on Seanad reform, under the chairmanship of Dr. Maurice Manning, was established in December 2014. Its principal focus was on possible reforms of the Seanad electoral system. The group published its report, known as the Manning report, in 2015 with an accompanying Bill. The key electoral reform recommendations in the Manning report were that the majority of Seanad seats would be elected by popular vote in a “one person, one vote” system; that this principle would be extended to include Irish citizens in Northern Ireland and those living overseas who hold a valid Irish passport; and that provision would be made for online registration of voters and downloading of ballot papers.

Moving forward to 2018, and with the agreement of all sides in the Seanad, the reform implementation group, chaired by Senator McDowell, was established and it published its report in 2018. The implementation group departed from the Manning report in a small number of areas and those changes are reflected in the Seanad Bill 2020. The main areas of change include some adjustments to the numbers of Senators who would be elected from the five vocational panels by citizens and public representatives. The Bill proposes that 34 of the 60 seats be directly elected by citizens, while the Manning report recommended 36. The Bill also proposes that 15 seats be elected by public representatives, which is more than the 13 seats recommended in the Manning report. The downloading of ballot papers by voters, as recommended in the Manning report, is no longer proposed. The use of ordinary post instead of registered post to issue ballot papers and combined candidate election literature, rather than separate items of literature for each candidate, was also recommended by the implementation group and that is included in this Bill.

Moving to the substance of the Bill, it largely mirrors the recommendations of the Manning report, starting with the electorate. The Bill proposes to widen the electorate at Seanad elections to include Irish citizens in Northern Ireland and those Irish citizens living overseas who hold a valid Irish passport. A conservative estimate of that electorate under these arrangements is some 5.3 million people. There is no doubt there will be operational and logistical challenges in dealing with such large numbers of postal ballots, so careful planning and adequate resources would be needed. It is worth restating that widening the franchise for Seanad elections in this way means that the franchise in the State for Seanad elections would be wider than for Dáil elections. The scale of the electorate is a point which I will come to in a moment.

The Bill proposes that a register for Seanad elections be established. This would be separate from the electoral register maintained by local authorities for all other elections and referendums, and it would be maintained by a new Seanad electoral commission. However, we estimate that nearly two-thirds of those who would be entitled to be on the Seanad register are already on the register of electors maintained by local authorities. The argument put forward

in the report from the implementation group on having a separate register requiring voters to voluntarily apply for inclusion on the Seanad electoral register would mean the register would be largely populated by members of the electorate who have demonstrated an interest in participating in Seanad elections. It is anticipated that, under these arrangements, rather than there being a rush to register, the growth of the register would take place gradually.

The group also anticipates that the number of Irish citizens in Northern Ireland, as well as those living outside the State, who would exercise their right to register would be much lower than the total number entitled to register. However, I do not believe that this is necessarily a given, as it is likely that the uptake of the register of Seanad electors could be quite high in Northern Ireland by Irish citizens resident in the state. In any event, I believe it is important that we design a system of electoral reform which accommodates the full potential of the electorate, rather than some anticipated reduced uptake of registered electors. In regard to the establishment of a Seanad electoral commission, as I have previously outlined in this House on a number of occasions, work is also well under way in my Department to prepare the general scheme for an electoral reform Bill. This includes the provisions to establish an electoral commission. As it is intended to have the commission established by the end of 2021, it does not make sense to have two parallel commissions in place. Again, a detailed examination of this issue is necessary.

On the university franchise, Senators will recall that this issue was the subject of the Private Members' Bill brought forward by Senator Byrne last week. The Bill before us today proposes a single six-seat constituency, the franchise for which would be extended to other institutions of higher education apart from the National University of Ireland and Dublin University. This would give effect to the 1979 referendum on this point. However, it is worth noting that the group did not all agree on this proposal and for that reason, an alternative proposal was recommended by some group members. This option would divide the university constituency into three sub-panels, each of which would elect two Members. I know some Senators would favour this option. As I indicated last week, a detailed examination of how the election of university panels would work and how Senator Byrne's Bill fits with this Bill needs further consideration.

There are a number of other Seanad electoral reform proposals that still need to be teased out more fully. For example, it is proposed that when applying for inclusion on the register of electors, a voter would choose the constituency in which he or she would rather vote at Seanad elections. This could give rise to some constituencies having significantly more voters relative to others and relative to the respective numbers of seats. This Bill does not appear to make any provision for balancing constituencies and this needs to be addressed.

I also note that there is provision in the Bill to place a time limit on the period a person has been resident outside the State in order to qualify to be registered in a Seanad election. This would limit the overall number of electors based overseas. However, there are some questions to be addressed. For example, what period of time should be allowed and how would that work in practice? We do not formally track the movement of our citizens in and out of the State and so these issues also need to be given further consideration.

Another matter that would need careful examination is the use of a passport as evidence of citizenship. A passport is not currently a declaration of requirement to citizenship and to link one directly to an electoral right based on citizenship would not be in keeping with the primary purpose or function of a passport, which is as a travel document. In addition, the attachment of a cost - that is a passport fee - to the right to exercise franchise in an election may have an

impact on the ability of certain citizens to do so and may have unintended consequences in that respect.

I have pointed out some of the issues with the Bill which require further consideration and it is also worth mentioning some of the alternative views that were expressed by the Seanad reform implementation group report, which may also merit some examination. For example, Sinn Féin members believe that further reform could be made by the Seanad examining the current constitutional provisions and how they can be changed to facilitate a modern, diverse and democratic Seanad. Fine Gael members state that real, meaningful and tangible reform, leading to a modern 21st century Seanad Éireann can only be achieved through constitutional change and through the holding of a referendum. An Independent member of the group also states that reform of the Seanad into a fully democratic body within the terms of Articles 18 and 19 of Bunreacht na hÉireann is not possible.

As I have outlined to this House twice in the past week, I am prioritising the implementation of the Government's electoral reform commitments. This will be done by advancing the electoral reform Bill as soon as possible. Long overdue and significant changes will be introduced in that Bill by the modernisation of the electoral register and the establishment of an electoral commission. The Bill will introduce other reforms but these are the two areas that would most impact on Seanad reform. For reasons I have already stated and against that background, as I have indicated last week during the debate on the Seanad Electoral (University Members) (Amendment) Bill 2020, more time is needed to allow further consideration of the Seanad reform proposals being proposed in both Bills. I hope to be in a position to advance this work in 2021, following the completion of the Government's electoral reform plans.

I also note that I have a timeline of the electoral reform processes down the years. I am conscious of the frustration and impatience of Members of this House at times for this reform process. I have listened carefully to Senators' deliberations this evening and I remain personally committed to achieving this reform with them over the coming years. I also want to say that I recognise the need for action and I want to emphasise that this amendment is a measure to allow an agreed approach, not an exercise in kicking the can down the road. The Minister, Deputy Darragh O'Brien, has indicated that he will engage with Senators before Christmas on how to approach the issue and aims to come before the Seanad by May 2021 with proposals to ensure that progress is made. I hope these commitments are to the satisfaction of Members. I reiterate our commitment to ensuring this happens and I thank all of the Senators for their contributions.

Senator Michael McDowell: I thank the Minister of State for his remarks and I thank everybody who has participated in this debate. It is important that this debate should have occurred. I do not have as heavy a heart as I had when I stood up to move the Bill. The reason is that I accept what the Minister of State has said, that he is committed to reform of the Seanad.

The fact that there was not unanimity on every point in the Seanad reform implementation group does not mean there was not agreement on the Bill that was produced. We had our differences and we expressed them. There was no provision for a minority report but the Bill that was put forward was put forward by a solid majority of the members who were present and it represents the common ground among them.

Statements have been made that the present panels are somehow not fit for purpose. I wish to remind the House of what they are and to ask the House what aspect of Irish life is not included. The cultural and educational includes, "the national language and culture, literature,

art, education and such professional interests as may be defined by law”. The agricultural panel includes, “agriculture and allied interests, and fisheries”, which would include rural affairs, forestry, horticulture and rural tourism. There is the labour panel, “whether organised or unorganised” and there is the industrial and commercial panel, involving, “industry and commerce, including banking, finance, accountancy, engineering, and architecture”. Last but not least is the administrative panel, which includes, “public administration and social services, including voluntary social activities”. The whole voluntary sector is entitled to be included in that panel.

Senator Vincent P. Martin: Spiritual life.

Senator Michael McDowell: The point I am making is that the number of Senators allocated to each of those panels under the present constitutional framework is variable. One could slash the agricultural panel to five Senators and increase the allocation to those involved in voluntary social services on the administrative panel to ten Senators. There is nothing sacrosanct about the present distribution of seats.

Senator Burke and others have spoken about cost. Cost is dealt with in this report and we reckoned it would cost roughly €1 per vote to send out a ballot paper to people. The Minister of State will acknowledge that there will be increased postal voting in Ireland in any event. It is very cheap and the agency which gets that money is An Post, which is on its uppers, so I do not see that this is an issue. Members forget what it costs to run a general election between the jigs and the reels. It costs more than just the stub of a pencil in a polling booth.

The momentum to change the way in which this House is elected is not of my making. Former Senator Feargal Quinn saved this House from abolition more than anybody else but the momentum was widespread. In his first three months of membership of Dáil Éireann after the 2007 election, the Tánaiste and former Taoiseach, Deputy Varadkar, said in an interview that he intended that the time of that Dáil would be the last occasion on which the Seanad would be elected in the way it was at the time. I am critical of him because I am critical of the fact that he

4 o'clock set in train a procedure which he effectively discarded at the end. However, I am convinced by what the Minister of State, Deputy Noonan, has said to me privately and has told me I can tell this House publicly, that he is committed to this. I want to put it on the record of the House that the Minister, Deputy Darragh O’Brien, said the same to me today. I am willing to take their assurance that they are committed to this. It does not really matter whether this Bill goes to Committee Stage today. I accept that, because providing Committee Stage time for a Private Members’ Bill is problematic, but if we are being told the truth, this Seanad will be the one which sets in train electoral reform.

The last thing I want to say is this: people said we need constitutional reform. That is fine: so be it, but they should look at the Constitution. This House cannot initiate legislation for the amendment of the Constitution. If we cannot initiate that amending legislation, the most we could do, and the least that we should do, is to reform ourselves within the ambit of the present Constitution. So, on that basis, I stand by my motion that the Bill should now be read a Second Time.

Senator Ivana Bacik: Hear, hear.

Amendment to amendment No. 1 put and declared lost.

Amendment put:

The Seanad divided: Tá, 29; Níl, 14.	
Tá	Níl
Ahearn, Garret.	Bacik, Ivana.
Blaney, Niall.	Boyhan, Victor.
Burke, Paddy.	Boylan, Lynn.
Buttimer, Jerry.	Craughwell, Gerard P.
Byrne, Malcolm.	Gavan, Paul.
Casey, Pat.	Higgins, Alice-Mary.
Cassells, Shane.	Hoey, Annie.
Clifford-Lee, Lorraine.	Keogan, Sharon.
Conway, Martin.	McDowell, Michael.
Crowe, Ollie.	Mullen, Rónán.
Cummins, John.	Ó Donnghaile, Niall.
Currie, Emer.	Sherlock, Marie.
Daly, Paul.	Wall, Mark.
Davitt, Aidan.	Warfield, Fintan.
Dolan, Aisling.	
Dooley, Timmy.	
Fitzpatrick, Mary.	
Gallagher, Robbie.	
Kyne, Seán.	
Lombard, Tim.	
Martin, Vincent P.	
McGahon, John.	
McGreehan, Erin.	
Murphy, Eugene.	
O'Loughlin, Fiona.	
O'Reilly, Joe.	
O'Reilly, Pauline.	
Ward, Barry.	
Wilson, Diarmuid.	

Tellers: Tá, Senators Robbie Gallagher and Seán Kyne; Níl, Senators Michael McDowell and Victor Boyhan.

Amendment declared carried.

Motion, as amended, put and declared carried.

Business of Seanad

Senator Seán Kyne: I propose an amendment to the Order of Business that, notwithstand-

ing the order of the Seanad today, No. 5 shall commence after a 15-minute sos for sanitation and conclude after 45 minutes and No. 6 shall commence on conclusion of No. 5 and conclude after 1 hour and 15 minutes.

An Cathaoirleach: Is the proposal agreed? Agreed.

Sitting suspended at 4.03 p.m. and resumed at 4.18 p.m.

Living with Covid-19 Restrictions: Statements (Resumed)

Acting Chairman (Senator Victor Boyhan): We will resume statements on living with Covid-19 and have an update on level 5 restrictions. I welcome the Minister of State at the Department of Health to the House.

The following people have been noted as speaking and I am advised that they cannot speak again: Senators Clifford-Lee, Byrne, Keogan, Conway, Hoey, Gavan, Higgins, Dooley and O'Loughlin. Senator Currie had possession so she can resume and she has four minutes.

Senator Emer Currie: Last week I spoke about directors of nursing in nursing homes. These directors have years of experience doing assessments for tests for all of the other viral infections except Covid-19 but must go through GPs who do not necessarily visit homes every day. While I might call my GP and organise a test quite quickly, directors of nursing cannot do so. I can also call my out-of-hours service which can organise a test without delay. However, a nursing home might have to wait for a GP to visit and officially say that a test is needed, and then the nursing home does the test. This is an unnecessary delay that I hope can be fixed.

I understand from a general data protection regulation, GDPR, point of view that when it comes to blanket testing the results go to the employee rather than the employer. If an employee consents can the results also be shared with his or her employer so that the employer and the home can make sure they can co-ordinate and manage staffing and safety protocols more safely? The Minister of State will know the strain on staffing levels.

I have a question on the turnaround time for tests. Are tests for private nursing homes prioritised in the same way as hospitals? Why do people who are diagnosed with Covid-19 only receive their code to input into the Covid app, which kicks off the automatic phone-based contact tracing, after the HSE's contact tracing has reached out personally? One gets a text to say whether one has Covid-19. Should the code that one can put into one's phone not be given at that stage if the result is positive rather than wait for the contact tracing team to make contact and then send a text with the code? That, too, might speed up the process.

The news about vaccine development is very encouraging. Where are we with the vaccine uptake strategy? I recommend that somebody meets the Psychological Society of Ireland as it has compiled a report on influencing vaccine behaviour. The society is in a really strong position due to its experience in behavioural change and health to inform a communications strategy that will be essential. As many as 1.5 million people die each year from not getting vaccines, according to the PSI. In the Ipsos MRBI RTÉ survey, one third of the respondents said they would be unsure about a vaccine and 12% said they would not take it. The society recommends an approach that is about altruism and good citizenship rather than fear-based messaging, and

to tease out how to avoid choice anxiety, taking into consideration where we are at the moment in terms of behavioural challenges.

I wish to refer to maternity hospitals once again. These women need more compassion and transparency. Their partners are willing to do anything such as paperwork, texts or whatever. Can we come up with a commonsense approach as we exit level 5? One in five women suffer a mental health problem in pregnancy or after birth, which can be mild or severe, but if left untreated this can have a significant impact on family relationships. Has the Department of Health liaised with the specialist perinatal mental health services to establish if there has been an increase in women seeking treatment since March? What measures are being taken to address the issue?

I have heard that water births have been ceased. I am a bit confused by that as they can happen at home, which might be a way to reduce the spread of infection.

Will the number of people allowed to attend weddings and funerals be increased as we consider levels? Can the Minister of State advise if children's swimming lessons could be included as a controlled sport under level 3 because swimming is a life skill and is not just a sport?

Senator Jerry Buttimer: I welcome this debate and the Minister of State. I congratulate him on his appointment and elevation to the Department of Health.

I do believe that we need to have a rolling debate on the reopening of our country. The former Minister, Deputy Eoghan Murphy, made a suggestion at the Fine Gael parliamentary party meeting last week on the need to have this debate. It is important that the Houses of the Oireachtas have a debate on the reopening of our country, not just living with Covid-19, because, as Senator Currie has eloquently articulated, there are myriad issues that need to be addressed.

Part of our difficulty still remains the body charged with overseeing the HSE contact tracing, now more than ever. I welcome the Government's commitment to hiring more contact tracing personnel. There was a deficit as we headed into the second spike that should never have been allowed to happen. The Government and the HSE knew there was a second spike coming yet we did not recruit enough people for contact tracing.

Acting Chairman (Senator Victor Boyhan): Hear, hear.

Senator Jerry Buttimer: I know people who have never been contacted by the contact tracing team or the HSE. In saying that, I pay tribute to the men and women working on the front line in Covid wards and ICUs for the way in which they look after and care for patients. Equally, I pay tribute to the people who work in nursing homes for the care they give to older citizens.

There is a real debate needed, whether regarding retail, sport, hospitality or education but the list goes on. This morning, the Teachers Union of Ireland made a very positive and worthwhile suggestion that 18 December would be a cut-off point for schools, which is a very tangible measure that can be taken.

With the permission of the Cathaoirleach I wish to read into the record of the House an email I received from a person who works in the hospitality sector. It reads:

We are all delighted that the numbers are coming down and look forward to reopening.

However, in order to reopen we need to know next week will we be reopening on Level 3 or Level 2. There is a huge difference between both levels from a staffing, stocking and organizational point of view. We need to know how many staff to rehire, how much stock to bring in etc. In order to open again on 1st December, if we will open at all, and we need to bring staff back the week before (24th November) to clean and organize the reopening of the hotel again. It is not possible to reopen the business with 24 hours notice of which level we will be reopening under. We are also getting a lot of enquiries for Room Bookings for December and we are unable to take any bookings until we have outline indications.

While I appreciate that the government may not want to make an announcement on reopening levels and that public health and safety are of paramount importance and then have to backtrack, consideration needs to be given to business so that we can reopen in a timely and safe manner.

We have all received emails about public health and how people are treated. There is a need for a debate. In its contributions this week, IBEC has been very moderate in asking for clear indications. We welcome the announcement by different pharmaceutical companies with regard to vaccines, but vaccines in themselves will not be a panacea or spell the end of Covid-19. We must all redouble our efforts.

I am glad the Government did not pander to commentary on a number of small but well-documented incidents in Dublin and Cork at the weekend. To be fair, 99.1% of our population is being very compliant. As an aside, what is it costing the HSE to sponsor content, I believe the weather forecast, on RTÉ? Why is the HSE doing this when that money - if any money is being spent, I am open to correction on that - would be better used in fighting Covid-19?

I again thank the men and women in our health service for the sterling work they are doing every day. I sympathise with the people who have lost loved ones or family members to Covid-19. We all have a duty of care to ensure that the battle against Covid-19 is won and the virus is eliminated. I commend the Minister, Deputy Stephen Donnelly, and the Minister of State, Deputy Feighan, on the work they are doing.

Senator Mark Wall: I too welcome the Minister of State back to the House. I also pay tribute once again to all of those who continue to put themselves forward to help others, both workers and the many volunteers who have come to the fore during this pandemic. I am aware of people with disabilities living independently who are only seeing their carers for 30 minutes in the morning and another 30 minutes in the evening. Outside of that, they are in total isolation and have no human contact for the rest of the day. Most have severe underlying health conditions and cannot have visitors or go anywhere within the area allowed under the restrictions. Some of these individuals receive phone calls from social inclusion groups within their area such as Older Voices Kildare, a terrific group which does great support work. I ask the Minister of State to consider providing further supports for those isolated in this way and groups such as Older Voices Kildare which are filling gaps in the lives of many at this difficult time.

We will discuss the area of domestic violence separately in the Seanad next week, but I would also like to raise it today. It is always important to let people know that help is available. Women's Aid Ireland recently reported a worrying increase of 1,000 in the number of calls to its helpline each month since Covid began. Its telephone number is 1800 341900. Unfortunately, like many others, I have dealt with more distressing calls as a public representative in recent months than I have ever had to deal with previously. Covid has unfortunately created many

new domestic monsters and organisations such as Women's Aid and Teach Tearmainn in my county of Kildare need as much Government support as can be given at this time.

I also raise the issue of pay for our student nurses. I support the call made on this and ask the Department to urgently consider it. Student nurses have rightly received applause and warm words from members of the Government but these young people need payment. I have been contacted by many student nurses who have had to give up their chance to work for care providers or nursing homes because of the demands on their time during this Covid crisis. Student nurses should be paid for the essential work they have carried out. I am sure the Minister of State would agree that, without them, the health system would be under much more pressure than it currently is.

Like many colleagues, I continue to receive queries regarding waiting times for hospital appointments and procedures. I am informed that the number of patients on the outpatient waiting list is now over 600,000. I would appreciate it if the Minister of State could let us know what he and the Department are doing to address these non-Covid medical needs. What plan is in place, or what plan will be put in place, for non-Covid conditions? To tease out the issue a little further, how will those who have missed out on appointments be treated within the system? Nothing really stands out in that regard apart from the fact that the number on the waiting list is well over 600,000. Perhaps the Minister of State could address that in his reply.

Moving away from the area of health, I will mention an issue regarding education. I refer to the pressure on the leaving certificate class of 2021 due to the lack of clarity as to whether they will sit a final examination. There is constant pressure on them to perform to their maximum in each class test as each result may be taken into account if we have to go down the road of predicted grades once again. Having spoken to a number of students, I know this additional pressure is having a detrimental impact on their mental health. They feel that they are in constant examination mode and they are not getting the downtime they need. I ask the Minister of State to address that issue with the Minister for Education.

I am sure the Minister of State is aware of all of the local efforts to run "shop local" campaigns to support local businesses, as has been mentioned, but also to support the local communities that depend on those businesses. In my home town of Athy, there is a very active campaign to shop local. Like other Senators, I get almost daily requests from businesses from around Kildare. What assurance can the Minister of State give those businesses that they will be able to operate in the run-up to Christmas? Is his Department planning any additional health advice for the general public as to how they might safely go about shopping locally? I am sure he would support these local campaigns but I am equally sure that these business owners are looking to him and the Government for guidance and help at this time.

I will use this opportunity to again mention those who are suffering from long-term and terminal illnesses. I will raise the issue of medical cards for such people. It is an issue I have brought up before with the Minister of State and the Minister. The campaigner, John Wall, has received a letter back. Perhaps the Minister of State could give us an update on what is happening. I believe a report is about to be issued. I support Mr. Wall's campaign totally.

Senator Tim Lombard: I welcome the Minister of State. He is obviously no stranger to this Chamber. I welcome his new position. This debate is very welcome. How we live and interact with Covid will be a significant issue in the future. The Houses of the Oireachtas need to consider holding debates like this, or perhaps even a rolling debate. The issues we have seen

over the last seven or eight months have been frightening. The general public and the State have reacted amazingly to these issues and we have tried to change our lifestyles and behaviour to survive this crisis. We are effectively living through history and, because of this, we have come across things we never thought we would. We are wearing masks and are involved in other things every day in which we never thought we would be involved.

There are a few issues I would like to raise with the Minister of State. One, which is directly related to his Department, is the issue of nursing homes. There are major restrictions on nursing homes. I understand the criteria behind them but we need to consider people who have dementia and who suffer from Alzheimer's disease in particular. Their only way of making contact with people is through physical touch. A family has been in contact with me regarding loved ones in nursing homes whom they have been unable to physically touch since last March. This is an unfortunate side-effect of the Covid crisis. Time is very limited for these people. Will they see another Christmas? I hope they will but they might not. Not being able to hold a person's hand, let alone hug them, is a major issue for these people. As we try to live with Covid, perhaps the Department needs to review how interaction could be allowed for the small number of people who have dementia or Alzheimer's and have no other way of communicating. Meeting online unfortunately does not work for these people. The holding of someone's hand is literally their only form of communication. We need to look at those issues if we possibly can because, unfortunately, time is not on these people's side. Some of them are parents and their children feel helpless. They do not know how they can interact with their parents in the last few months of their lives. I know I have raised this issue with the Minister of State before but he might respond to it, if not today then in due course, because it is a key issue which we need to examine.

As we try to live with this disease another cohort of society that is struggling is the generation that has gone back to school. I refer in particular to children in first, second and third class, as I have personal understanding of what they are going through in school. What Covid means to them is that they can no longer see their grannies on a weekly basis and their mothers and fathers are at home full-time, which, in many ways, is a good environment. Last September, they went back to school and Covid hit them like a brick. They are continuously sanitising and some are sitting behind screens. The lack of knowledge for those seven-, eight- and nine-year-old children became apparent to me. There needs to be a focused campaign on how we can interact with these schoolgoing children so they understand that Covid is not going to kill them. Unfortunately, in my household, after the first two weeks of school my children thought it was going to be the end of them. It took a lot of engagement to calm them down and to make them understand if they do the right thing everyone will be okay. I believe we need a campaign, which should be something like an animated cartoon, to bring it down to children's level such that they can have an interaction at their basic level. They have fierce understanding but they will interact with that campaign. A campaign of this nature to inform our primary school children would be beneficial. I am asking that the Department of Health would examine with the Department of Education the introduction of a campaign for our primary school children in particular who need a real understanding of Covid and what can be delivered on the ground. I believe it would be a game changer.

The third issue is what will happen in regard to Christmas, in particular Christmas week. We will have debates about pubs opening and so on. I believe we will have to put in place protocols around the management of religious affairs and access in that regard during Christmas week in particular. The week of 25 December is a special occasion for families and communities. If protocols are to be put in place we need to start talking about them now such that those

who might need to put in place structures will be made aware of them. Communities want to celebrate Christmas, Christmas Eve and Christmas morning in their particular way. Time is of the essence. The Minister needs to issue a strong statement regarding how we can celebrate those religious affairs.

Senator Garret Ahearn: When it came to my attention earlier in the week that a debate on living with Covid was scheduled for today, I thought it was only right and proper that I should take the opportunity to contribute to that debate. Like thousands of people in this country, I have lived with Covid for two weeks and it is important that I put on the record of the House my experience of it. I was lucky. I did not have many of the symptoms experienced by most people. In terms of how the HSE and my GP dealt with it, the structure in place is phenomenal. I rang my GP on a Monday and on the Tuesday at 5 p.m., 24 hours later, I had a test and I got my result on the Wednesday. I was symptom-free so I was surprised when I received a text message which confirmed that I had tested positive. I had been self-isolating since the Monday. The turnaround was impressive. The following day I was contacted by the HSE to discuss my close contacts.

Last week in the Seanad and again today I heard people calling for the opening up of the country to a certain level and saying that there are particular sectors of society and particular areas that are special cases and should be seen as such. I agree with what people are saying in terms of opening up churches and particular areas but in my own experience, my first reaction when I found out I tested positive was guilt in regard to those people to whom I might have spread the virus. In terms of close contacts, I had two, my wife and my child. For anyone in politics to have only two close contacts in the space of 48 hours is pretty much unheard of. When I reflect on it, the reason for that was the measures introduced by Government and the constant message not to meet people, to lock the office and to reduce one's contact as much as possible. Everyone worries about contact, whether with their parents or their young children. I was extremely lucky and I put that down to very difficult decisions that were made in the last four to six weeks in terms of moving to level 5. Not everyone was in favour of it because it is putting businesses and many people under huge pressure but it is about saving lives and keeping the numbers down.

I commend the Minister and the Department on their work. It is only when one tests positive one understands the fear in terms of where it might have spread beyond oneself. It is great to see that the numbers are reducing. We need to reduce them further. There are two weeks remaining of the level 5 lockdown and there will be a review before 1 December in terms of changes that have to be made. I agree with colleagues that we need clarity as quickly as possible. Businesses, pubs and retail outlets are all hoping and have their fingers crossed that they will be able to open and do some sort of business during the Christmas period. We need to give reassurances to them as quickly as we can. I know that is extremely difficult. I support my colleagues' comments in regard to churches and mass. Christmas is a really important time for people in my community in Grange and in Tipperary and everywhere else. It is really important that people can celebrate Christmas, in some way normally if they can. Not all churches are big and many will not have huge numbers in attendance so they would be well able to facilitate holding mass during the Christmas period. The Government has been extremely good in terms of clarity and direction in the last month in regard to level 5. I would stress to the Minister of State the need to continue that in whatever level we move to in December.

On a personal level, I thank the Department, the HSE and NPHET. From my experience, the plan works and people do come out the other side of Covid.

Acting Chairman (Senator Victor Boyhan): There are no other Senators offering. Before I call the Minister of State, Deputy Feighan, to respond, as I have not been in the House previously when he was here I take this opportunity to congratulate him on his appointment and to wish him every success.

Minister of State at the Department of Health (Deputy Frankie Feighan): I thank all Senators for their contributions to this important debate on the Government's response to Covid-19, including the plan for living with Covid-19, Resilience and Recovery 2020-2021. Our overall goal is to reopen our society and economy as safely as possible. This is a challenge facing Governments the world over. Senators will have seen the responses to the pandemic that have been undertaken by countries across the world. With over 50 million Covid-19 cases now detected and the numbers rising daily, clear and decisive action is required.

The resilience and recovery plan sets out a clear framework for decision-making in regard to this Covid health pandemic. Our objective is to strike a balance between what is safe and what may risk increasing transmission of the disease. Therefore, we are prioritising particular sectors of society in the knowledge that we are working towards the restoration of normal life in the future. The measures set out for level 5 are judged to be those that give us the best chance of limiting the spread of the virus, while at the same time keeping the priority areas of society and the economy open. Not every sector of the economy can open at this time and we would like to have more contact with our loved ones and our friends. It is important to remember that these restrictions are necessary to keep the most vulnerable members of our society as safe as possible. I understand what Senator Lombard stated about nursing homes and people with dementia. We would like to do far more but, unfortunately, many of these restrictions must be kept in place. It is very difficult for people in nursing homes. Indeed, my mother is in a nursing home and we have not had physical contact with her since last March. I pay tribute to the staff and those trying their best in very difficult situations to address that very difficult issue. As always, we will be guided by the expert advice of NPHET, the World Health Organization and the European Centre for Disease Prevention and Control. We acknowledge the leadership shown by the European Commission and recognise the value of collaboration with it and other EU member states.

We will continue to promote clear public health advice for individuals. Much of the advice has not changed for many months. I hear what Senators are saying regarding communication, cartoons and messages like that. The HSE and the Department of Health have very clear structures governing how to get that message out. It is no harm to sometimes look at other ways of doing that. Other countries may have different ways of getting the message out. Deep down, we have to get the message out. Most people have worked in collaboration. We need to keep that united team, although doing so is becoming more difficult because we are now seven or eight months into this and it can be difficult to get that message out. The message is about good cough etiquette and hand hygiene, wearing a face covering as required by law and when visiting vulnerable people, avoiding crowded places and public transport as much as possible and working from home where possible. As a society, in order to suppress transmission of the virus and to reduce the impact of the disease, it is important for all of us, in all walks of life, to heed that advice. Although the Government can legislate for mandatory face coverings on public transport and in retail settings, it cannot legislate for every situation. We must all take an element of personal responsibility. We are human and we are all trying to do the best possible but sometimes we may err in our judgment. I call on everyone to continue to fight that battle. There are encouraging and positive signs that level 5 measures are beginning to have the

intended effect. In the past two weeks we have succeeded in reducing community transmission and disease incidence.

Senator Currie referred to nursing home testing, the Covid app and waiting for contact tracing teams. I or my officials will get back to her on those matters. I refer to issues such as when the vaccine is rolled out. There will be challenges in rolling out the vaccine, first to more vulnerable people and front-line staff and then more generally. The Senator also referred to maternity hospitals and measures to protect mothers' mental health. That is an issue of which we are very aware.

Senator Buttimer commented on reopening the country and contact tracing. He also referred to the 18 December cut-off in schools, the advertising and getting the message out. It is necessary to get the message out.

Senator Wall referred to supports for older people. I wish to pay tribute to all the organisations that are dealing with this issue. I would like to think there is funding in place. If there are issues, Senators should please write to the Department and we can address those local issues. There has been a worrying increase in domestic abuse. I pay tribute to Women's Aid and the Garda Síochána. They are very concerned about, and aware of, that increase. We are getting the message out that there are people there to help. Those affected should never feel they are alone. I hope the structures and systems are in place to deal with that issue.

The Senator also referred to paying student nurses. That is an issue we are trying to address. Outpatient numbers have increased but we are now dealing with telemedicine and such supports. Covid has brought in many opportunities to change the way we do business. Reference was made to eprescribing. It was brought in in a matter of two days. There are many things we can learn from this awful virus.

Senator Lombard referred to Christmas, as did Senator Ahearn. Church representatives and faith leaders have met with the Taoiseach and I would like to think they have in place a system to protect parishioners. I have seen it myself. I hope that in the coming weeks we will be able to open up churches and other places of worship. Very robust systems have been put in place. They will be adhering to public health guidelines.

We have succeeded in saving people's lives thanks to the collective efforts of the public to adhere to the guidelines in line with the expert knowledge and advice of our public health specialists, and also thanks to the dedication and hard work of front-line workers. We need, individually and collectively, to keep doing the basic things right. That is what the vast majority of people are doing. Now is not the time to be complacent. We must keep driving down the disease in order that it is brought further under control. We must keep going.

I extend my sympathies to the family and friends of those who have died in recent months as a result of contracting Covid-19. I wish to acknowledge once again the contribution of front-line workers to the national effort. I know all Senators will join me in thanking every individual for their continued hard work and resilience at this time. In light of the good news on vaccines, it is to be hoped that they will be rolled out, possibly before Christmas or in the new year, and that at this time next year we will be talking about the Covid-19 response. I believe the country has mobilised. We do not always get it right, but I think we have been ahead of the curve globally. I hope we will be vigilant. I thank Senators across the House for their co-operation in these difficult times.

Flooding: Statements

Minister of State at the Department of Public Expenditure and Reform (Deputy Patrick O'Donovan): I welcome the opportunity to address the Seanad on the issue of flooding. Only two weeks ago, I was pleased to have had the opportunity to hear from Dáil colleagues on flooding matters on the Shannon and across the country and I outlined the Government's ongoing work in tackling the issues.

I am very familiar with the devastation that can be caused by flooding for individual homeowners, businesses, landowners and communities. Since my appointment as Minister of State with responsibility for the Office of Public Works, OPW, I have visited a number of areas affected by recent storms and flooding, including Kenmare, Skibbereen, Bantry, Clifden, Dunmanway and Kilmallock. I have witnessed at first hand the damage and the distress caused in these communities. I have met and spoken to the people and business owners directly affected by flooding.

The Government understands the plight of these communities and we have a very strong record in managing flood risk in Ireland through a whole-of-government approach. I attended the recent meeting of the interdepartmental flood policy co-ordination group and was impressed by the extent of measures already in place and being progressed to avoid construction in flood-prone areas, protecting at-risk communities and responding to reduce the impacts of flood events.

The catchment flood risk assessment and management, CFRAM, programme is informing the Government's approach to managing flood risk. It was the largest study ever undertaken of our risk from significant flood events, so-called 100-year floods. Its output of 29 flood risk management plans gave the Government the evidence to progress 150 flood relief schemes in addition to the 46 major flood relief schemes that have been completed.

The additional schemes that are being progressed are underpinned by investment of €1 billion as part of the Government's National Development Plan 2018-2027. This significant level of funding reflects how determined the Government is to protect people, properties, businesses and communities from flooding. In just two years, this funding has allowed the OPW to accelerate from 33 to 93 the number of schemes being brought through to planning, design and construction stages.

This investment is providing real benefits to communities throughout the country. By way of example, the completed schemes are avoiding approximately €80 million worth of damage from floods on average every year, have avoided the flooding of many hundreds of properties during numerous recent events when areas would have flooded and are preventing the societal disruption and distress that many recent floods would otherwise have caused in communities.

Outside the major flood relief schemes, local flooding issues are being addressed by local authorities with support from the OPW under the minor flood mitigation works and coastal protection scheme. This scheme provides funding for minor flood mitigation works or studies, costing up to €750,000 each, to address localised flooding and coastal protection problems. Since 2009, €39 million from the OPW minor works scheme has gone towards protecting 7,100 properties across 580 projects. Two thirds of these schemes are outside the CFRAM areas. The scheme is a valuable source of funding for local authorities to address local flooding issues.

While the funding available under the scheme, following a review, recently increased by 50% to €750,000, I am glad to give consideration to increasing this further to €1 million. I hope to make a decision on it shortly.

The OPW is also responsible for the 11,500 km of river channel, including approximately 800 km of embankments which have formed part of the arterial drainage schemes since 1945. These are kept under proper repair and in an effective condition by the OPW through an annual maintenance programme that protects 260,000 ha of agricultural lands.

The Government's once-off voluntary homeowners relocation scheme is providing humanitarian assistance to a number of properties worst affected by the floods in 2015 and for which there are no viable engineering solutions. The Minister for Agriculture, Food and the Marine, Deputy McConalogue, is introducing a scheme to work with those worst-affected farmers, including considering relocation of farmyards as an option.

In return for its investment in flood relief schemes, the Government expects protected homeowners and businesses to be able to access affordable flood insurance cover. Through the OPW's memorandum of understanding with Insurance Ireland we are already seeing the level of insurance cover increasing in protected areas from an average of 77% in 2015 to 81% and up to 93% today in areas with fixed defences. However, the level of cover in areas protected by demountable defences remains lower. I have raised this issue with the Department of Finance and I will work with the Minister for Finance to resolve the concerns expressed by the insurance industry with demountable defences and will explore how greater transparency in flood insurance can be achieved.

I will now set out what is being done to address specific issues on the River Shannon. One of the six CFRAM study areas included a dedicated study of the flood risk of the Shannon river basin. The flood risk management plans derived from the CFRAM programme include 34 new flood relief schemes to protect towns in the Shannon river basin district. These new schemes, together with 11 additional schemes already completed, will protect 95% of properties at significant risk from flooding in the future. Of the 34 new schemes to be delivered for the Shannon area, work has commenced on 25, which are at various stages of development.

The Government established the Shannon flood risk State agency co-ordination working group in 2016 to both enhance the ongoing co-operation of all State agencies involved with the River Shannon and support the work planned by the flood risk management plans. Senators will recall that the group was established, at that time, following severe flooding arising from a series of storms and a period of sustained rainfall between December 2015 and January 2016.

The Shannon group has representation by the CEOs of all the State agencies with a role on the Shannon, including ESB and Waterways Ireland. It is chaired by the OPW chairman and it has met on 13 occasions to date. On its establishment, a priority for the group was to develop a work programme within its first two months. This work programme highlighted the existing and extensive range of activities and co-ordination by all State agencies in 2016 to jointly and proactively address flood risk along the Shannon. These works are categorised under maintenance, flood relief works, water management, regulation and policy. Each year since then, the group has produced an annual work programme that highlights the ongoing diverse and broad scale of activity, and the proactive co-ordination between the State agencies to manage the flood risk along the River Shannon.

The Shannon group held public consultation days on its work programme and has met representative bodies, including the IFA. I recently met representatives of the IFA and it is my intention to meet all members of the Shannon flood-risk co-ordination working group bilaterally as well as other farming organisations.

The Shannon group has completed targeted maintenance activities at five locations along the Shannon river catchment. Works at these locations involved tree cutting and the removal of silt and emergent vegetation, which helped to improve the conveyancing of the river at these locations. These works required consents which needed to be obtained from the National Parks and Wildlife Service of the Department of Housing, Local Government and Heritage. It is not to be forgotten that I am like somebody looking to build a house; I and the OPW need to get permission. I am sure this is an issue Senators will wish to raise.

Lowering the water levels on Lough Allen has been trialled for the past three years. While weather-related, reaching the lower targeted levels agreed with the ESB will provide additional storage capacity during flood events to help alleviate any significant flooding that may occur. The Shannon group has agreed to continue with this trial on a temporary basis pending the completion of a flood-defence scheme for Carrick on Shannon.

In December 2019, the Government noted the studies by the Shannon group that support a programme of strategic maintenance to help mitigate flooding along the Shannon and the removal of the pinch points in the Shannon callows to help to address the summer flooding in the area and lower the navigation level in the area. A total of €7 million has been allocated for these works, which will progress following environmental assessment and planning permission. Waterways Ireland is the implementing body for these works, and it has advised the OPW that it is advancing the various interventions such as tree cutting and silt removal to commence strategic maintenance measures at 12 locations commencing in 2021.

The Shannon group recently completed a study of the cause, rate and degree of restrictions over time downstream of Parteen Weir in the lower Shannon, which can inform the options to help manage the flood risk in this part of the river.

All these measures and activities have been or will be carried out within the existing powers and responsibilities of the State agencies. Where necessary, agreements and protocols have been established and agreed for delivering new initiatives.

Having met the group in recent weeks, it is my intention to refocus the group to look at short, medium and long-term measures. I am also committed to undertaking an examination over the coming nine months of the Shannon group's legislative landscape to inform consideration of the establishment of this group on a statutory basis.

Delivering infrastructure, including the planned programme of flood-relief schemes takes time. I accept that progress can appear to be slow. The current regulatory framework is such that progress by my office in advancing its programme of activities is significantly impacted by a broad range of regulatory requirements which must be addressed and complied with. Like all individuals, agencies and companies we are required to comply with the requirements of environmental and planning legislation. We cannot just start digging in a river as some people expect us to do. We need to get permission, and this takes time. That said, my OPW colleagues and I are actively engaged with other Departments to ensure that required flood measures are delivered to communities in the shortest timeframe possible.

Even after planning consent is granted, schemes are still at risk of judicial review, as Cork City Council is experiencing with a public realm project which contains elements of flood defences identified through the lower Lee flood-relief scheme. In the meantime, homes and businesses remain exposed to repeated flooding.

As I said in the Dáil on 2 November, I want to work with Oireachtas colleagues on protecting properties from flooding. My family has experience of what this does to properties and I am open to reforms that Members wish to bring forward, particularly in the area of planning and environmental compliance, that might make our delivery to people and individuals faster. In a roundabout way, I am saying I know about the problems as much as other Members. If there are solutions that they can propose, I am all ears. By working together, I hope we can make positive changes for the communities throughout the country that have been affected so badly and that continue to be ravaged by floods.

I will now address the issue of climate change and its impact on our communities. The Intergovernmental Panel on Climate Change has reported that for a 1.5°C rise in temperature, the global mean sea level could rise by up to approximately 1 m by 2100. Projections of more intense Atlantic storms could increase surge events and wave heights and Met Éireann has also projected that in Ireland, the autumns and winters may become wetter. It is hard to believe they could get any wetter but there is a possible increase in heavy precipitation events of approximately 30%. The Government's climate change sectoral adaptation plan for flood risk management for 2019 to 2024 is ensuring that our work today is adaptable to climate change impacts in the future.

The impact from sea level rises and more intense storms increases the risk of coastal erosion. The Government has established a cross-departmental group to address this cross-sectoral issue. I, along with my colleague, the Minister for Housing, Local Government and Heritage, attended the first meeting of this group.

I have given, in the time available, just some detail of the work completed and under way by the Government that is comprehensively managing Ireland's flood risk. The Government and I, through the OPW, are working hard to ensure that the greatest progress is made on the delivery of an ambitious programme of investment in flood defence and flood risk management measures. I am sure that Senators will agree that this commitment will have a positive impact on the lives of individual homeowners in their areas, together with businesses, landowners and communities at risk of significant flooding, particularly those which have repeatedly experienced the devastation brought about by severe flood events. I look forward to working with Senators constructively in the delivery of our flood risk management programme.

I heard a positive contribution in the Dáil the other night from one of the Opposition Deputies. It was said that water does not care what kind of door a person has; it does not care if it is a Fine Gael, Fianna Fáil or Sinn Féin door. It will go in one door and out the other. This matter is above politics. Members were very cognisant of that in their contributions in the Dáil, and I am anxious to hear suggestions for reform from Senators this evening. If they have specific concerns on specific flood relief schemes, I might not have the answers this evening but I will certainly revert to them.

Acting Chairman (Senator Victor Boyhan): To clarify, the contributing group spokespersons have eight minutes and all other Senators have five minutes. We must call the Minister of State no later than 6.09 p.m. and statements will conclude at 6.15 p.m.

Senator Eugene Murphy: I am sharing my time with Senator Timmy Dooley. Perhaps the Acting Chairman will give a rattle in case I am not looking at the clock.

I very much welcome the Minister of State's comments and his attitude. I am very much of the opinion that this will be a big challenge for all of us. We must work together. I very much welcome the fact that he is prepared to take on board suggestions or ideas from Senators and I will certainly take advantage of that offer.

We must remind ourselves that the number of serious flooding incidents since 2017 is exceptional. The list includes Clifden, Skibbereen, Youghal, Bantry, Bandon, Kenmare, Sneem and Enniscorthy. If a person lives beside the River Shannon, as I do, he or she knows how we have put up with flooding for many years. There is no doubt that it has worsened in recent years. The dredging of the Shannon has been a political topic for many years.

I acknowledge that much work has happened in recent years and it is good to note that the €1 billion annual investment programme for flood relief will continue. There has been much work done in conjunction with the OPW and the local authorities, with 46 flood relief schemes currently progressing and another 151 flood relief projects nationwide. Of these, 90 are either at construction or other stages of design or consultant appointment, whereas the remainder will be progressed as part of the national development plan for 2018 to 2027. I hope these will not be held up. As the Minister of State mentioned, water will go through any door and it does not stop for anybody. It is the reason we cannot have delays and why we must look after the areas that are badly affected and where there is no doubt the position is worsening.

The Minister of State referred to the Shannon flood risk State co-ordination working group that took a decision to lower levels at Lough Allen in Leitrim during the winter to help mitigate potential flood risks. A protocol was agreed between the ESB, Waterways Ireland and the OPW to lower the late autumn and winter minimum lake levels at Lough Allen by approximately 0.7 m, subject to favourable weather conditions. This has worked pretty well. It has not solved everything but it was a good move.

The group has continued the trial on a temporary basis, pending the completion of a flood relief scheme for Carrick-on-Shannon. The scheme must be made permanent and leaving it as a temporary scheme is not good enough if we consider all the difficulties we had. We want to move as quickly as possible with the flood relief scheme for Carrick-on-Shannon, particularly the Cortober area, which has been badly damaged over years.

We have also spoken about pinch points on the Shannon and we have all seen them, particularly between Athlone and Meelick. We all know about the continuous flooding of the Shannon Callows region. There are also pinch points in the system and we must all recognise this and work with the Minister of State and various agencies to ensure those pinch points in the system, as opposed to the river, are removed. Sometimes those pinch points in the system are the real cause of delay.

Flood relief schemes are very good and there is no doubt about that when we see what has been achieved in Athlone. The Acting Chairman is on the Agricultural Panel so I know he has an interest in this. Sometimes we forget the water is being pushed out and is flooding other areas. It is something we must deal with. Schemes are a great idea for saving towns and villages but the water is pushed out and floods more agricultural land or other areas, and it is important we deal with the matter.

When I was a Deputy, I brought a Bill through the Dáil, which, like many others, was held up. It would have amended the 1933 Act that gives the ESB authority over the River Shannon to create power. Nothing has been done to amend this legislation in 87 years, despite all the flooding we have.

Senator Timmy Dooley: I welcome the Minister of State to the House and I look forward to his ongoing work in the Department. He is a straight talker who says things as they are. He usually gets things done.

The subject of flooding is difficult. Water, wind and fire are the three enemies of every homeowner. Wind and fire must be mitigated by the homeowner but, unfortunately, with water it is very difficult to put defences in place. If these are the three enemies of a homeowner, the delays in the State responding with flood defences is a fourth enemy.

The area I know best in County Clare that has suffered most from flooding is Springfield, Clonlara, in the south east of the county. It experienced two devastating events in 2009 and 2015 and I know every one of the homeowners there personally through working with them on their behalf. We speak glibly about devastation but these people have seen enormous devastation, scarring them to a point where I do not believe some of them will ever get beyond it. There are people with children who have their own difficulties and they have been hemmed in for up to six weeks. They have had to decamp from their homes for a protracted period so that children can attend school and medical appointments. It really is devastating, which the Minister of State will know from his experience.

As a Government and at a time we are investing significant amounts in rebuilding and re-energising the economy, we must use our time and this money well to put in place critical infrastructure. It has taken a long time for the scheme at Springfield, Clonlara, to get the scheme where it is. An embankment has been designed and we understand it is the ultimate solution. It has come through the planning process with An Bord Pleanála effectively clearing the way in the past week.

I do not want another three, four or more years to go by with these people living in greater fear when, in essence, the flag is now up. Red tape, much of it necessary, has been gone through and we have reached a point where planning is in place. The process has still been too long and I hope that in his time in the Department, the Minister of State will try to see what blockages may be alleviated and what can be moved aside. What things can be moved aside and how do we shorten a process? We all know that over time when there is a shortage of money, certain Departments use natural constraints in an effort to effectively slow projects down when they do not have the money. Money is now available for key investment in infrastructure. We need to get people back to work. Getting these large-scale infrastructural projects done and dusted is a good use in terms of priming the economy. I appeal to the Minister of State to look at Springfield Clonlara. It is shovel and paperwork-ready and my God, the people there are ready to see some resolution. I have spoken to some of them in the past couple of days as heavy rains have fallen over recent weeks and as the water level in the Shannon has risen very significantly. They are on tenterhooks again. They face the pandemic on the one hand where they are working from home and are now wondering whether they will be locked in their homes and flooded for the Christmas period. Anything the Minister of State can do to advance this particular case would be appreciated. I know there are many others nationally. I have every expectation that the Minister of State will fight for his share of the budget to ensure these projects are resolved as quickly as possible.

Senator Seán Kyne: I welcome the Minister of State, Deputy O'Donovan, to the Chamber and thank him for his work to date in the OPW. I acknowledge the professionalism and work ethic of the OPW in a very important area of defence - a quite technical area in terms of the modelling that is required, which needs to be updated. If one makes an impact on one area, one must model how it will affect another. I acknowledge the work relating to CFRAM.

From some of the Minister of State's visits to some parts of the country, I know the frustration he has felt relating to certain projects. He mentioned Cork city, the delays and the judicial reviews. This delay is the most frustrating thing about flood defence schemes - the frustration all of us feel about projects that go through a number of stages, are delayed and can end up in court. I am sure this must make the budgeting of the Department extremely difficult.

In February 2018, the Minister of State's predecessor announced a €9 million fund for Galway city - the flood defence fund at that time. This was great and certainly welcomed. A report from the city's CEO this month identified the five stages of delivering this project. The most worrying part is that the overall timeframe is 95 months from stage 1 involving the identification and development of a preferred scheme, which is due to start in quarter 4 of 2020 and will take up to quarter 4 of 2022; to stage 2, which involves planning and development consent and will go from quarter 4 of 2022 to quarter 1 of 2024; to detailed construction design and tender, which will take another 18 months and will bring things up to quarter 1 of 2025; to construction handover of works, which will take us up to quarter 3 of 2028. This is a huge elongated timeframe for a very important piece of work in Galway city so I cannot stand here today and say that this is something we would say is correct or proper. The Minister of State might ask me how it can be sped up. I do not have the answer because even with that, we are assuming that there are no serious objections, no court cases and no judicial reviews, as we have seen in other areas. This is part of the problem with regard to some of these capital projects. This is not just the case in the Department. There seem to be inordinate delays in certain projects across the board because of the process. Whether it is at a committee or whatever, we need to know how we can speed up projects like this. Announcing a budget is one thing. We all do that. We will send out our press releases and take the photographs and that is great but people are then waiting to see delivery and the diggers going in. This, unfortunately, is mired in delays and difficulties.

I thank the Minister of State for visiting Clifden in early September. He arrived at short notice and saw the aftermath. He still saw a swollen river but he did not see it in full flow, which was evident in the media reports, news and social media. That was a very unusual event, although it is becoming more common across the country. I know that OPW officials accompanied the Minister of State on his visit, together with the Minister of State, Deputy Naughton, Councillor Eileen Mannion and Councillor Gerry King. The flooding occurred on 1 and 2 September and caused the Owenglin river to burst its banks. The flooding in the town was described by locals, the Garda and the fire service as unprecedented. It was a high-intensity rainfall event of up to 50 mm of rain in that period causing flash floods. On our visit, the first port of call was to Clifden Glen where the OPW has plans for a barrier between the homes and the river. The second part is more difficult and concerns the town itself. The third part was the Low Road in Clifden where the Minister of State met three homeowners. I have engaged with the county council. The Minister of State thought the design of the Clifden town storm water scheme was a serious matter. Galway County Council is looking at that. It is looking at the possibility of two to three locations where it can take water away before it reaches that attenuation pond on the Low Road. I may come back to the Minister of State for possible funding for

that at some stage because I, and certainly the homeowners, believe that this might immediately reduce the threat of flooding in that area, which is very important. The Minister of State also visited a number of houses. Again, some of them were never flooded before and yet the flooding reached a depth of 2 ft. They live on the river bank and have never experienced flooding yet it reached 2 ft, so it is amazing to comprehend. They will wait for a CFRAM study to be done. The Minister of State and I know that this will take not weeks or months but years. In the meantime, without any of the consultants' planning, can we look at simpler solutions with regard to reinforcing people's front walls and ensuring that flood gates are provided so that if a future event occurs, at least they have that bit of solace and can have that installed where there is a threat to their properties? This is important because giving people peace of mind is a solution to some of that frustration and delay.

The final point relates to my area of Moycullen where a hydrology report has been submitted to the Department. Again, I first had experience of dealing with people in my own parish where there was flooding. It is a hugely worrying time for people who are running around looking for sandbags and trying to find pumps. Where do they pump the water to? It also involves getting the council involved. It is a just a nightmare for these people. In terms of the future development of the village, we have a number of streams that go underground and resurface, some of which were piped in the past, which can lead to issues as well. I ask the Minister of State to follow up on the hydrology report for Moycullen.

I, again, acknowledge the work being done by the Minister of State. I know his vision is to succeed and push these projects on but the delays and the inordinate stages worry me and, I am sure, the Minister of State. It is important that we all work together to see if we can advance them and fine tune that process.

Senator Mark Wall: I welcome the Minister of State to the House. I look forward to working with him on many of these important matters. I reassure him that, unfortunately, flooding does not recognise the many Labour Party doors in the country. I wish to bring a number of flooding incidents to the Minister of State's attention, and I hope to be given updates on a number of flood relief schemes for the area where I live and County Kildare. Over the last few months, I have been contacted by a number of homeowners in Athy and other nearby towns who have been unable to sell their homes because of the need to have flood insurance, which is a requirement for the mortgage drawdown of the buyers of those homes. I am informed that a large number of properties are shown to be at risk of flooding in Athy, particularly in two estates in the town. All these houses were constructed prior to the mapping that is part of CFRAM. I am aware of the public consultation that took place under the CFRAM process, but these homeowners would never have considered that this consultation would affect them until they tried to sell their homes.

I am informed that, as part of the OPW's flood risk management plan adopted by Kildare County Council in July 2018, a flood relief scheme is proposed for Athy, which will provide protection against flooding for all existing properties currently affected. This scheme has been prioritised by both the OPW and Kildare County Council. A brief is being prepared for the appointment of consultants to carry out the design of the scheme. According to the reply I received, the OPW has a framework in place so the timescale is considerably shorter than it would be if an open procurement were to be carried out. I am told there will be an update from Kildare County Council in December. The proposed measure consists of building hard defences. At-risk properties in Athy would be protected by a series of hard defences consisting of flood embankments and walls. These hard defences would be set back from the river channel where

possible and would protect from the 1% annual exceedance probability, AEP, fluvial flood event with an estimated average height of 1.2 m and a length of 2.9 km.

There are also flooding problems in the towns of Portarlington, Monasterevin, Castledermot, the areas associated with those towns and across the Barrow basin. I have followed up on these problems with the local authority. A reply I and my colleagues received recently regarding one of the properties stated that while it might seem unlikely that flooding would occur at the property, the level of flooding shown on the OPW mapping is for a 1% AEP event, roughly equivalent to a one in 100 year storm. The 1% AEP event is the standard level of protection for flood schemes and the level of protection required by insurance companies. The property owner was advised to contact the insurance ombudsman, but the advice went on to say that in the opinion of the official not much could be done regarding the sale of the house. Even the perimeter wall in one of the estates was not considered a sufficient barrier. Does the Minister of State have an update on the proposed scheme for Athy and the other towns I have mentioned? It seems unfair for those selling their homes that the work is imminent and they must wait for it. Can the Minister of State suggest any other way to help these owners who are holding on, pending the sale of their homes? It is utterly affecting their daily lives.

I am also aware of localised flooding in many other locations, including roads and housing estates throughout the local authority area in which I live. Many of these problems are historical but were controlled by annual maintenance, such as water cuts and drains clearance. Is the Office of Public Works considering any programmes of annual maintenance in association with local authorities? This is a growing problem. Flooding issues that were under control appear to have been causing many problems over the last number of years. It appears that we have moved away from the historical maintenance programmes. I accept that because of the workload of local authorities, they have had to move away from this programme to bigger-ticket items, but I have always said that there was a reason for these water cuts and drain clearance programmes. It is time we considered reinstating them and using them more consistently.

I wish to bring to the Minister of State's attention a number of problems with drainage works in towns in County Kildare and elsewhere that have been brought to my attention. I am sure the Minister of State is aware of the problem, but the condition and, more worrying, the age of drains in these towns are causing many problems. In many cases, they are simply not fit for purpose in our modern age and are causing flooding incidents that affect private and commercial life in the towns. Are the Minister of State and Department considering a programme of works to assist local authorities with the replacement of these networks? I am aware of some premises being flooded numerous times because of the condition and age of the networks. For clarity, their age and condition is the problem for the drainage of surface water.

I thank the Minister of State for making himself available today, and I look forward to working closely with him on these important matters.

Senator Róisín Garvey: I welcome the Minister of State, Deputy O'Donovan. I do not know if our paths have crossed previously. Last winter was the wettest ever recorded in Ireland. Over 30 towns and villages experienced flooding, with over 600 homes evacuated. Some €48 million is due to be spent by 2021 on flood defences alone. Flooding and storm damage have cost the taxpayer over €3 billion in the last three decades. This is only the tip of iceberg as we face into a very uncertain future with climate change. It is time for a national discussion on how we can work with our natural environment to manage flood risk. Today, I wish to focus on nature-based solutions in conjunction with harder engineering solutions.

Flooding issues are only going to increase over the coming years. Some 66 places along the Shannon alone have been highlighted as being at risk of flooding. We are all fully aware of the scale of the problem, but are we doing enough to deal with it? One in 100 year events are now happening every two to three years. These events cause massive disruption to homes, businesses and infrastructure. Pumps and sandbanks will no longer cut the mustard. Changes in land usage have played a major part in higher flood risks across the country. Peatlands, woodlands, callows and wetlands naturally store water and hold it back from rivers. Removing them has increased the risk of flooding downstream from where they were. River banks have burst that never did so previously. Up to six weeks of rain is falling in one evening. Houses and businesses struggle to get flood insurance. We could talk forever about the ridiculousness of the insurance companies being unwilling to provide flood insurance even after we have spent millions on flood defences in those areas.

Hard engineering is not the only solution. We must look at the sources of flooding. Traditionally, towns and cities were built on higher ground, but as they expand they do so to lower-lying lands more prone to flooding. Clearing vegetation and forest has caused much flooding and cost us a great deal of money for flood defences. When there are woodlands the water soaks more easily into the soil, and when it travels underground it travels more slowly. People do not realise the value we must attach to the speed at which water flows. The slower the water flows, the less flooding there is. We must do everything in our power to slow down the speed of water as well. Undrained bogs have great potential to absorb water, reducing the amount arriving into rivers. Compared with the rest of Europe, we are doing very little on softer and cheaper solutions. There are some excellent examples in the rest of Europe, one of which I will mention momentarily. We must have a whole-landscape approach. It is similar to a sieve full of water. If one blocks a few holes with hard infrastructure, the water will go out through the other holes. It is not going to disappear. It might move from one place, but we have to deal with it in the proper catchment area.

Although there is definitely a need for some short-term hard engineering solutions, and I thank the Minister of State for the support we are receiving for Clonlara, we must also come up with a long-term solution to flood risk management. We cannot continue to put plasters on the wounds as they occur. There must be long-term planning. We have known about this problem for years, and we know it is worse than ever and going to get even worse. We must have proper plans. Our neighbours in the UK have faced the sources of flooding by doing more than just building dams and walls. I will refer to one place. Perhaps we will visit it after the Covid-19 travel ban is lifted or we will invite the people there to visit us. Pickering in England had four devastating floods in the last eight years. It featured on the Irish news programmes. The community spearheaded a project to save the town from flooding. People in the area had been through enough mental anguish and felt it was time they took responsibility and got involved. They were offered flood walls, but they knew these would just cause problems for other villages downstream from them. What a beautiful way to think about it. They saw that it would save their town but make a mess of the next one. We have seen that happen in Ireland. Fair play to the community of Pickering.

The Environment Agency in the UK suggested hard structures, and the people had two responses to that. First, they said it would pass the water problem on and, second, the town is beautiful and tourists visit it, but the hard walls would be ugly. Aesthetics matter to people where they live. The Environment Agency asked the people what solutions they had. Luckily, one of the local lads saw an advertisement in a newspaper from some academics in Oxford

seeking to engage with communities on catchment-based solutions. The academics were experts in topography, geography, upstream storage and landscape management. The academics and the locals worked together. Instead of an environmental agency or local authority looking for millions of euro to pay consultants to come up with some ideas which would be imposed upon a community, the academics and locals worked together and what they did was very interesting. They constructed a giant bund to store 100,000 cu. m of water upstream from the town but they did it in a low-lying, grass covered way so that even though it was hard infrastructure, it blended in with the landscape. They also constructed small wooden debris dams along the streams feeding into the river. These were constructed by members of the community using existing wood in the area. They also planted thousands of trees. When I hear Members talking about dredging rivers and cutting trees, it makes me wonder if we understand the cyclical nature of climate change at all. Trees are actually columns of water, their roots hold onto soil, stopping erosion and they also slow down the speed with which the water flows. The community also planted lots of heather bales, another simple way of slowing down water in rivers. The heather was planted along the ditches and the community also rewetted bogs. We all know that bogs are giant sponges. In the context of a climate and biodiversity emergency, we have bogs that can be rewetted. While I fully respect people's turbary rights, we must consider the fact that bogs are massive sponges. We have drains in most of our bogs at the moment, which is contributing to the flooding problem. The aim was to get the water to flow in different ways along different routes and to come up with a holistic plan. Together, all of these elements have created natural resistances and prevented the town from being flooded since 2015. Not only that but it was done at a fifth of the cost of the alternative scheme. It is more beautiful and aesthetically pleasing, everyone is happy and it cost less. Everybody was involved, empowered and engaged. It cost €500,000 rather than €2.5 million.

A combination of hard and soft solutions is what is needed, not all of one or the other. I am not saying that we should just plant trees and that will sort everything out. I am not saying that we should never build walls but we must have a holistic approach. Dr. Conor Murphy of the Irish Climate Analysis and Research UnitS has said that wetter winters are guaranteed due to our changing climate, and bad planning means that people are living in flood prone areas. He noted that hard engineering works have been our go-to solution but now we need solutions on a catchment scale. I have a friend who owns 6 acres of land beside the estuary in Querrin which was pure wet. He planted a woodland nine years ago and the impact is phenomenal. He stopped his own farm from being flooded and has a beautiful nature reserve on his land. It is a win-win situation for everybody. He has restored the land and prevented all of his neighbours from being flooded as well. It is time to take an holistic approach and I look forward to working with the Minister of State on this. We have a lot to do.

Senator Lynn Boylan: As we know, climate change means that flooding is going to be an increasingly frequent issue. The Minister of State has asked us for solutions and I am going to lay out some that are very easily implemented by his Department.

It is regrettable that a review of the Arterial Drainage Act did not make it into the programme for Government because as we all know, most of the issues around flooding and how it is managed stem from that Act. We have cut our rivers off from their natural flood plains and until we address and amend that Act and make it fit for purpose, the OPW will continue to receive criticism. That said, I do have some solutions that the OPW could implement without any change to the aforementioned legislation if the Minister of State is minded to instruct it to do so.

First, I ask the Minister of State to address the lack of transparency around the programme of works under the arterial drainage scheme maintenance programme. Why can the Department not put up on its website a fully transparent portal outlining the programme of works, what works are to be carried out, when they will be carried out, what environmental assessments have been done for those works and the findings of same? Why is it that members of the public and environmental NGOs are forced to go through the FOI process to get appropriate assessment reports? Why is that there is no accountability when appropriate assessment screening is substandard? Why is there no accountability when the OPW does not even do what it said it would do in an assessment? This was the case in Newport, County Limerick. Newport was a disaster zone from start to finish and I know my comrade, Senator Gavan, will want to raise that with the Minister of State.

It appears that the OPW is above reproach when it comes to carrying out works. It prepares reports but faces no sanctions for the poor quality of these reports or for not following through on their contents. If diggers are going to be put into a river in a special area of conservation, SAC, then there is going to be a significant impact. Therefore, a full Natura impact statement should be prepared. We have seen ample evidence online, thanks to the work of citizens and NGOs, of the catastrophic damage being done along river courses by the OPW.

I ask the Minister of State to update us on the progress of the natural water retention plans. I agree with Senator Garvey that we need a mix of hard and soft engineering solutions. Natural water retention refers to measures that aim to safeguard and enhance the water storage potential of landscapes, soil and aquifers, by restoring ecosystems, natural features and characteristics of water courses. The use of green infrastructure allows nature to regulate the flow and transport of water and improves water quality. Studies have shown that when carried out appropriately, natural water retention can slow the flow down and hold the water in the landscape for between 12 and 24 hours. Natural water retention also has knock-on benefits on climate regulation, soil erosion prevention and it enhances biodiversity.

We know that the natural water retention measures, NWRM, working group met three times last year but how many times has it met this year and when will we see proposals come forward? When flood relief schemes are being assessed for their feasibility for natural water retention measures, who is carrying out that feasibility assessment and are they specialists in that field? We know that nature-based solutions are effective in reducing flooding, particularly in our small catchment areas. The cost savings are immense when one takes account of the role played by nature-based solutions in reducing the occurrence of smaller, frequent floods or what they call “nuisance floods” in the United States. Their role in addressing the larger catchments or the once in a hundred year floods is still unknown as we do not have the data but there are promising signs. That said, it is vital that nature-based catchment management projects are community led and that communities are included in the process. This holds true for hard landscaping measures too. Nature-based solutions are not about flooding farmland but about working with farmers to install soft engineering measures. I ask the Minister of State to update us on the progress of the water retention plans.

Senator Paul Gavan: The Minister of State is very welcome. As he might expect, I want to focus on Limerick. He will be aware of the massive problems with flooding in the city and county as well as in Newport in Tipperary. Three years ago the then Minister of State, Deputy Kevin Boxer Moran, arrived in our village of Castleconnell and declared that millions of euro would be spent on badly needed flood defences. That was a very welcome announcement but three years on, we are still waiting for those flood defences to be built or even to be commenced.

We are told that works will commence next year and the Minister of State must ensure that there are no further delays.

In March some residents in Mill Road, Corbally, were flooded twice in 24 hours. Flooding was seen again in Limerick city at the weekend and there were complaints that flood barriers were not erected. Large volumes of water could be seen splashing onto the road beside Clancy's Strand. I met representatives of the ESB last week to discuss water management in the Shannon region as it is the main body responsible for three weirs on the river which are used to manage flow. This is something that must be managed correctly because when it is managed incorrectly or when it goes wrong, it can cause devastation.

Sinn Féin put forward a Bill this month which would see a single body manage the River Shannon. This would help to prevent flooding. There are currently informal arrangements among multiple bodies working to manage such actions as flood defences. There are 20 agencies including the ESB, Waterways Ireland and various local authorities involved in water management and maintenance of the river. The Government reaction to the Sinn Féin Bill was to promise to look at it again in nine months. Fine Gael argued 20 years ago for a single authority for the Shannon but when Sinn Féin acts and puts forward a Bill on same, it wants to wait another nine months. This is another example of the lack of delivery from this Government and the previous one. There is a lack of delivery on the ground and where I live, the people are very conscious of that. Home owners do not have time on their hands. Every day they have to wait for flood relief action is a further day of worry about possible devastation from flooding. We are in winter now and people have a winter of the pandemic to fear but those home owners at risk of flooding face a more uncertain future than most. Lands in Montpelier, Castleconnell, Annacotty and Mountshannon-Lisnagry have already been under water this year. People living along the River Shannon are sick and tired of the floods hitting, with politicians coming out on boats, getting their photos taken and saying how awful it is. What we need is delivery.

An Leas-Chathaoirleach: I wish to make colleagues aware that we have a fairly long list of speakers left and the Minister of State must be allowed to reply, as per the agreed Order of Business, at 6.09 p.m., so Senators may wish to talk to one another about sharing their time. The next speaker on the list is Senator Byrne. The Senator may wish to consider sharing his time; otherwise, we will not be able to fit the last one or two speakers in. That is a matter for the Senators.

Senator Malcolm Byrne: I am happy to share time with Senator Dolan. I will take only two or three minutes.

An Leas-Chathaoirleach: That might alter the list. The next speaker on the list is Senator Buttimer. Will Senator Byrne share with Senator Buttimer?

Senator Malcolm Byrne: Yes.

An Leas-Chathaoirleach: Is that acceptable to both Senators? It is.

Senator Malcolm Byrne: I will share time if it will help. I thank the Minister of State. I am glad to hear about the approach, in particular his highlighting of the concerns about climate change. We need to ensure in all our approaches to dealing with flooding that people are educated on the impact of climate change and the effect it is having on our waterways and on erosion.

I wish to raise a specific issue, namely, the case of the Ahare river, which is near Castletown, in north Wexford. When the Ahare river floods, a road becomes impassible and Castletown, the most northerly village in County Wexford, becomes effectively cut off from much of the rest of the county. One has to drive the long way around to access Castletown. The former Minister of State, Kevin Boxer Moran, visited the area. It has been a serious problem for many years because of its scale, and there has been a very active campaign led by local councillor Joe Sullivan to try to address it. Wexford County Council will bring proposals to the Minister of State's Department, on foot of a request from the OPW, within the next few weeks. This is a priority for County Wexford, and I ask the Minister of State to ensure that this happens because Castletown is, as I said, effectively being left cut off.

An Leas-Chathaoirleach: I thank the Senator for his co-operation.

Senator Jerry Buttimer: I thank Senator Byrne for sharing time. As an aside, a Leas-Chathaoirleach, the amount of time allocated for this debate is inadequate, given that many of us are from areas where communities are experiencing huge difficulties with flooding. It would be appropriate for the House to review how we do our business. We are the Upper House. We are a bicameral system of-----

An Leas-Chathaoirleach: If I may interrupt the Senator, there is nothing to prevent the Leader from coming into the Chamber to make a proposal.

Senator Jerry Buttimer: I am just making the point that every debate this week has been truncated and many of us cannot get in to speak. That is not good enough for the Upper House of the Oireachtas.

I commend the Minister of State, Deputy O'Donovan, on his handling of his ministerial responsibility for the OPW and his courage and bravery in taking on vested interests and putting forward a vision and a plan for the city of Cork to rescue our city from the ongoing threat of flooding. He has done more than many to raise the need for this lower flood relief scheme to go ahead. If we had begun the work on Morrison's Island, 80% of it would be completed by now. I challenge any Member of this House or anyone outside it to visit the city and look into the faces and eyes of the traders and residents affected by flooding, as many of our colleagues have said of their areas. This is not about partisan politics, parochialism or having a monopoly on doing what is best for our areas. This is about ensuring a good quality of life for the businesses and families of our inner city in Cork and ensuring that our central business district can flourish. We can talk about Covid-19 and have all the grandiose plans and alternative arrangements, but the OPW has been involved in flood relief since the State was founded. It is about time people copped on. We have had extensive public consultation across the country, in every region. People should realise that the only motivation of the OPW is to protect and save. I stand four-square with the Minister of State on Cork city. He has my full support. We have had almost 20 years of engagement; it is time we delivered.

An Leas-Chathaoirleach: I thank the Senator for his co-operation. As per the list submitted to me by the party Whips' offices, the next two speakers should be Senators Dolan and Lombard. They may wish to divide their time between them. This is as per the list submitted to me. I did not write the list. Does Senator Dolan wish to share her time?

Senator Aisling Dolan: I will try to be very brief.

An Leas-Chathaoirleach: Is that agreed by the House? Agreed.

Senator Aisling Dolan: I welcome the Minister of State. It is great to see him in the House. I am very happy to hear about the interdepartmental groups he is setting up. He has spoken very clearly about CFRAM studies and the funding in place to protect people, property and businesses. If I may speak again about the area I am from, the west of Ireland, we have two of the biggest rivers in the country, the Shannon and the Suck, the latter being the largest tributary of the River Shannon. The River Suck is the county boundary - as with many counties, the rivers are the natural boundaries - between Roscommon and Galway. Senator Murphy will be very well aware of this. We have been impacted by serious flooding in the area. In Ballinasloe we have seen this challenge. The town is one of the nominated priority areas under the CFRAM programme for a flood relief project because over €8 million worth of damage was done to St. Michael's Square, with houses flooded in the middle of the town in 2009 and again in 2015. We got approval in 2019 under this project. It is not moving quickly, however. We have had consultation and it is now moving into the next stage, but the process is slow. A huge issue I have is with planning in flood plain areas. There is a lot of planning. What is the impact on underground waterways and aquifers? There are a significant number of those in the west in particular. I would not know so much about other areas, but the west is a limestone area with a significant number of underground waterways. There is a huge impact on construction and flooding in other areas farther on down from the towns.

I agree that we need to ask multiple authorities to make decisions. The Minister of State mentioned the necessity of this when permits are being sought across Departments. I ask him to imagine what it is like on the ground when one is dealing with two local authorities. If one wants to do work, one needs to make sure that Galway County Council, Roscommon County Council and the OPW or Waterways Ireland are all involved and have approved everything. These are huge blocks, stops and delays to funds that we need to see delivered now. One thing that really surprised me is that the local authorities also have responsibility for the waterways within urban areas. For example, in the likes of the middle of Ballinasloe no clearance or drainage has been carried out for ages. Again, they are pointing to a lack of funding, and this comes under the county council, so a huge array of bodies are involved.

Those are some of the issues, but the question I would like to ask the Minister of State concerns the resources in the OPW and the National Parks and Wildlife Service. Are there any increased allocations to deal with the passage of permits between Departments? I might follow this up with the Minister of State separately.

An Leas-Chathaoirleach: I thank Senator Dolan. Now we are able to offer half her time to Senator Lombard.

Senator Tim Lombard: I thank Senator Dolan for sharing time with me. The Minister of State is more than welcome. We met during the summer - unfortunately, when many parts of west Cork had flooded. I think of the residents of Rosscarbery, Dunmanway, Bandon to a lesser degree and especially Bantry, which was very badly damaged during the floods in August. The Minister of State came down, was very courteous and met many of the residents and traders. Unfortunately, last weekend Bantry was again hit by tidal flooding and 13 more premises were flooded. It is therefore an ongoing problem we have, but we need to acknowledge the amount of work the OPW has done in my constituency, Cork South-West. Towns such as Bandon have received significant funding. Clonakilty had no flooding issue this summer, which was down to the works carried out on the ground, and the Skibbereen flood defences are nearly finished. Bantry is probably the last town in west Cork that has a significant issue. The culvert, which the Minister of State saw on his visit to Bantry, is a real issue, and how we might work to produce

a plan to extend that culvert from the mill all the way to the bay is a priority for the residents of the town. Without that culvert we will, unfortunately, be exposed to the trauma of more floods.

The coastal aspect of my county is well noted.

There was tidal flooding last weekend. The proposals for main drainage works or flooding defence in Bantry are a major issue. We need to progress those two major projects as soon as we can.

The other major issue in the county is the lack of river maintenance. The county engineer has told landowners that it is their responsibility but they need to get permits and licences. We have so many rivers and tributaries. Trees and debris are in the rivers and no maintenance is carried out. Clarity is required in order that we can have some proactive action. Minor maintenance works on those pinch points would mean so much for this community, which has, unfortunately, been plagued by floods over the past decade.

Senator Martin Conway: I also welcome the Minister of State to the House and thank him for his proactive approach to his Department. That is how he does his business. He gets things done. That is a great thing to be able to say about a Minister of State. There is a lot of work to do to deal with flooding. Many colleagues have outlined the challenges and difficulties in other parts of the country. I would like to mention the west coast of Clare. On 6 January 2014, significant damage was done along the west coast. I have to give full credit to the OPW for its response at the time. There was a significant interdepartmental response. Millions of euro have been spent on coastal protection works along the west coast of Clare in the past three or four years, particularly around Lahinch. More work needs to be done. I am particularly thinking of the very famous hotel and golf course in Doonbeg that employs 200 or 300 people. Protection work needs to be done there. I would like the Minister of State to examine the progress of that work when he gets the opportunity. Clonahinchy in Quilty is another vulnerable area where houses have been flooded. Engagement and work is ongoing in Clonahinchy and Spanish Point.

Unlike many other European countries, we are an island nation. We are exposed to the sea. Planning decisions have caused property to be built in the wrong areas. That has consequences. The system granted planning permission in those vulnerable areas and, therefore, the system has to protect the people who find themselves living there. In the next ten or 15 years, we will have to consider spending billions of euro on coastal protection works in this country. Prior to the past three or four years the budget for this was particularly low. We need to consider significantly escalating spending on coastal protection works. We need the assistance of our colleagues in Europe to fund that. We need to be able to protect our homes and farms. This affects people who farm and run tourist facilities along the west coast. Farms are businesses as well. We must protect businesses and those who live along the coasts of our country.

The Minister of State is doing a phenomenal job. On several occasions in August he broke off his holidays in County Clare to visit Cork and other flooded areas. That reflects his character and the fact that he takes this role incredibly seriously. I thank him for what he is doing. I look forward to working with him to solve these problems.

Senator John Cummins: I join my colleague in complimenting the Minister of State on his work in this area. I would like to acknowledge the work that has been done by the OPW in my county of Waterford in recent years. Thankfully, there has been tremendous investment in

flood defences. More than €25 million has been spent to protect Waterford city and €1 million has been spent in Passage East. There have been minor schemes in Clonea and works at an outlet in Duckspool, Dungarvan. I would like to put on the record my thanks to the Minister of State, the Department and the OPW for the investment that has been made.

When one is based in a certain area, as I am in Waterford city, it is very easy to forget the devastation faced by communities and businesses. I can recall the devastation in Poleberry when I was the Mayor of Waterford. Sandbags were put in place to stop the tide coming in on a second night of flooding. When I see the watermark on the glass walls along Waterside and the Waterford quayside, I look at the water and realise that if it was not for the flood defences, we would be trying to pump water out of our businesses.

It is important to acknowledge the work that has been done by the OPW as well as looking forward to continued investment. To that end, I note that the council would thank the Minister of State for help with advancing schemes in Aglish and Ballyduff in the next calendar year. A significant plan will have to be submitted to the Minister of State's Department next year. It envisages flood defence works in Duckspool, at Davitt's Quay and at the Lookout as well as additional drainage works in Dungarvan. Perhaps the Minister of State will have an opportunity to visit that area in the new year. It needs investment, as other Members have said about their own areas. I look forward to working constructively with the Minister of State in the time ahead to realise investment in these critical areas. I thank him again for the investment that has gone into County Waterford.

Minister of State at the Department of Public Expenditure and Reform (Deputy Patrick O'Donovan): I will start at the end. I thank Senator Cummins for acknowledging the work of the OPW staff. I have heard a lot of criticism of things that are not done. It is very important to point out the things that are done. It is particularly important to point out that during flooding, on nights when nobody wants to go out, local authority and OPW staff can be found working with the Defence Forces and local volunteers.

Senators Murphy, Dooley and Kyne raised similar issues concerning the devastation caused by flooding. The devastation is something to behold. My own town of Newcastle West flooded in 2008. I remember it well. What I saw in Clifden was absolutely unbelievable. The front yards of people's houses were ripped up and thrown around like confetti. The area looked like a lunar landscape. I was struck by the power of this water and the speed with which it rose and receded. Senators Dooley and Kyne referred to delays and frustrations, many of which are caused by objections. The OPW does not cause these delays for the fun of it. People are entitled to object and they do so. They go through judicial review and take the OPW to court. There are legitimate objections, but we do suffer from a lot of vexatious ones. That wastes significant time. We never hear objections from people who are flooded. It is usually people who are not flooded or who live in towns that object. Sometimes people in County Wicklow will object to works in County Cork. It is remarkable that they have such knowledge and care for those faraway places, but they do.

Senator Kyne asked how we can speed up the process. I do not want to give a short answer. In the short term, I do not know. I want to be able to respond to communities more quickly but as I said at the outset, we have to apply for planning permission. We cannot take a shovel of gravel from under a bridge without it. We cannot remove a tree because it is sometimes designated as a habitat. We cannot touch a river without getting permission. Even when we do get all the correct permits, people accuse us of causing damage and acting irresponsibly. That

is remarkable because we cannot do any work without permission. Even when we get permission, people tell us we are acting irresponsibly, which is remarkable considering that the OPW is a State agency set up under statute, is obliged to abide by the law and does abide by the law.

Reference was made to intergovernmental agencies and Departments. This is something I have been keen to explore. I know the chairman of the commission and the commissioners are anxious to do so as well. For instance, we found that part of the issue in Skibbereen - Senator Lombard has left the Chamber - had nothing to do with the Office of Public Works. The problem related to a pipe that was not fit for purpose and which was in the charge of Transport Infrastructure Ireland, TII. The situation went on for ages between TII and Cork County Council. It eventually came to a head when the pipe became blocked, resulting in the road and properties being flooded. I would like to get to a situation whereby the OPW is allowed or encouraged to call out agencies that are not doing what they ought to be doing in terms of making sure people are protected in circumstances involving State infrastructure such as pipes and so on.

Several Senators, including Senator Dolan, asked about drains running through the centres of towns. Many local authorities are getting off the hook for infrastructure that is not being maintained properly, such as surface water drains in many cases. People are charging the OPW with dealing with issues for which it has no responsibility whatsoever. Senator Byrne asked about a particular issue in Wexford. I will revert to him on that. There is support available to local authorities through the minor works scheme and I encourage them to apply to that scheme. Routine maintenance such as ensuring that surface water gullies are being properly cleaned and so on is not the responsibility of the OPW. Senator Wall made reference to this issue as well with regard to towns in Laois and Kildare. I will get back to him with a more comprehensive reply on that. Much of this issue is down to maintenance by local authorities. I am sure that in the Leas-Chathaoirleach's time on Cavan County Council the local authority budget included provision for a thing called district drainage. That has evaporated. Local authorities do not do it any more. They do not take any responsibility for it. They have to hold their hands up and admit they have a responsibility for this issue as well. They will have to come on board with the OPW to see how we will tackle this issue.

I do not disagree one iota with Senator Garvey that there is a need for a national discussion on this issue. However, that national discussion could take years or a generation. Some towns or communities cannot wait that long. I am thinking of the town of Fairbourne in Wales which will have to be forfeited back to the sea. The inhabitants of that town could become the first climate refugees on these islands. They may have to leave their houses and surrender the town to the sea. We need to come to grips with the fact that towns, communities and housing estates have been built in places that, if today were yesterday, they might not have been built. Maybe they should have followed the example of the Vikings, who built their villages on top of hills for good reason. We cannot fail to protect those areas. Unfortunately, doing so involves hard engineering to keep the water out. There are soft forms of protection as well and the OPW is attuned to that. It is not a case of either-or. Rather, it is a case of ensuring we use both methods. If we remain on the current trajectory, we will have to decide which towns or houses to surrender to the sea or rivers. I do not think anybody wants to make those decisions.

Certain statements have been made, such as that the Arterial Drainage Act or the OPW cause flooding. Nothing could be further from the truth. That Act allows the OPW to actually carry out works in the first place to protect locations. It is the statute base on which we carry out our work. Places in Dublin along the Dodder and the Poddle have been protected under that Act. If we did not have the Act, Clonmel, Waterford city, Fermoy, Bandon, Mallow and certain towns

in Wexford would all be underwater. Bandon would probably be under 15 ft of water if it were not for the provisions of the Arterial Drainage Act. It allows the OPW to avoid many of the delays that Senators on all sides of the House have said are causing frustration. What would one do without that Act? One might be able to go by Part 8 planning or the conventional route of a county council application which would go around like Wanderly Wagon for decades. Doing so would just add to the delays people are already experiencing. Certainly it is the case that we may need a modernisation agenda but we cannot just dump legislation that has worked to ensure land, towns, houses, villages and lives have been protected since 1945. We cannot just dump that out the door.

Senator Buttimer is absolutely right with regard to Cork. Cork city is in dire need of protection. It is the second city and the economic driver of the south. The city is at daily risk. Every day there is a southern wind with a surge and a high tide and heavy rainfall, Cork city and its traders are at risk. Not one of those traders will say they want sewage, filth and dirt around their premises every day of the week. The time has come for the city to move on. The lower Lee flood relief scheme is part of a bigger project that will be carried out under the Arterial Drainage Act. Obviously, people will be able to engage with the OPW on that.

I am annoyed and frustrated - I think Senators will sense that frustration - because I do not have an answer for every community that is crying out for a flood relief scheme. I do not have an answer for them because of the delays resulting from environmental issues - which we must go through - planning issues and procurement. It is very frustrating for some communities. I want to be honest about the situation. I do not wish for Senators to leave the Chamber thinking that, with the stroke of a pen, a new Bill for the Shannon would solve the problems there. What it might do is co-ordinate more clear responses, but a new agency confined within the OPW would not keep a single litre of water out of houses in Montpelier, Castleconnell, Clancy Strand or any other strand. To be honest, it is a bit glib to say that Fine Gael, Fianna Fáil or another party is causing flooding because they are not going down the road of bringing forward a Bill to bring all the agencies with responsibility for the Shannon together. If that was the solution, I am sure Eamon de Valera would have done it 50 years ago and there would be no flooding on the Shannon. It is not that simple. The Shannon is a very complicated body of water that conveys millions of litres of water per second through the centre of the country. It is a complicated issue and there are many agencies involved. It is only by working with them that the OPW will be able to command the change that is needed along that river. The people who live along the Shannon from my constituency up to County Cavan have lived with flooding all their lives and they know very well that simple solutions are simple for a reason; it is because they are simple. If it was so simple, it would have been done decades ago. It is not simple. There are issues in respect of navigation, fishing, land, Irish Water, ESB, turbines and sluice gates. It is incredibly complicated. We wish to put a plan in place for the Shannon to ensure it properly serves the people who live along it.

Fundamentally and most importantly, what I wish to do and am anxious to see from Senators this evening - some Senators made very positive contributions and I will try to respond to each of them individually - is about first making sure that lives are protected and then ensuring the safety of properties, communities, businesses and everything else thereafter. It has been a very informed debate. I will try to respond to Senators individually over the next week or so.

18 November 2020

An Leas-Chathaoirleach: I thank the Minister of State for his very detailed response. I thank colleagues for the good debate. In accordance with the order of today, the Seanad will adjourn until 10.30 a.m. next Tuesday.

The Seanad adjourned at 6.18 p.m. until 10.30 a.m. on Tuesday, 24 November 2020.