



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Dé Máirt, 24 Samhain 2020

Tuesday, 24 November 2020

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

*Machnamh agus Paidir.
Reflection and Prayer.*

Teachtaireacht ón Dáil - Message from Dáil

An Cathaoirleach: Dáil Éireann passed the Criminal Justice (Mutual Recognition of Decisions on Supervision Measures) Bill 2019 on 18 November 2020, without amendment.

An tOrd Gnó - Order of Business

Senator Regina Doherty: The Order of Business is No. 1, statements on combating domestic, sexual and gender-based violence, to be taken at 2.45 p.m. in the Seanad Chamber and to adjourn at 4.15 p.m., with the contribution of group spokespeople not to exceed ten minutes and all other Senators not to exceed six minutes, time can be shared; No. 2, Health Insurance (Amendment) Bill 2020 - Order for Second Stage and Second Stage, to be taken at 4.30 p.m. in the Seanad Chamber and to conclude at 5.30 p.m., with the contribution of group spokespeople not to exceed seven minutes, the time can be shared, the Minister to be given not less than four minutes to reply to the debate, and any divisions demanded thereon to be postponed until immediately after the Order of Business on Wednesday, 25 November 2020; No. 3, Credit Union Restructuring Board (Dissolution) Bill 2019 - Second Stage, to be taken at 5.45 p.m. in the Seanad Chamber, with the contribution of group spokespeople not to exceed eight minutes and all other Senators not to exceed five minutes, time can be shared, the Minister to be given not less than five minutes to reply to the debate, and any divisions demanded thereon to be postponed until immediately after the Order of Business on Wednesday, 25 November 2020; and No. 4, Finance (Miscellaneous Provisions) Bill 2020 - Order for Second Stage and Second Stage, to be taken on the conclusion of No. 3, with the contribution of group spokespeople not to exceed eight minutes and all other Senators not to exceed five minutes, the time can be shared, the Minister to be given not less than five minutes to reply to the debate, and any divisions demanded thereon to be postponed until immediately after the Order of Business on Wednesday, 25 November 2020.

For the information of the House, the statements on combating domestic, sexual and gender-based violence are to be adjourned as the time that would be required for all those Members who would like to speak on the debate to contribute to the discussion exceeds the time available today, because of the Minister's schedule. The statements will be resumed the week after next.

Senator Fiona O'Loughlin: I congratulate the GAA and Croke Park on the wonderfully emotive and moving ceremony held over the weekend to commemorate those who died on Bloody Sunday. It was also very moving to see Tipperary winning its provincial title match, for the first time since 1935, and Cavan winning its match as well. All in all it was a great weekend for sport. It raises the hairs on the back of one's neck to think that the four counties that were in the 1920 semi-finals are in this year's semi-finals. I wish the very best of luck to Tipperary, Cavan, Dublin and Mayo. I must also congratulate Kildare for winning the Christy Ring Cup at the weekend.

On a more serious note, I wish to raise the shocking revelation in recent days that thousands of intimate images of young women flooded the Internet. Revenge porn involves people sharing intimate photographs of former partners which has an awful psychological impact on the victims. The Law Reform Commission, LRC, has conducted research linking revenge porn to serious psychological harm to those involved. It points to the devastating impact on people's lives and livelihoods as well as on trust between two people. In recent days images were posted on a platform and that platform chose to share some of the photographs. It must be a criminal offence to share an intimate photograph of another person and to upload same. I acknowledge that the Labour Party has done a lot of work on this issue. Along with criminalising both actions, it is also very important to educate young people about dignity and respect to ensure that this does not happen.

The second issue I wish to raise relates to the Irish horticultural industry, which employs 6,000 people directly and 11,000 indirectly. Current legislation has prohibited all peatland harvesting since 16 June 2020. If this is not addressed, supplies of peat will run out in July 2021. I call for a debate on this matter with the Ministers concerned.

Senator Victor Boyhan: I thank the Leader for setting out the proposals for today's Order of Business. I welcome the announcement by the Minister for Housing, Local Government and Heritage, Deputy Darragh O'Brien, that he has effectively banned the construction of new co-living developments. Co-living was a disaster that should never have happened. To be fair to the Minister, he stood on his record. He argued long and hard against co-living and I am glad to see that he walked his talk and has delivered. That is welcome. If we have learned anything from Covid-19 it is that people need their own private and personal living space. That is a right that everyone should have. We need to redouble our efforts now to focus on good quality public and affordable housing for everyone who needs it. A healthy personal space with good ventilation and access to open space is critical. In fairness to the previous Minister, we were not dealing with Covid-19 during his tenure. We have learned something from the pandemic and that must be acknowledged. I ask the Leader to organise a debate on housing. It is such a vast topic that I would suggest we would need a few hours to debate it properly. Housing is clearly exercising a lot of people here. It is raised every week in the House.

The other issue I want to raise is the report on the front page of *The Irish Times* today, the headline for which reads: "Mentally ill prisoner found naked on floor of solitary confinement cell". The report makes for gruesome reading:

24 November 2020

A European committee investigating conditions in Irish prisons found a severely mentally ill inmate lying naked on the floor of his cell, with faeces and urine on the floor and walls ... There were no blankets in the cell and the man's poncho was lying beside him covered in urine.

That is on the front of one of our national newspapers today. I had intended to come in here with a motion or proposal relating to the Order of Business but that is not necessarily the way to deal with this.

It is not about grabbing headlines all of the time or about beating one another up. This is too serious a matter. I appeal to the Leader to make contact this week with the line Minister and arrange for her to come to the House at the earliest possible opportunity. We need statements on this matter. A European committee has found very serious shortcomings in our prison system in regard to people who are mentally unwell. It is a harrowing story. I acknowledge Conor Lally, *The Irish Times* correspondent, who broke and ran the story today. I appeal to the Leader to do something on that.

On the Order of Business today, only 60 minutes is provided for the Health Insurance (Amendment) Bill 2020, which is a bit tight. There are seven groups in Seanad Éireann and the suggested speaking time is seven minutes per Senator or Senators sharing, which leaves only 11 minutes for a Minister to respond. Sixty minutes for a debate on legislation is pretty tight. Perhaps the Leader would consider that going forward.

Senator Ivana Bacik: I support Senator Boyhan's call for a debate on prison conditions in light of the horrific revelations from the report of the Council of Europe Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment on the dreadful plight of a prisoner in Cloverhill Prison. It is a relatively new prison, so it is quite a shocking report. I urge that we would have a debate on prison conditions as a matter of urgency.

I thank the Leader for ensuring we have a debate today on domestic and gender-based violence, given this week we mark the International Day for the Elimination of Violence Against Women 2020 and gender-based violence. I note, as Senator O'Loughlin has acknowledged, that there is a Labour Party Bill before the Dáil which would prohibit and make it a criminal offence to publish and disseminate the sort of horrific sexual images that have been in the newspapers and the media recently. That Bill is before the Dáil next week. My colleague, Deputy Howlin, who pioneered the Bill, told me it is hoped it will be with the Seanad before Christmas. I ask the Leader to ensure that it is prioritised. It is essential that we pass that legislation on so-called revenge porn or image-based sexual abuse.

I also seek the support of the Leader for the Born Here Belong Here campaign, about which I have spoken before. Today at noon the Labour Party is launching a petition in support of the Labour Youth campaign, Born Here Belong Here, which was initiated in memory of our very sadly deceased colleague, Cormac Ó Braonáin, who tragically died in Dublin about this time last year. He had been spearheading the campaign to ensure we would give a pathway to regularisation and citizenship for children born in Ireland, which, as the Leader will know, is what the Labour Party immigration Bill seeks to do. The Bill passed Second Stage in the Seanad in November 2018 with the support of two of the three parties now in government, namely, Fianna Fáil and the Green Party. We are seeking Government support this time around to ensure the Bill will pass Committee Stage. It is a modest proposal but it would give a pathway to citizenship for the children born in Ireland, whose number is small but significant, who face awful

uncertainty and fear of an order of deportation hanging over their heads and the heads of their families even though they were born in Ireland and, for most of them, Ireland is the only home they know. At a time when the Government has been rightly seeking regularisation of status for undocumented Irish people, particularly in the US, we need to be generous in our approach to citizenship here. There is huge public support for this. It is over 16 years since the passage in 2004 of the referendum on citizenship that abolished birth right citizenship. Public opinion has changed and moved on. There is a recognition now that in a spirit of generosity and solidarity, we need to ensure accessible pathways to citizenship for children born here. I urge the Leader and all Government Senators to support the Bill when it comes before the House on Committee Stage next week.

Senator Pauline O'Reilly: There is a crisis in contraceptive use in Ireland, as reported today by the Dublin Well Woman Centre. It is no coincidence that there is also a crisis when it comes to sex education in Ireland. Earlier this year, an NUIG report showed that 15% of women in third level education said they were dissatisfied with their sex education in secondary school. Faith religion has no place when it comes to sex education. It is about time for us, as a country, to recognise we have to move beyond that. The NUIG report also reported that a young boy in secondary school was taught that looking at the cycle was better than using contraceptives. Those people are then moving to third level with that level of understanding. The report published today has shown that 50% of women aged between 17 and 45 years have had sex without using contraceptives.

A report from Growing up in Ireland, perhaps last year, showed those who are most disadvantaged are those least likely to use contraception, and that moves to the matter of cost. Along with my party colleague Deputy Ossian Smyth, I pushed for free contraception to be put into the programme for Government and was really disappointed to see the Minister of State, Deputy Feighan, tell the Chamber last month that there had been a hold-up because of Covid. This is a crisis. It is about health but also about the well-being of our citizens. We need to see action on this immediately because it was part of the report of the Committee on the Eighth Amendment of the Constitution. We cannot just move forward with one part of the State's obligation in terms of access to abortion. We must also move forward with care for children and access to contraceptives if we are truly going to say that we are an enlightened country that is moving into a new era.

Senator Niall Ó Donnghaile: On Friday Sinn Féin published a discussion paper entitled Economic Benefits of a United Ireland. The debate on unity has been turbocharged by Britain's decision in 2016 to leave the European Union, a decision that has exposed the democratic deficit at the heart of the union. Despite the majority of the electorate in the North, including me, choosing to remain in the EU, we have been dragged out against our will. That is a decision that will have long-term consequences for the northern economy, for workers, for businesses and for living standards. Despite what Boris Johnson and his acolytes in the Conservative Party claim, none of these consequences will be positive.

This, however, is only the latest example of a state of affairs that simply is not working. We should never shy away from the very live discussion happening all around us. To do that would be to do all of our people a huge disservice. The Good Friday Agreement did not settle the constitutional question, rather it asks us the constitutional question. There is an alternative to the union, an alternative to Brexit. Irish unification is a guaranteed path back to the European Union. It gives the North a chance to steer its own course and to enjoy the dynamism of an all-island economy.

Of course, whenever discussion of Irish unity begins, the question of the subvention for the North is often raised, this is the difference between the revenue raised and expenditure attributed to the North. So difficult has it become to make the case for the union that this has become the strongest argument in favour of it. It goes something like this. The subvention is so large that the South could never afford the North, and the North could never survive without Britain. Those who make that argument essentially argue that the Northern economy has become so weak and so badly served by the union, that it can no longer survive without fiscal transfers. This is not exactly the strongest argument. Instead, it exposes how weakly the northern economy has been served by Britain. Surely we all should aspire to more than that. Irish unity would secure our place as an open, outward-looking, progressive island at the heart of Europe.

Of course, Irish reunification is not without precedent. This year Germany celebrated 30 years of reunification, and though not a model, German reunification is an example that national unity would not be an Irish project alone but also a European-wide project. The role of the EU would be even more central in the event of Irish unity. That is the vista before us, one of opportunity.

It could not come soon enough. With the twin threats of Brexit and Covid-19, there has never been a better time to take stock, talk to one another, and consider our future together and that of our future generations. I have no doubt this discussion document can contribute to that debate and I hope colleagues across the House, even those who disagree with Sinn Féin or even still think it is not the time for Irish unity, would take the time to read it, because what cannot be denied is that now is the time to start the discussion, the engagement and the planning. I ask that this Seanad play a positive role and emulate the vast levels of political, academic, civic and community discussion that is taking place on this issue within our society by having statements on planning for new constitutional arrangements as soon as possible.

Senator Malcolm Byrne: While I agree with much of what Senator Ó Donnghaile said, it should be recalled that for a long period his party shared the views of many of the Brexiteers about trying to pull away from the European Union.

I am sure the Leader will join with me in congratulating those Irish scientists who are involved in helping to find a Covid vaccine. It was quite pleasant to hear on the radio yesterday Dr. Teresa Lambe, who is a UCD graduate, and Professor Adrian V.S. Hill, who is a Trinity College Dublin graduate, both of whom are now working at the Jenner Institute in Oxford, talking about the research they have done. It highlights the real importance of investment in science and in research, and also the record of Irish universities and higher education institutions in this area. It is important that we have a discussion on how we are living with Covid and look into research on how we have coped with this period. The Leader has also spoken about the impact it has on society. We have to look at investing in research in our own higher education institutions and to learn from our experience.

I would also hope we could have a debate on the scourge of illegal dumping. This impacts all of our communities. It seems to have been on the rise over the Covid period. In the case of Wexford County Council, for example, to date this year the council has spent €1.86 million dealing with illegal dumping. In comparison, it spent €2.6 million for the whole of 2019. I am sure this is replicated in local authority areas right around the country. It is highlighted by local media and it really annoys tidy towns committees and local community groups that try to keep their areas clean. We must tackle the scourge of illegal dumping and those who are responsible will have to be caught, perhaps by making provision for cameras while working within data

protection provisions. It is no longer acceptable in our communities. I ask for a debate on that matter.

Senator Mary Seery Kearney: It is shocking to hear the news of the 10,000 images, on which the Leader has also spoken. That the images were gathered in the first place is really sinister and suggests an orchestrated facility to exchange images of women and underage girls. While some of the photographs and images were taken unbeknown to the victims, many of the images were conveyed in a trusting relationship where the original recipient was someone who was known and trusted.

Consent is everything and the context of sharing is everything to the permitted use of the images of another person. Photographs shared in an intimate relationship have a very confined context and to share them without the consent of another is a very serious violation on a whole heap of levels, but also of privacy. I will address the privacy element today.

It should be instinctive that photographs exchanged in an intimate context should be deleted at the termination of the relationship, or at the very least that they most certainly should not be shared. That is a serious lack of awareness and consideration, or a misunderstanding at its very least, of fundamental privacy rights. It is a serious flaw in our thinking and our use of technology that we do not have that instinctive sense of privacy and boundaries.

It is of deeper concern that underage girls have been victims of this. CyberSafeIreland has said that 93% of pre-teens own smart devices. This is 93% who have the potential to share inappropriate images, and people who share those images on are committing a criminal offence.

We need a debate in the House and we need the Minister for Education, Deputy Foley, to look at the feasibility of running privacy education in our schools. This must be fundamental to our curriculum in this rapidly changing world.

Senator Sharon Keogan: Article 40.6.1° of the Constitution refers to the media as the “organs of public opinion”. RTÉ, as the national broadcaster, enjoys a privileged position among these organs of public opinion, and not least because it receives almost €200 million annually from the licence fee payer who is compelled by law to pay. The licence fee payers and members of the public listen to the news and headlines as framed by those working in the top echelons of RTÉ.

All year long, the public has watched and listened as RTÉ put Covid centre stage. All year long, the nation has been suffering and making sacrifices to comply with harsh Covid-related restrictions. Often, the news coverage was far from dispassionate in tone, which is how it ought to be. Oftentimes the coverage bordered on moralistic or sensational, lecturing and scolding those who strayed from strict compliance to social distancing rules.

It is impossible to avoid comparison between the RTÉ retirement party we have seen photographs of and the so-called golfgate. That event generated a media frenzy culminating in high-profile political resignations. Top-paid journalists in RTÉ demanded accountability for those in positions of power or those in the public sphere. They subject such people to persistent scrutiny. They point the camera lens and microphone at them, as they should. At the same time, however, those who demand accountability from others should equally be held to account. We cannot have one rule for the majority and another for those with such a platform. Is a simple apology acceptable? It is for others to decide what is and is not acceptable. There are important questions to be answered by those involved in this

11 o'clock

retirement party about who organised it and how it came about. I welcome the Garda inquiry into the matter to try to ascertain if Covid-19 regulations have been breached. I also support the matter being raised with RTÉ management by the joint committee on communications at the earliest possible opportunity.

I take this opportunity to mention this because there are so many people around the world, in Cavan and Tipperary as well as the diaspora abroad, whose hearts were lifted this weekend with both wins. I look forward to Cavan beating Dublin in the semi-final.

An Cathaoirleach: As do we all.

Senator Timmy Dooley: As the Taoiseach and the Government take on the unenviable task this week of further relaxing restrictions around Covid-19, it is imperative that consideration is given to the capacity of people to live with Covid for the coming weeks, while at the same time having some semblance of a Christmas experience. Retail, barbershops and hairdressers must open without delay. We also have to ensure restaurants and pubs get an opportunity to provide their services in a safe and efficient way over the coming weeks. It is clear that the economy has been dealt a huge blow by Covid-19 but we have to start reopening it to allow people to have some sense of a Christmas experience. I hope the Government will take that into consideration.

There has also been an effort over recent weeks and months to divide society when it comes to people's capacity to respond and adhere to the rules and guidance during this pandemic. We should be closing gates rather than opening them and the sooner we get the RTÉ gate closed, the better for everyone. These are professional, hard-working people who are doing their jobs. They made mistakes. There is a context to this and in my humble opinion, a relatively minor mistake was made. They have apologised and they are being held to account. While I do not want to comment on any Garda investigation, and the Garda has to respond to reports and complaints when they are made, anyone who thinks it is good use of Garda time to be hanging around Montrose wondering who sent out an email and whether it complied with the strict letter of the guidelines has a fundamental misunderstanding of how this State is policed.

Senator Aisling Dolan: There is only a 20% uptake of the flu vaccine for children at national level and GPs are saying the exact same thing. It is crucial that we encourage parents to bring children for an appointment with their GP or a pharmacist. The nasal spray makes the vaccine easy for children to take. Best of all, it is free for children between the ages of two and 12. Families will be coming together at Christmas and it is crucial that parents know there is no possibility of their children passing the winter flu to older loved ones. It is extremely infectious, it passes easily from person to person, and we deal with it every winter period. Children who are sick miss out on going to crèche, playing sport and playing with their friends, and they can also get serious complications from the flu. Children can be admitted to hospital with follow-on bronchitis or pneumonia. The HSE has noted that in the past ten years 5,000 children were admitted to hospital due to complications from the winter flu, and some with serious consequences. Getting this winter flu nasal spray will help in keeping people out of hospital, and freeing up beds for those in need during this Covid-19 pandemic. GPs have recently expressed concern about the short shelf life of the winter flu nasal spray, which is only 18 weeks. They have the capacity to deliver, however we need a co-ordinated national campaign to encourage take-up of this nasal spray for the winter flu. I am calling on the Minister for Health, Deputy Stephen Donnelly, and the Department of Health officials to develop an immediate, targeted television, print and social media campaign to increase take-up in the next few weeks so that more parents bring their children to get the nasal spray vaccine. I urge parents to bring their

children to get the free nasal spray. It is a very simple procedure and by taking their children to get the spray, they will make a difference by keeping people out of hospital.

An Cathaoirleach: As I explained previously, for the benefit of Members, I have asked party Whips to ask colleagues about the rota and to decide which parties will speak, because I do not want, for example, 19 Fianna Fáil Senators showing up at the start of the Order of Business and the same with Fine Gael Senators. We cannot have a full Chamber. There is a rota and the Whips submit the names to the Chair, and they are put in order. I would ask that when Members are listed in order that they would be in for-----

Senator Jerry Buttimer: On a point of order, some of us are not part of a political grouping at the moment, and there does seem to be apartheid from the Chair regarding some of us.

An Cathaoirleach: No. Sorry, Senator-----

Senator Jerry Buttimer: Gabh mo leithscéal, I am entitled to make a point of order-----

An Cathaoirleach: Can I clarify a point-----

Senator Jerry Buttimer: This is not the first time-----

An Cathaoirleach: The Senator's name was on the list.

Senator Jerry Buttimer: Some of us have been here since the beginning of the Order of Business to facilitate a quorum, and have been here since half past the hour, and we were not able to get in. I do not know how the system is operated. I am not having a row with the Cathaoirleach, but there is apartheid against some of us in respect of the operation of procedure, which is grossly unfair.

An Cathaoirleach: For the benefit of Senator Buttimer, his name has been submitted by the Fine Gael Whip and he is fifth on the list. I have put him in the order that I received the request. Other Senators were put in ahead of Senator Buttimer and have arrived in late. I ask Senators to arrive at the start of the Order of Business if they are in line to speak, but I will circulate the email that I received from the Fine Gael Whip-----

(Interruptions).

An Cathaoirleach: Somebody submitted it. Senator Buttimer might wish to take the issue up with the Fine Gael Party. There is no apartheid going on in this House-----

Senator Jerry Buttimer: I have been here since 10.30 a.m. and-----

An Cathaoirleach: I ask Senator Buttimer-----

Senator Jerry Buttimer: -----and I raised my hand at 10.30 a.m. to speak. I am not having a row with the Cathaoirleach, but there needs to be an element of fairness in the allocation of speaking time. I will raise the issue again when I get to speak. I would like to make the point that it is not personal.

An Cathaoirleach: The Senator has accused the Chair of apartheid in this House.

Senator Jerry Buttimer: Well I have been here since 10.30 a.m.-----

An Cathaoirleach: I ask the Senator to withdraw-----

(Interruptions).

Senator Jerry Buttimer: I withdraw the remark.

An Cathaoirleach: I will circulate the email that I received from the Fine Gael Whip, and Senator Buttimer is fifth on the list. That is the system that we have operated because of Covid-19, and I know that the old system was different, whereby Members would come in, raise their hands and be taken in that order. That is not the system we are currently operating because of Covid-19. I have made that clear, week in, week out. I have asked Whips to send in the list. I know that Members arrive in and then they seem to be taken ahead of others, but that is because we are operating a new system.

Senator Jerry Buttimer: On a point of order, that does not apply. That does not apply to all the ways we operate in this House. On the issue of list to which the Cathaoirleach is referring regarding the Order of Business and other debates, whether they concern legislation, or statements, there is no uniformity of application from the Cathaoirleach regarding the names that are submitted. That is the point that I am making. I am not having a row with the Cathaoirleach, and I apologise if he has taken it personally, because it was not meant that way. However, there is an inconsistency in the use of a system of names for the allocation of speaking slots. That is the point I am making. I was not referring to the Cathaoirleach, and I apologise if he thinks I was, because I was not. However, one could be here for a debate on a given day, waiting to get in and not able to get in, even though one's name has been submitted. There are a number of lists being operated by those in the chair that the Cathaoirleach occupies, and the system is not fair to Members who come here in good faith. That is the point I am making; I am not just referring to what happened this morning, but I do take the Cathaoirleach's point. The reason that I am aggrieved relates to the point Senator Boyhan has made, which is that many of us have submitted our names, and have not been able to get in because there is a different list system in operation. That is the point I am making. That is the point I am making. Can you see it from my perspective, a Chathaoirligh?

An Cathaoirleach: I hear what Senator Buttimer is saying.

Senator Jerry Buttimer: Okay.

An Cathaoirleach: As far as I am concerned, on any Order of Business we have ever had, nobody has been excluded.

Senator Jerry Buttimer: I am not referring just to the Order of Business, a Chathaoirligh. It is frustrating and annoying to many of us who are trying our best to make contributions to business and statements of the House, that we cannot get in.

An Cathaoirleach: If I could just make this point to Senator Buttimer, his name is on the list.

Senator Jerry Buttimer: I appreciate that.

An Cathaoirleach: The fact that he was unaware that his name was on the list is not my fault.

Senator Jerry Buttimer: I was not referring-----

An Cathaoirleach: We are operating a system-----

Senator Jerry Buttimer: A Chathaoirligh-----

An Cathaoirleach: Senator Buttimer should let me finish.

Senator Jerry Buttimer: Sure, absolutely.

An Cathaoirleach: We have operated a system due to Covid-19 where people are asked to submit names. This is for the safety of everyone in the House. Senator Buttimer's name is on the list today. His name will be called, as will everybody else. I know people watch other Members come in and wonder why they are called to speak ahead of them. That is because we are operating this particular system. Under the old system, people would just come in and be taken in the order in which they arrived, as best we could.

Senator Jerry Buttimer: That is not my point, a Chathaoirligh. I have no issue with that. I accept that-----

An Cathaoirleach: That was the point Senator Buttimer started with.

Senator Jerry Buttimer: Yes, but I am making-----

An Cathaoirleach: In regard to other issues-----

Senator Jerry Buttimer: But, a Chathaoirligh, you are the custodian of the position of Cathaoirleach, and there is an element of unfairness, however it happens, where Members cannot make a contribution to debates on legislation but predominantly on statements. If we go back to last week, some of us had to either share a minute and a half or two minutes each, or we could not get in at all.

An Cathaoirleach: I thank Senator Buttimer.

Senator Jerry Buttimer: I appreciate the element of Covid-19, but Senator Boyhan's fundamental point is right. We are the Upper House of a Parliament and we need to look at how we can ensure that the way we do business is changed to adopt to the new way of doing things in a Covid-19 world, but it is unfair. I am sorry that I am aggrieved about it. Many of us are trying to make an effort to contribute and we cannot get in. That is the point I am making.

An Cathaoirleach: I thank Senator Buttimer.

Senator Jerry Buttimer: I apologise if you think I am having a go at you, a Chathaoirligh. I am not having a go at you at all. It is the system I am having a go at.

An Cathaoirleach: Senator Buttimer started off by saying there was a system of apartheid.

Senator Jerry Buttimer: You are missing the point.

An Cathaoirleach: I am sorry. Could I just make the point?

Senator Jerry Buttimer: Yes.

An Cathaoirleach: Senator Buttimer started off saying there was a system of apartheid. He said he had indicated. His name is on the list. His name is in the Chair's rota, as agreed at the Committee on Procedure and Privileges, CPP. The point he is raising regarding other Bills is before the CPP. That is a matter that will be decided at the CPP. It is an ongoing debate. As far as the Chair is concerned, in regard to the Order of Business, no Member, unless there was

extreme urgency, has ever been refused. That is as far as I can remember. We are operating a fair system that has been agreed by all leaders. If Senator Buttimer has a particular grievance, he might get on to his Whip or the Leader-----

Senator Jerry Buttimer: I do not have a Whip.

An Cathaoirleach: The Senator's party Whip sent in this list and his name is on the list. The fact that Senator Buttimer is unaware of it is not the Chair's issue. If he would like me to rectify it, then he needs to do that.

Senator Jerry Buttimer: No, I will do it.

An Cathaoirleach: Regarding statements and Private Members' Bills, there is a difficulty because they are two-hour slots. Any proposals Senator Buttimer has, I suggest that he makes them to the House and through the Cathaoirleach's office if he wants to write. They are the issues.

Regarding the issue Senator Buttimer brought up on the Order of Business and that his name was indicated, he is aware of the system. His name is on the list. That is the system I am operating and I am doing it in a fair manner.

Senator Jerry Buttimer: Do you want me to reply, a Chathaoirligh?

An Cathaoirleach: No. I am just making the point.

Senator Rebecca Moynihan: I apologise for not being in the Chamber but I was in a committee and I have to go to a committee afterwards. I request a debate on an issue I wish to bring to the attention of the House, that is, the very welcome decision yesterday by the Minister for Housing, Local Government and Heritage, Deputy Darragh O'Brien, to ban co-living developments. That is really welcome. The report says that applications that have been made for co-living developments are undermining the concept because they are not within the high density areas or the high employment areas that are required. I would like some clarification on what is happening to the planning applications that are currently going through the system. From the appendix in the report, there are a number of planning applications that are currently going through to which I do not see a reference. There is one in Donaghmede and one on Cork Street, within my area of Dublin 8. Dublin City Council planners put in a submission on the Cork Street development and they were scathing of the shared space that was made available, of the fact that 19 units were above basement and that the accommodation was below the standard that was needed.

I urge that we would have a debate in this House on the ban on co-living and to look at the developments for which this may be too late. We are potentially going to develop substandard accommodation for people until the ministerial guidelines are issued. I ask that the Minister go further than he has done in the ban on co-living. He should ban purpose-built student accommodation being converted into short-term accommodation, which is co-living by the back door. In Dublin city, there have been five applications, which equate to about 1,600 units, for a temporary change of use from purpose-built student accommodation to shared accommodation. My fear is that this would not be temporary and that it would essentially be co-living by the back door. It is worthwhile to have a debate about accommodation standards in this House.

Senator Eugene Murphy: I support Senator Boyhan's request for a debate on how men-

tally ill patients are being held in prisons such as Cloverhill Prison and others. It is not the first time this has happened and it would seem that the individual to whom Senator Boyhan referred was there for two weeks. It is very difficult not to become upset when one reads the article by Conor Gallagher in today's edition of *The Irish Times* and it is something with which all of us, as parliamentarians, must try to deal.

I want to return to an issue that has been brought up in this House previously and this comes on the head of representations I have received, particularly from adult children of elderly parents, who have pleaded with me when they met me at the weekend, to request that we would ask for churches to be reopened for services. I am a practising Catholic who likes to go to church and I would like to see the church opened up for masses. I would also like that to apply to other churches as well. I must praise our Leader because she has been strong on this issue in this House and in the media and I admire her for doing that. I would like Members to take that up again with the Taoiseach and the Government. Those people were asking me why we would not open the churches from Monday to Friday for morning mass and services. There is never a huge crowd at the morning services but it would accommodate those older people, who do not only see it as something spiritual but they are also meeting their friends and they might walk a few hundred metres into the church if the morning is fine. It is important for the well-being of those people. I know the Leader will take this issue up again and it would be nice to give something like that back to people by opening up the churches from Monday to Friday straight away. I acknowledge that churches are open but we could open them for mass or services. We allow 25 people in for a funeral and a church wedding so why would we not allow 25 in for morning mass during the week?

Senator Jerry Buttimer: I thank the Cathaoirleach for clarifying the matter I raised earlier and I appreciate that. I assure the Cathaoirleach he will hear no further remarks from me on it. I appreciate the job he has and it is not an easy one. I do not mean anything personal by it at all.

Senator Pauline O'Reilly raised an important issue this morning on the report of the Dublin Well Woman Centre research that was published today. It is a startling reminder of the misunderstandings and misconceptions around contraception among women and it is something we need to urgently have a debate on in the House, particularly given the debate we are having today and the importance of the work that is being done by so many in this House. I agree with Senator Pauline O'Reilly that the issue of sex education is one we need to prioritise.

I also ask that we would have a debate on health. We are told there is no shortage of the flu vaccine and we are told there is a shortage. Senator Dolan raised an important point about young children not being brought to take the vaccine and then we got an email yesterday from the Houses of the Oireachtas telling us we cannot get the flu vaccine but that we will get a contribution towards it if we need to because there is no availability. Yet Colm Henry, a lead person in the HSE, was on the radio at the weekend telling us there was no problem at all. Let us have a real debate on health in the country and let us have it here in this House.

I welcome the Leader's commitment to the debate on the reopening of the country on 1 December. The Government cannot govern by Twitter or social media. Social media was not built for government. Government is about leadership from Ministers charged with the responsibility of governing. We are having a belated debate next Thursday and the reopening of the country is being announced on Thursday night because we cannot compete with "The Late Late Toy Show". In all fairness, if that is what we are reduced to, then God help us.

Senator Paul Gavan: I raise the issue of nursing homes and call for a debate on the topic of how we organise our elder care. Members will have seen the very disturbing story last week about a nursing home in Kerry where the HSE had to intervene. Twenty three out of 24 patients in the nursing home had Covid and, regrettably, there were six deaths. This latest tragedy, which was described as a situation of chaos, comes on the back of an appalling rate of deaths earlier this year in our nursing homes. In fact, we had the worst figures anywhere in Europe. It prompts a national conversation. I do not recall anyone ever saying to the Irish public that we will deal with elder care via a private for-profit model. If anyone in this House proposed dealing with healthcare on a private for-profit basis, they would rightly be condemned from all sides and yet the model of elder care we have is a private for-profit model. It is a model based on low wages, on exploitation. One contract I have seen specifies the company requires the worker to work a variety of shifts, including days, nights, evenings and weekends and for this, an employee would get a premium of 3.5% on an average rate of pay of €11, which is just 39 cent an hour on top of his or her pay rate to come in at any hour of the day or night. It is an absolute disgrace. I also point out the fact that trade unions are not welcome in a nursing home sector. That is why one will never hear from a trade union spokesperson for nursing homes; one will hear from owners and managers. It is very regrettable that for the past two decades, Fianna Fáil and Fine Gael spent millions subsidising private so-called entrepreneurs to set up nursing homes on a model of care which is completely inadequate. Surely to God we should all recognise that elder care should not be an issue of profit. It should be an issue, first and foremost, of care. I call for a debate on that issue.

Senator Mary Fitzpatrick: I welcome the Government's decision announced by the Minister for Housing, Local Government and Heritage yesterday to ban co-living. It signals a really decisive and important shift in the policy of the Government and the State towards the provision of housing. When the concept of co-living was introduced in 2018, it was probably well intentioned but it certainly was never going to deliver quality homes for life, homes for families or homes for people living in our cities.

I note the recent decision by Dublin city councillors to reject the proposal for the development of a very valuable State-owned site on the north side at Oscar Traynor Road. That site for those Members who do not know it, is a site of State-owned land encompassing roughly 17 ha and it has the potential to deliver more than 800 desperately needed homes. I seek an update from the Leader on when the Minister will come to the House to debate housing issues generally. I would specifically like these two items on the agenda for that debate. The Oscar Traynor road site presents an amazing opportunity for the Government and the State to demonstrate their clear commitment to the provision of public housing on public land. The land is owned by the State and is serviced land. The Government can access borrowings at almost negative interest rates in some instances. The local authority needs to be supported to deliver social and affordable homes both to rent and to purchase on that site. I would appreciate if the Leader could give us an update on when the Minister will come to the House to debate those issues with us.

Senator John McGahon: I seek a discussion on the concept of the vaccine strategy and the roll-out behind it. There has been wonderful news every Monday for the last three weeks about the strength of the vaccines. Yesterday, the Taoiseach said that he wants to present the roll-out strategy to the Government on 11 December. Perhaps we should consider inviting the Minister to the House before Christmas for statements on the roll-out strategy. That is my request today. I believe it would be a good idea. There are a couple of things about the roll-out strategy that should be considered and clearly outlined. What is the tiered system? Will it be healthcare

workers first and elderly people second or how will we do it? The other issue is what we are going to do to encourage mass co-operation with the roll-out. What are the targets and the timescales? Do we want to have X amount of the population vaccinated by Y date, for example? It should be clearly outlined.

I will explain the benefit of that. As we are now coming out of our second lockdown, we are facing an uncertain Christmas and January. Senator Keogan was correct. My view of RTÉ is that the “Six One News” for the last couple of months has been like the fifth horseman of the apocalypse, for want of a better phrase. I strongly believe that. If the Government can produce a clear and detailed vaccine strategy before Christmas, it will provide a major level of reassurance to the Irish public. It would say to the public that we have done fantastically well over 2020, there is light at the end of the tunnel and this is the plan for us to get through it. If that could be published in as much detail as possible before Christmas, it would provide great reassurance to the public.

Senator Gerard P. Craughwell: I have been fulsome in my praise for the Minister for Defence, Deputy Coveney, and the work he is doing with the Defence Forces, and I maintain that position. However, I was deeply disappointed last weekend to learn that national pay talks have started - at least, that is what we believe - and, contrary to the position of the Minister, Deputy Coveney, that the Defence Forces would be at the table from the beginning, they were not at the table and were not even aware of the fact that pay talks had started. Indeed, I understand that departmental officials were not aware that pay talks had started. The same applies to the Garda Síochána. This places general secretaries of the representative bodies in a most difficult situation with their members. I ask the Leader to advise the House tomorrow, if possible, what the position is with pay talks. Have they started and, if they have, who is involved? Why are those who are not affiliated to the Irish Congress of Trade Unions, ICTU, not involved on a peer equal level, which is what I was given to understand would be the case? We are preventing these organisations from affiliating with ICTU, so it is extremely important that they are treated as peer equals.

There is another matter the Leader might organise in the not too distant future. The search and rescue contract for the country is due to be renewed for 2023. The current contract will cost approximately €630 million. At the end of the ten years, we will have had ten years of excellent service in respect of search and rescue, but nothing else to show for it. A group of concerned people, chaired by me, is interested in bringing the Air Corps back into search and rescue, mandating the top cover service by the Air Corps on a roster basis and ensuring it has the resources. If the Leader would invite the Minister for Transport to the House to discuss this, I would appreciate it.

Senator Martin Conway: I wish to have a debate on health, specifically general health with regard to vaccines, and the flu vaccine in particular. It is regrettable to have a situation where there is mixed messaging emerging about the flu vaccine. We are told by the HSE and the Department of Health that there is an adequate amount of the vaccine, but the circumstantial evidence throughout the country is that there are difficulties. There are different stories emerging from different areas. There is different narratives depending to what general practitioner, GP, surgery one is dealing with or discussing. With regard to the nasal vaccine for children, in particular, mixed messaging and poor communication has resulted in a 20% to 30% uptake of this very effective vaccine. That is regrettable because the number of young people who get the flu each year, suffer as a result of it, spread it and so forth is too high, and it should not be that high. Given the low take-up of this very effective nasal vaccine, I suggest that the Department

of Health and HSE consider increasing the age from 12 to 17 years. In other words, anybody under 17 could avail of the nasal flu vaccine free of charge. The last thing we want is for the stock to go out of date. It would be a shocking waste of money if we are in a situation when this winter season is over where hundreds of thousands of effective nasal flu vaccines are out of date. We need an urgent debate and urgent action. I call on the Minister for Health, Deputy Donnelly, to increase the age of those eligible to receive the nasal vaccine from 12 to 17.

Senator Regina Doherty: A number of colleagues have raised the horrendous situation of the tens of thousands of images that were discovered last week. The fear and anger of our young women and, indeed, lots of our young men, and their mummies, daddies, friends and everybody in the country last week was absolutely palpable. I do not say that anecdotally from meeting somebody in the street. I have four children who do not give two hoots about what I do all day, every day. They do not get exercised about politics. I have never seen my 18-year-old daughter and 21-year-old son ever get as exercised about something as they did last Thursday. The anger that my daughter expressed put the fear of God into me because the only outcome that I could come to in my head was that she had been a victim. Having sat down with her on Thursday, hopefully and gratefully, to discover that she had not, it made me wonder that her anger was so well placed because she was so angry on behalf of her friends who she felt potentially had been victims. Even as late as yesterday and today she told me that the Twitter and Instagram debates were ongoing, and I think they will be ongoing for a while from today. She told me that she got 300 likes for a comment that she made and it made her feel incredibly proud that she was sticking up for people.

It is a tremendous pity that the Labour Party Bill has not been passed before now. I commend the party's members on the hard work that they have done on this particular campaign. I really do hope that the Government works in conjunction with Deputy Howlin in the next couple of weeks to get the legislation passed both in the Dáil and Seanad. More is the pity that the culprits of last week's leak, and I use that word lightly, will not be covered by the new Bill that we will pass, please God.

I do not say the following disrespectfully but we have all got into the habit of calling this "revenge porn" as if it were a response to something that some of our young women, or indeed some of our young men, have done. It is not revenge porn. It absolutely is vicious, violent and targeted sexual abuse of the young people of this country and probably, indeed, of the world.

Senator Jerry Buttimer: Hear, hear.

Senator Regina Doherty: It needs to be called out for exactly what it is. We need to move heaven and earth in this House and in the Dáil, along with our Government and Cabinet colleagues, to make sure that we do something about it in this year of everything else that has gone horribly wrong, so that we can have done something decent before the year ends. I thank my colleagues for bringing it up. The Minister for Justice will be in the House this afternoon and I am sure colleagues will raise the matter with her when she is here.

Senator Boyhan and others welcomed the ban on co-living. I do too, even though I come from the party that was instrumental in introducing the initiative in the first instance. It is timely, given that there are now a lorryload of people who seem to have jumped on the bandwagon of deciding that they can do something about an initiative that was only ever intended to be probably a 1% part solution of an overall housing plan. I welcome the decision by the Minister for Housing, Local Government and Heritage to ban any future ones. Senator Moynihan asked

what will happen to the projects that are currently in planning. I do not know the answer, so I will find out and come back here tomorrow.

To respond to Senator Boyhan, who raised the issue of 60 minutes that have been allocated for a debate on a Bill this afternoon, and to explain to colleagues, it is not a random number that I would have picked. It was based on the Bill when it was passed last year. It passed all Stages in this House in 45 minutes, so I assumed that 60 minutes would be plenty, but we seem to be having this debate back and forward. I think this has come up in the context of statements as well. If a member of a Government party is in the House and we are having a debate or statements in which there is genuinely huge interest and we run out of time, all we have to do is extend the time for that business with the co-operation of the rest of the Members of the House. I have absolutely no problem doing that. All I am trying to do is schedule debates for times and lengths of time based on past interest. Perhaps interest has changed. I will be cognisant of that and make sure we try to be adaptable.

One of the first things I do in the morning, probably even before I get out of bed, is to open *The Irish Times*. The story on its front page today, in conjunction with the story in recent weeks of the young man in direct provision who had sores all over his body, paints a disgusting picture of how we treat vulnerable people in this country, and it needs to stop. One of the first things I will do for colleagues today is to request a debate on prisoner conditions and how we should deal with people who are very vulnerable. I think we all have a graphic image in our heads this morning of that young man. It is not acceptable, and there is no excuse or explanation that could square it away, so I will ask for that debate as a matter of urgency.

A number of colleagues have asked for a debate on the Dublin Well Woman Centre report published this morning. It is absolutely shocking to think that in 2020, young ones are having sex without contraceptives just because they cannot afford them when we committed a number of years ago through the Department of Health to provide free contraception. I know Covid has delayed a lot of things but it certainly should not delay the distribution of contraceptives through any medium or in any form. A lot of the venues we would have thought of using are probably closed at present but that does not mean we cannot find a way to ensure that our young people, and indeed perhaps our middle-aged and older people who are having sexual relations, are doing it safely. I will ask for an update and a debate on that.

Senator Ó Donnghaile requested earlier a debate on the economic feasibility of a united Ireland. I certainly will request such a debate. When he said what he said and outlined the reasons he thinks we should have a united Ireland, I was mindful that it is timely that he talked about the false positive messages that were given in respect of Brexit. I believe that anyone who voted against Brexit knows there is not a single positive outcome that will happen from 1 January or thereafter. I believe that all those people who voted in favour of Brexit are now starting to realise - if they do not by now, they definitely will by next year - that the positives they were promised were nothing but a fake political last grasp of trying to pull the wool over people's eyes. I really feel sorry for them, and I do not say that disrespectfully. The outcome and its negativity has not even begun to dawn on some people yet, not least on our own people, but it absolutely will. The economic impacts will be severe. The deal that, please God, will be done in the coming weeks will try to cushion those impacts, but there is no good in Brexit for anybody. I will ask for a debate on that also.

A number of colleagues mentioned living with Covid. I have a debate on that scheduled for this Thursday. I take on board what Senator Buttimer said about it probably being a little

late, given that NPHET will meet tomorrow and the Cabinet will meet on Friday to sign off on any further measures and tell us what will happen over the coming weeks. I have been vocal on a number of issues in recent weeks because I feel very strongly that we have divided society and tried to justify why one activity is okay whereas an activity that would provide equally as much well-being and positivity for another section of our community is not okay because of our concern for their well-being. Irish people are incredibly intelligent and they have taken on board and have done everything we have asked of them when it has made sense. When it does not make sense, the relationship and the trust breaks down.

I may be a contrarian, and this might not be popular, but I do not believe that a strategy of rolling lockdowns for the next six or 12 months is one we should pursue. I was dismayed when Anthony Staines yesterday told me that this is what living with Covid looks like because many people in our communities and our society are not living at the moment. I keep thinking about the lady Senator Dooley mentioned a number of weeks ago. I do not know why I cannot get her out of my head but I cannot and I keep telling people about her. We need to provide her with hope. We need to give her the opportunity to see her children this Christmas in order that she can get through the next couple of months because while some people in this country think six or seven months to wait for a vaccine is no time at all, six or seven weeks is a lifetime for some of our older generation and our younger generation who do not feel any of the hope or the positivity that many of us feel for the vaccines that are coming. I really welcome those vaccines and I hope they work. Six weeks or six months is an awfully long time for people to be told to put up and shut up. We need a genuine debate about how we curtail our activities while opening society to allow people to have some freedoms and have a semblance of a life while we wait for the vaccine.

One of the downsides of the division of society is what happened in RTÉ last week. I agree with Senator Dooley that it was a human transgression more than a heinous sin. We have become a society that has set bars and RTÉ set its own bar very high. It is a pity. We are supposed to be all in this together. This means we can have differences of opinion but we must all look out for each other and recognise we are human, with frailties. Human beings are sociable creatures and we all have lapses. To bring down the hammer on a group of people because they happen to be public figures is a pity. We will have the debate on Thursday and I hope some of the gems of our wisdom will be heard by the Government before it makes the decision. The discussion will definitely feed into what will happen in the next couple of months.

We will have the planning Bill this week but there is still a standing request for the Minister with responsibility for housing to have a proper debate on housing here, not just on co-living but all developments. I will follow up with the office today to see what the date will be. To be fair to the Minister, he has been particularly busy and he is preparing a new report.

On the request for a debate on nursing home care, it is shocking that more than half of our deaths from Covid-19 have come from nursing homes. I do not quite agree with Senator Gavan, who raised the question, which is unsurprising, but I agree we must be mindful of the people in those nursing homes and our loved ones in all our communities. We must ensure to protect them as best we can and better than we did in March, April and May this year.

There have been mixed messages from different parts of the health service on the flu vaccine and they are a bit difficult to understand I suppose. Sometimes vaccines seem to be missing and then they are not missing. We encourage parents to bring their children for vaccination and yet when they go to the doctor, they are told there are no vaccines available. We need a clear and

definitive statement from the Department of Health on where the 1.2 million vaccines for adults have gone and why there is such a shortage. Perhaps it is only anecdotal evidence. We must also consider what we will do with the vaccine for younger people between now and December because it would be criminal for us to find ourselves with vaccines going out of date in January this year and not being used.

I will come back to Senator Craughwell on his matter as I am not aware of what he raised this morning about pay talks. I will find it out today and raise it with him on the Order of Business tomorrow if not privately beforehand. I do not know anything other than that the tender for the search and rescue service will be open to all. I am not sure if it is open to the Defence Forces as it is a body of the State.

My remarks on the matter raised by Senator Bacik might leave me a hostage to fortune. I may have to find myself not agreeing with the Bill in the next couple of weeks but it is a testament to the hard work of Labour Youth. I say this with all our youth organisations in mind because sometimes they are overlooked. The campaign outlined by Senator Bacik is long overdue and is extremely welcome. Any child born and living here who has integrated with and enriched our communities with their diverse culture, knowledge and traditions should absolutely be recognised as part of their community and society. A pathway to citizenship should be a simple right available to them. I wholeheartedly welcome the campaign by the Labour Party and Labour Youth and I thank the Senator for bringing this back. The world seems like an awfully different place from when the country made that decision 16 years ago. We have become more compassionate, understanding and inclusive. I really hope we have. I commend and support the Senator personally, and I really hope I will be able to support her politically. I will do everything I can in my party to ensure this becomes a reality.

Senator Ivana Bacik: I thank the Leader.

Senator Regina Doherty: We have had a major lift and a real tonic because of our beloved GAA over the weekend. The ceremony at Croke Park was poignant and was carried out beautifully. We should give a bualadh bos to the GAA and the organisation behind it for commemorating the occasion in such a lovely way. The lift we got from Cavan and Tipperary could not be bottled it and it is lovely. As a Dub, I say up the Dubs, because nobody else here seems to be saying it. We are definitely going for the drive for six.

Senator Eugene Murphy: Do not forget to mention Meath.

Senator Regina Doherty: True, sorry.

An Cathaoirleach: While this is not normal procedure, as we have a Senator from Tipperary, I will allow him to speak. The honourable Senator from Tipperary will now address the House on Tipperary's magnificent win over the weekend. Congratulations to Tipperary.

Senator Garret Ahearn: The Cathaoirleach predicting what I am going to say before I say it, but he is right. I am pretty sure that he, as someone from the county that was beaten by Cork, will support us going forward.

An Cathaoirleach: A hundred per cent. I could not be happier.

Senator Garret Ahearn: Does it not just show what sport and the GAA can do? Difficult decisions were made a couple of months ago over whether this year's championship should go

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ahead and whether Government could support it. A weekend like we have just had shows the impact it has for people and for communities. For my county it is huge. It took 85 years to win a Munster final and having two players from my parish on the team gives great personal pride for our area. Many people have talked about it being similar to 1920 with the same four provincial winners in the all-Ireland semi-finals. Apart from the Leader and other Dublin people, most people will hope it finishes the same way as it did in 1920 with Tipperary winning an all-Ireland title.

An Cathaoirleach: We all support Tipperary in the final, except the people from Dublin. Is the support for Tipperary agreed anyway?

Senator Malcolm Byrne: I note the Deputy Leader is not in the House.

(Interruptions).

Order of Business agreed to.

Sitting suspended at 11.47 a.m. and resumed at 1.30 p.m.

Gnó an tSeanaid - Business of Seanad

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

The need for the Minister for Health to make a statement on the outbreak of Covid-19 at Oaklands Nursing Home, Listowel, County Kerry.

I have also received notice from Senator Niall Ó Donnghaile of the following matter:

The need for the Minister for Foreign Affairs to provide an update on the programme for Government commitment to hold a referendum to extend presidential voting rights to Irish citizens resident outside the State.

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 Emer Currie of the following matter:

The need for the Minister for Health to make a statement on the position of non-EU medical students wishing to pursue a career in the Defence Forces and who may lose out on intern posts as a result of increased pressure for places by Irish and EU citizens.

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.

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 Tim Lombard of the following matter:

The need for the Minister for Transport to provide an update on the project appraisal plan for phase 2 of the Bandon southern relief road in County Cork.

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 Malcolm Byrne of the following matter:

The need for the Minister for Transport to provide an update on waiting lists for driving tests.

I have also received notice from Senator Rebecca Moynihan of the following matter:

The need for the Minister for Education to sanction the provision of an autism spectrum disorder, ASD, specific school in Dublin 12.

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 Alice-Mary Higgins of the following matter:

The need for the Minister for Justice to make a statement on the recent and ongoing issuing of deportation notices to asylum seekers from Ireland during the global Covid-19 pandemic.

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

The need for the Minister for Justice to consider the introduction of legislation to address the problem of image-based sexual abuse, commonly known as "revenge porn".

I have also received notice from Senator Marie Sherlock of the following matter:

The need for the Minister for Social Protection and for Rural and Community Development to make a statement on the incentives available to individuals experiencing unemployment to undertake training courses, and the reason for the disparity between the rate paid to individuals participating in the vocational training opportunities scheme, VTOS, and those in receipt of the pandemic unemployment payment, PUP.

I have also received notice from Senator Catherine Ardagh of the following matter:

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The need for the Minister for Education to provide an update on plans for Scoil Colm, Crumlin, Dublin 12.

I have also received notice from Senator Vincent P. Martin of the following matter:

The need for the Minister for Foreign Affairs to make a statement on Ireland's response to the ongoing military conflict between the Ethiopian Government and the regional state of Tigray.

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

The need for the Minister for Health to provide an update on the nursing homes support scheme.

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

The need for the Minister for Housing, Local Government and Heritage to ensure that all social housing tenants have access to all facilities in housing developments.

The matters raised by the Senators are suitable for discussion and I have selected Senators O'Sullivan, Ó Donnghaile and Boyhan and they will be taken now. Senator Currie has withdrawn her Commencement matter, which I had originally selected. The other Senators may give notice on another day of the matters that they wish to raise.

Nithe i dtosach suíonna - Commencement Matters

Covid-19 Pandemic

An Cathaoirleach: I welcome the Minister for Health, Deputy Stephen Donnelly, to the House.

Senator Ned O'Sullivan: This is my first time addressing the Minister in the House so I warmly welcome him here. I commend him on the outstanding job he is doing in health which, in fairness, is something that has been acknowledged by all sides of the House.

I am sure the Minister is familiar with the very sad situation that obtains at Oaklands nursing home in Listowel, which is about two miles from my home. It has made the headlines recently for all the wrong reasons, in particular the fact that 23 out of 24 patients proved to be Covid-positive and, as of this morning, we had six Covid-related deaths. Just now, as I was walking into the Chamber, I was informed that the number has risen to eight. I sympathise with the afflicted and with the families of the bereaved. It is a terrible time for them. The reason I tabled this question is to try to help them to get information. They are very reasonable people but there has been a communications deficit both regarding what is happening in Oaklands and what is happening in some of the other community care facilities around the county, including in the town of Kenmare, as you know well yourself, a Chathaoirligh.

The situation in Oaklands is disturbing insofar as there is plenty of evidence to show that HIQA had concerns about the facility for a substantial period. In its most recent unannounced visit during the summer, it found quite a number of deficiencies in the management, and a big list of improvements to be made was drawn up at that time. Unfortunately, we have no knowledge of what was taking place before the outbreak of the pandemic in Oaklands nursing home, but certain questions have to be raised. What was the follow through action on the issues flagged during the HIQA visits, and who supervised it? Either the facility was working appropriately and adequately or it was not.

I refer again to the issue of communications. The families involved, like all families, have suffered so much, and they have not been able to attend the funerals of their loved ones. The very least they need to know is what is happening there right now and what the immediate plans for the future of that facility are.

I will speak briefly on the other issue I wish to raise. As the Minister of State knows, patients from the nursing home have been dispersed to other community care facilities in the county. Latterly, and in the past few days in particular, this has given rise to widespread concern in all the other hubs involved in Kerry. I would like to know whether it is true that in places such as Kenmare there is an increased level of infection, either among the patients or the staff in the nursing homes there. Are there adequate staff rotation systems in place, for example, in Kenmare? What additional facilities does the Minister of State think should be provided to help homes like those in Kenmare to deal with the incursion that has been visited upon them as a result of the Oaklands situation? I am not trying to make any political capital out of this situation, and even though it is happening close to where I live, I have no real involvement in or knowledge of Oaklands nursing home. Like all the other facilities, it seemed to be working reasonably well, but this was all going on behind the scenes and we did not know about it. I look forward to hearing the Minister of State's response to the issues I have raised.

Minister of State at the Department of Health (Deputy Mary Butler): It is lovely to be back again in these beautiful surroundings. Every time I look up at those beautiful Waterford Crystal chandeliers, I think how very lucky we are to be in such an opulent room.

I want to thank the Senator for raising this very important issue. Every person who is supported in older person's services is entitled to expect and receive supports of the highest standard. Quality care and patient safety is a priority, and our continued focus is, and will always be, to deliver safe, high-quality services.

Nursing home providers are ultimately responsible for the safe care of their residents. Since 2009, HIQA has been the statutory independent regulator in place for the nursing home sector, whether homes are HSE-managed or private nursing homes. As the Senators will be aware, there are currently 585 nursing homes in Ireland, 80% of which are privately owned and 20% of which are run by the HSE. The authority, established under the Health Act 2007, has significant and wide-ranging powers, up to and including, withdrawing the registration of a nursing home facility, which means that it can no longer operate as a service provider. This responsibility is underpinned by a comprehensive quality framework comprising registration regulations, care and welfare regulations and national quality standards. In discharging its duties, HIQA determines, through the examination of all information available to it, including site inspections, whether a nursing home meets the regulations in order to achieve and maintain its registration status. Should a nursing home be deemed to be non-compliant with the regulations and the national quality standards, it may either fail to achieve, or lose, its registration status. In addition,

the chief inspector has wide discretion in deciding whether to impose conditions of registration on nursing homes. As the Senator will appreciate, it is not appropriate to speak about individual cases, however, I can assure the House that the HSE is engaging directly with the nursing home in question, and has been since early November 2020. Last week, arising from concerns about the operation and management of the nursing home, HIQA's chief inspector initiated court proceedings under the Health Act 2007 to cancel the registration of the nursing home. In accordance with the legal process, the HSE has formally taken charge of the nursing home to carry on its operation until alternative arrangements for the residents can be put in place. The HSE is undertaking various assessments of the situation and is considering its options in order to ensure the safety and care of the residents in question. The situation is evolving rapidly, as the Senator has noted, and involves a complex set of circumstances.

I am aware of how distressing a time this is for residents and families of those who have passed away as a result of Covid-19. I express my condolences to the families of those who have lost their lives in this nursing home. The Senator said he had been informed of two more deaths today so that brings to eight the number of older people who have lost their lives in that home. I sincerely sympathise with all their families. My officials will continue to engage with the HSE on this matter and I will ask the HSE to ensure it communicates appropriately with residents and families. Communication is one of the key issues here.

Unfortunately, I am not in a position to answer questions about various individual nursing homes the Senator has raised or the transfer of patients. However, he may rest assured that I will raise these issues and concerns immediately with the Department of Health and the HSE to try to get some understanding of exactly what the situation is.

Senator Ned O'Sullivan: I welcome the Minister of State's answer. I acknowledge that she cannot talk about particular instances and I am reluctant to bring up an individual case. I normally would not do so but as the Minister of State said, this is a rapidly evolving situation. There is concern about it as Listowel has consistently had very high rates of Covid *per capita* and was one of the highest local electoral areas, LEAs, in the country for a period. It is worrying for us and now it is worrying for other sectors and parts of Kerry as well. What I take from the Minister of State's response is her commitment that the HSE will communicate with the families. I join with her in sympathising with the bereaved and I wish them well at this very difficult time.

Deputy Mary Butler: I thank the Senator for raising this issue in such a sensitive manner because it is very difficult for the many families that may be listening in, who are very concerned about their loved ones receiving care in nursing homes throughout the country. I am sure the House will understand my reluctance to speak in any great detail about the specifics of one particular nursing home. Since the onset of this pandemic, HIQA has put in place a quality assessment process, whereby all designated residential centres are formally contacted on a regular basis by an inspector or social services to assess how they are coping, the welfare of the residents, any concerns they have and any deficits identified in their ability to sustain a safe, high quality service. As the regulator for the nursing home sector, HIQA has completed a risk assessment of all nursing homes. In addition, a HIQA Covid-19 assurance framework was published on 28 September to support social care services in order to ensure effective infection prevention and control practices are in place.

The central focus of the response to Covid-19 has been controlling the spread of the virus insofar as possible. Sustained communication and interagency co-operation also remains cen-

tral to the response to Covid-19. A package of supports was put in place, which has been of critical importance. Those supports include guidance, PPE, staffing, serial testing of all staff on a fortnightly basis since June, infection prevention and control training, and financial supports for the nursing home sector, both public and private. In addition, public health outbreak control teams and multidisciplinary clinical supports are in place at CHO level, with 23 Covid-19 response teams.

Unfortunately, this information does not answer the Senator's specific questions and I cannot speak specifically about one particular nursing home. However, I assure him that the HSE has been onsite from a very early stage and is working constructively. I will make sure of the commitment I gave the Senator today that the families will be communicated with. As I have said, I will raise this matter immediately on my return to the Department.

An Cathaoirleach: I too express my sympathies to the families of the bereaved in Listowel who have lost their loved ones. They are in our thoughts and prayers at this time. I thank the Minister of State for coming into the House.

Presidential Elections

Senator Niall Ó Donnghaile: Gabhaim buíochas leis an Aire Stáit as a bheith linn agus tá mé i gcónaí sásta an t-ábhar seo a phlé. We know that the bulk of parties in the State, as their stated party policy, support the extension of the franchise in presidential elections to citizens who are resident outside the State. In September 2013 the Constitutional Convention voted overwhelmingly in favour of the proposal to extend that vote. In March 2017, the then Taoiseach, at an announcement in Philadelphia over the course of St. Patrick's Day celebrations, said that the Government would move forward with plans to hold this referendum. A number of dates announced by the Government in the last Oireachtas term, which were much welcomed by campaign groups in the North and overseas, had to be moved around. We were told this was because of Brexit. While there was much disappointment around that, in the heat of the climate we were in at the time, people understood and were prepared to give the Government that space and latitude. That cannot be an excuse, however, and I use that term carefully, in perpetuity.

The draft referendum Bill was published towards the end of the last Oireachtas term and a significant amount of work and research has been done by Department officials, and indeed by the Government, in preparing for this referendum. Given that it is included as a commitment in the programme for Government, at this point the onus is on the Government to actually firm up a date and to settle on a date that we can work to. We understand that we have a load of work to do to build a positive and inclusive representative campaign that celebrates our citizenship, that includes those of us who are citizens in the North, and that seeks to affirm Article 2 of the Constitution in order that we connect with, celebrate and appreciate the international community of Irish citizens around the world, many of whom are now more connected in the modern age with home and with what happens here than ever. I look forward to hopefully a positive update from the Minister of State, and more importantly again I look forward to working with all colleagues across these Houses and outside to ensure that when we get this referendum it is won and won decisively.

An Leas-Chathaoirleach: It is my great pleasure to welcome my very good friend, Minister of State at the Department of Foreign Affairs, Deputy Colm Brophy. I congratulate you on your appointment and on the success you have been having.

Minister of State at the Department of Foreign Affairs (Deputy Colm Brophy): I thank the Senator for raising this matter. It gives me the opportunity to outline to the House the position in relation to the commitment in the programme for Government to hold a referendum on extending presidential voting rights to Irish citizens resident outside the State. I appreciate that in his contribution, the Senator mentioned some of the main timeline points, to which I also will allude.

The fifth report of the Convention on the Constitution, of November 2013, supported an extension of the right to vote in presidential elections to citizens resident outside the State, including those resident in Northern Ireland, and recommended that a referendum be held to amend the Constitution. The recent programme for Government reaffirmed the commitment of the Government to submit this proposal to referendum. The office of the President is representative of all Irish people, and the extension of the vote to Irish citizens outside the State would provide the President with a truly inclusive mandate as the democratic choice of all our citizens.

My Department and the Department of Housing, Local Government and Heritage have been working closely to analyse the various policy, legal and practical issues that would arise in a proposed extension of voting rights.

As the Senator noted, the Thirty-ninth Amendment of the Constitution (Presidential Elections) Bill 2019 was initiated on 16 September 2019 by the then Tánaiste and Minister for Foreign Affairs and Trade. While the Bill itself is relatively short, it is a significant piece of legislation that aims to extend voting rights at presidential elections to Irish citizens resident outside the State, in line with the next scheduled presidential election in 2025.

A referendum commission was also established by order of the then Minister for Housing, Planning and Local Government on 26 September 2019 to inform the electorate about the subject matter of the Bill, subject to it passing both Houses of the Oireachtas. In broad terms, the Bill provides for the replacement of the existing Articles 12.2.2° and 12.3.3° of the Constitution as well as for the insertion of a new Article 12A in the Constitution. These amendments would extend the right to vote for the office of President to all citizens, not solely to those who are ordinarily resident in the State as is currently the case, for elections held on or after 1 January 2025, which would be the beginning of the year in which the next scheduled election for the Office of President would fall due.

Implementing legislation, by way of amendments to the Electoral Acts, will be required to give practical effect to an extension of the franchise if the proposal to amend the Constitution is approved at a referendum. While the Bill lapsed with the dissolution of the Thirty-second Dáil, the Government has recently restored the Thirty-ninth Amendment of the Constitution (Presidential Elections) Bill 2019 to the Dáil Order Paper. The date for the holding of the referendum will be decided once the legislation has been approved by the Oireachtas.

Senator Niall Ó Donnghaile: While I thank the Minister of State for the review of where this issue has come from and its journey to date, I am disappointed. I appreciate that he is relatively new in his post. This is something that he may wish to take some time to navigate through. I appreciate that we are in a serious period with the double threat to society of Brexit and Covid-19 looming large. This issue may not be at the very top of the political agenda now but, as the Minister of State has acknowledged, it is one of deep political and societal significance, not least for those who live in the North but also for those living overseas who want to affirm their connection with home, many of whom have been forced to emigrate as a result of

political and economic decisions taken in this State over a long time. While I welcome the re-introduction of the Bill, when can we expect the Government to table it? As it is a Government Bill, the Minister of State, who is responsible for the diaspora, should encourage the Government to ensure it goes before the Oireachtas. I am sure people will be keen to debate it and strengthen it, where required. This campaign has been going on for decades. If we are serious about the programme for Government commitment and about telling citizens outside the State that they are valued and we want them to be enfranchised, we need to get this referendum done.

Deputy Colm Brophy: We are very serious about our programme for Government commitment. As the Minister of State with responsibility for the diaspora, I am very much committed to this. In recent days I launched our new diaspora strategy, a centrepiece of which is this extension of the franchise to Irish citizens. Since I became Minister of State, I have worked extensively on this area to ensure it remains a political priority, as it is for me. I believe the proposed extension would be an incredibly strong and strengthening part of how we recognise the role of the President and its inclusivity. It matters greatly. I have had an opportunity to engage with many organisations that represent the Irish diaspora and Irish citizens outside our State who really feel a very strong desire and attachment to seeing this happen. The will is there on the part of the Government. I will put down the marker that we must be cognisant that we are progressing legislation with a view to a referendum, and we must do so in the context of the safety of people during a pandemic. We must conduct that referendum when we can best do so to allow for the fullest possible participation. My commitment as Minister of State with responsibility for the diaspora is to the Government's commitment, as set out in the programme for Government.

Veterinary Medicines

An Leas-Chathaoirleach: I welcome the Minister for Agriculture, Food and the Marine, Deputy McConalogue, to the House.

Senator Victor Boyhan: I welcome the Minister to the House. I know he is a very busy Minister and there is pressure on his time so I appreciate him coming here to deal with this matter.

The matter relates to EU Regulation 2019/6 in regard to veterinary medical products, which is to come into effect in January 2022. The antiparasitic resistance stakeholder group has sought a regulatory impact assessment in advance of the implementation of EU Regulation 2019/6 on veterinary medical products. There was a very detailed discussion on the matter at the Oireachtas Joint Committee on Agriculture, Food and the Marine, of which I am a member, but a lot more discussion is required. The meeting was lengthy but there were many items we did not manage to complete. This is an ongoing issue, which I am sure has exercised the Minister's officials, who were at that meeting.

This EU regulation will restrict the sale of antiparasitic drugs for livestock to farmers by making it illegal for anyone other than a vet to prescribe to them. These drugs are routine medicines given to animals to kill parasites such as gut worm, liver fluke and many others. Currently, these medicines are available from licensed merchants across this country, pharmacies and vets. As such, there is a wide chain of distribution of these medicines. A restriction has been proposed to deal with what is known as "antiparasitic resistance". I understand and acknowledge the concerns of vets and officials of the Department of Agriculture, Food and the

Marine in regard to this matter, which are valid concerns. However, in removing the pharmacies and licensed merchants from the chain, we run the risk of creating a monopoly around these products. Rural pharmacies and licensed merchants will be impacted, farmers will have to pay prescription charges, possibly adding to the cost in regard to these matters, and we run the risk of increased prices and the creation of a monopoly in regard to veterinary and agricultural medicines.

There is much talk of a shared island. I am in favour of a shared island. Northern Ireland has a derogation from this regulation. If we do not do that, we enter into uncertainty with separate jurisdictions and separate approaches to dealing with this, with all of the negative issues arising in that regard. This is a concern. It is important that we have consistency of approach in how we deal with this across the island of Ireland. We cannot, will not and should not compromise on human or animal health and safety and an important knock-on effect on the food chain. I understand the chain of events and I understand the concern of the Minister's officials, but I also understand the concerns in regard to the need for a unified approach across the island of Ireland.

I urge the Minister to seek definitive legal advice from the Attorney General on this matter. It is important that an economic assessment of the impact of this regulation is undertaken. The antiparasitic resistance stakeholder group is seeking an economic assessment of the impacts of the regulation. These are critical issues in regard to agriculture, animal welfare, animal health, the food chain and responsible persons, all of which are within the Minister's brief. We may need to improve issues around responsible persons in terms of the impact of this regulation, ultimately, this regulation will impact on rural communities in terms of cost. Has the Minister received legal advice on this? If not, is it his attention to seek such advice from the Attorney General? Is it his intention to seek a derogation from this regulation?

An Leas-Chathaoirleach: The Minister is welcome. I hope the temper and mood of his response will not be coloured by the events of recent days, specifically of Sunday last.

Minister for Agriculture, Food and the Marine (Deputy Charlie McConalogue): My congratulations to the Leas-Chathaoirleach's county. Despite the tremendous disappointment we felt in Donegal, there was also great joy to see Cavan progress-----

An Leas-Chathaoirleach: I must say that Donegal is my favourite holiday place.

Deputy Charlie McConalogue: We can certainly agree on that. I thank the Leas-Chathaoirleach and wish Cavan the best of luck in the semi-final.

I thank Senator Boyhan for raising this matter which he has also raised with me privately and at the recent meeting of the Oireachtas Joint Committee on Agriculture and the Marine. EU Regulation 2019/6 on veterinary medicinal products comes into effect in January 2022, and as part of the transposition project, my Department has committed to undertaking a regulatory impact assessment, RIA. This process essentially addresses the same issues that an economic impact assessment would address. The RIA will focus on areas where Ireland has national discretion with regard to transposing the regulation and specifically where intended policy decisions may impact stakeholders.

The antiparasitic resistance stakeholder group was established by my Department primarily to address the concerns stakeholders have with the changing route of sale of antiparasitics and its impacts. At this juncture, the RIA, which evaluates all the impacts, costs and benefits of the proposed policies, cannot be finalised until the relevant policy options have been agreed.

These include the length of validity of a prescription for antiparasitics, the definition of a proper assessment and the development of a secure electronic prescribing system. It is my intention that policies will be developed in a pragmatic manner that will deliver a substantive role for all stakeholders who currently operate in the supply chain for veterinary medicines while protecting the efficacy of the products to the ultimate benefit of Irish farmers. Irish farmers would be the big losers if we allow resistance to antiparasitics to deteriorate further.

On the question of seeking a derogation to Regulation 2019/6, when it was signed into law in January 2019, the regulation provided for the exact same regulatory regime as currently exists in Ireland, that is, antiparasitics can be supplied without prescription. The regulation did not change that. However, in line with its statutory remit, the Health Products Regulatory Authority, HPRA, established an expert task force in February 2019 which reported in December 2019. The task force identified risks in terms of the environmental safety of antiparasitics and conclusive evidence of widespread anthelmintic resistance. These findings meant Ireland could no longer avail of Article 34(3) of Regulation 2019/6 which exempts certain products from requiring a prescription. It is this report that has had the effect of requiring Ireland to make antiparasitics subject to a prescription and not the new regulation. Ireland has no national discretion on this issue.

A derogation under Article 105(4) was never a legal avenue open to Ireland as it refers to allowing someone other than a vet to prescribe certain medicines, but only if our national law allowed this prior to January 2019. Ireland clearly does not fall into this category as no one other than a vet has ever been legally allowed to prescribe, and the legal advice received to date by my Department reaffirms this view. As recently as last week, a response to a written EU parliamentary question made it clear that the derogation can only apply if national law allowed someone other than a vet to prescribe. My Department is engaging further on the matter with the Attorney General's Office for a definitive legal view as I am aware that other stakeholders have presented an alternative legal interpretation. While we continue to explore all avenues, at this point, the Department's view remains clear that Article 105(4) is not an option open to Ireland.

My Department remains committed to working with all stakeholders over the coming year in delivering a regulatory framework that provides a role for all actors currently in the supply chain while ensuring farmers have access to important antiparasitics that help them manage their farms and animal health.

Senator Victor Boyhan: I thank the Minister for his response. I share all of his concerns as set out in his response. What gives me hope is the fact that he has not ruled out ongoing engagement with all of the stakeholders, which is critical. As I have said, the Minister will be aware of the issue of responsible persons and of the distribution networks of antiparasitics in rural communities. He will be conscious that any increased costs arising from veterinary prescription charges would be of concern. He will be, and should be, concerned about the potential for a monopoly to develop and about the inconsistency arising from having different regimes North and South. It is one island with regard to agriculture, or at least it should be. That is our objective and aim. I thank the Minister for his response. It is important that we have ongoing discussion in that regard. I will bring his response back to Oireachtas Joint Committee on Agriculture and the Marine. I thank him again for his time.

Deputy Charlie McConalogue: I thank Senator Boyhan. I am very much aware of the issues and of the concerns among wholesalers and merchants with regard to the potential impact

this regulation may have on their businesses. I am also aware of concerns among the farming community as to whether any change could lead to an increase in costs or additional challenges for farmers. I see the role of the stakeholders' group as important. While we have to comply with our obligations under EU regulations, I want to ensure that we meet those obligations in a practical manner which takes into account the situation facing farmers to ensure that costs do not increase. It is also important to recognise the role played by licensed merchants in this process and the significant business they have in this regard. We are obliged to work to ensure that resistance to antiparasitics does not build up. We must do everything required of us in that regard but I will work with the stakeholders' group over the coming period to develop a way to implement the derogation which takes into account all of those various factors.

Sitting suspended at 2.12 p.m. and resumed at 2.45 p.m.

Combating Domestic, Sexual and Gender-Based Violence: Statements

Minister for Justice (Deputy Helen McEntee): I welcome this opportunity to make statements on domestic violence. It is fitting that we are making these statements and have the opportunity to raise this important issue given that tomorrow is the International Day for the Elimination of Violence against Women. I hope I have made it clear, or that it has been clear, to everyone that since my appointment as Minister for Justice I have prioritised tackling all forms of domestic violence and providing support to vulnerable victims as a priority area of work. We have already made significant progress in delivering on the commitments made so far.

This is not just a commitment on my part, however; this is a whole-of-government commitment. As I outlined in the Dáil only last week, this Government is committed to building our systems around the needs of victims of domestic and-or sexual violence to ensure that anyone who is a victim of these heinous crimes is empowered and supported to come forward. When those victims come forward, the Government is also committed to ensuring they will know the system will work for them and that those who work within it will support them. This is again evident, I hope, in our programme for Government commitments, in the considerations taken into account as priorities in the context of managing the pandemic and in the work being undertaken as a priority within my Department, in conjunction with many other Departments, State agencies, NGOs and stakeholders.

Being able to feel safe and secure, particularly in one's home, is a fundamental right. I know the deep concern that I feel concerning people living in fear of those who are closest to them across Ireland, particularly during the pandemic. For many of us our home is a safe place, but for others it simply is not. I know Members share that concern. Since my appointment as Minister, I have prioritised our national response in this area of work. I welcome that Senators are here to discuss the range of actions taken across the justice sector, the special measures that have been, and will continue to be, taken in the context of the pandemic and, more broadly, to contribute to the dialogue concerning how we can continue to address these issues comprehensively in future. I look forward to listening to the views of Senators and their proposals and ideas concerning how we can continue to work together.

I am also conscious of the calls in recent weeks to bring forward legislation to ensure that the sharing of intimate images without consent is criminalised. I agree fully that this is a form

of abuse that has devastating impacts. We have, unfortunately, seen the impacts this type of abuse can have on young people, as well as older people. Today, thankfully, I secured Cabinet agreement to bring forward amendments on Committee Stage to the Harassment, Harmful Communications and Related Offences Bill 2017, as amended, to introduce two new offences to deal with this obnoxious form of abuse.

The first offence will deal with the distribution, publication, or threatened distribution or publication, of an intimate image without a person's consent, but where there was clear intent to cause harm. This offence has a more severe penalty attached to it, where someone could receive an unlimited fine or a prison sentence of up to seven years. The second offence will deal with taking, distributing, publishing, or intending to do any of those things, without the consent of the person where there is no intent to cause harm. It is, therefore, still a criminal offence, but it recognises a situation where there is no intent to cause harm. The proposed penalty for this offence is a maximum fine of €5,000 and-or 12 months imprisonment. The fact that a person may have consented to the taking of the image at the time it was taken simply does not matter. It is irrelevant. If a person is in a relationship with another person, before or during the time when the images are put out there, that will be an aggravating factor when a judge is sentencing after someone has been found guilty.

The penalties I am proposing to be attached to these offences are serious, but they must be. They recognise the harm inflicted on innocent people when intimate images of them are shared without their consent. Enacting the Harassment, Harmful Communications and Related Offences Bill 2017 is a priority for me. I have been working closely with Deputy Howlin in this regard and I thank him sincerely. He was the first person to sponsor this Bill in 2017, he has been pushing for its enactment since and we would not have this legislation without that. I look forward to working with him and all parties as we try to ensure this Bill is enacted by the end of the year. The Bill will come before the Joint Committee on Justice next week. I am aware this is a relatively short period but with the support of Members from all parties and none in both Houses, we could have this enacted by the end of the year.

In the context of the pandemic, the implications of restricted movements for victims of domestic abuse, including in the recent move to level 5, have been a paramount consideration for this Government. From the outset my Department led a multiagency approach to support victims of domestic abuse during this particularly difficult time and also to ensure front-line services could continue and prioritise the needs of vulnerable persons. Additional funding was made available by my Department for organisations that support victims, including victims of domestic abuse, to ensure they have the ability to continue to provide services during this period and also to make people aware they can continue developing campaigns to raise awareness of the supports provided. I have also ring-fenced funding to continue this Covid-specific support through 2021.

The proactive approach taken by An Garda Síochána to prioritise domestic abuse incidents through Operation Faoiseamh should also be acknowledged. In my county, Garda Stacey Loo-by ran a particular campaign in County Meath - a "go purple" day - to raise awareness and funds for local organisations in the area. I know events like this, along with other engagement and interaction with An Garda Síochána, happened across the country throughout the pandemic. I thank people for that.

It is important to acknowledge that prioritisation of domestic abuse cases by the Courts Service and Legal Aid Board has continued throughout the year. I particularly welcome the adap-

tive approach taken by the Courts Service following the passing of legislation in the summer to introduce remote hearings to facilitate the granting of protection orders where people could not travel. It was very welcome to see the first protection order granted earlier this year through the use of video technology. That shows the direction in which we can go.

Through the “Still Here” campaign my Department has been working with front-line service providers to get the message to victims of domestic abuse that all services are still available for anybody subjected to, or in fear of, domestic abuse, regardless of the level of restrictions in place. I said this last week and we are trying to continue giving the same message. Irrespective of whether there is a 5 km limit on travel, a county limit or any type of travel restriction, it does not apply to a victim of domestic abuse or sexual violence. It is important we continue to get that message out.

On the question of longer-term planning to ensure a victim-centred approach, we recently published Supporting a Victim’s Journey, which is a plan to support victims in sexual violence cases. This comprehensively outlines measures to protect vulnerable witnesses during the investigation and prosecution of sexual offences. This follows the O’Malley report, instigated by my predecessor as Minister, Deputy Charles Flanagan. It had 57 recommendations and four overarching themes, all focused on how we can improve the system for individuals as they go through it. As part of that we are trying to continue to map a victim’s journey to identify where there are further gaps in the system, not just relating to the criminal justice sector but in the kind of supports that people may need, taking into account the fact that each person’s journey is different, based on his or her own factors and backgrounds. It is important we understand the subject from every possible perspective.

Implementing the points in Supporting a Victim’s Journey will be progressed as a priority and we have already begun progressing it, most importantly in consultation with stakeholders, as well as the agencies that will implement the changes. This will ensure that at every step of the criminal justice process, vulnerable victims will be supported, informed, respected and treated with the utmost sensitivity and professionalism by those engaging with them.

An important element of this is of course An Garda Síochána’s rolling out of the divisional services protective units, which it has committed to doing by the end of September. It has very much held to that commitment. These units, staffed by specially trained officers, will ensure that when victims of domestic abuse present to An Garda Síochána, they will be met with professionalism and sensitive expert assistance. The Garda, along with the judicial system and other stakeholders, have committed to particular training in this regard.

As part of planning how to deliver our services to meet the needs of victims of domestic, sexual and gender-based violence, along with the Minister for Children, Equality, Disability, Integration and Youth, Deputy Roderic O’Gorman, I recently published a request for a suitably qualified expert to undertake an audit of how services for victims are segmented across different Departments and agencies. The results of this independent audit will provide us with a comprehensive analysis to inform how we develop proposals for the most effective future infrastructure. In other words, this is not just about the Department of Justice or the Department of Children, Equality, Disability, Integration and Youth; it involves housing, health, social protection and education. It is about bringing all the work done across the Government together to ensure where we have a plan, a priority and policy, it can be implemented in the best possible way.

As well as conducting this audit, officials in my Department are engaging with stakeholders

to review the grant system in place for voluntary organisations to make sure we are providing appropriate funding directed to where it is needed and that these organisations that provide such vital work can plan ahead and know they will have funding for the year ahead and beyond.

We are also midway through the six-year No Excuses campaign, which is a key action of the second national strategy on domestic, sexual and gender-based violence, which will finish next year. The aims of the campaign are threefold: to increase awareness of domestic and sexual violence, to bring about a change in long-established societal behaviours and attitudes, and to activate bystanders with the aim of decreasing and preventing violence. This campaign is not only about raising awareness of the help that is available to victims of domestic or sexual violence but also designed to make us question our own attitudes and willingness to excuse what should not be acceptable. It calls on us as individuals and as a society to stand up and call out a range of behaviours that should not be tolerated. We have seen this in the past week or so with the focus on the intimate images. It is important to say that these types of campaigns do work. Having engaged with many of the organisations and NGOs that work in this area, I have heard them say that the number of calls increases when these campaigns happen. While it is important to make sure that the support, services and structures are there to help people when they come forward, it is important that people do come forward in the first instance. Requests for help from victims, as I said, has increased. Unfortunately, we have seen domestic and sexual violence increase significantly throughout the pandemic, but we have also seen people come forward for the first time to talk about the types of abuse and violence directed towards them, which is something we really need to take on board.

I wish to reassure Senators that I am fully committed to combating all forms of domestic and sexual violence. I am working to respond to the needs of victims not just, I hope, in a reactionary way in responding to the pandemic and the changing landscape we see but also in trying to ensure we put in place well-researched and well-structured support for the future. This will provide a victim-centred approach that comprehensively meets the needs of those who require it. As Minister for Justice, it is important to me to put in place the necessary structures and systems and to provide that support. This is about the people who interact with those structures and systems, in particular those who are most vulnerable, and I am absolutely committed to supporting them. I thank Members again for bringing me before the House. I look forward to listening to Senators, taking on board their views, concerns and proposals and, I hope, working with them over the coming years to try to address this significant challenge we face.

An Cathaoirleach: I thank the Minister for giving an insight into the important actions being taken on the issue of domestic violence.

I remind Members that this debate will be adjourned after roughly an hour and 15 minutes. Each group has about ten minutes. By the time we get around to each group, that will be the debate adjourned, so there will not be a second round. Many Members have indicated that they will share time, so they might liaise with their groups to make sure they manage to get in on this occasion, but the debate will be adjourned and we will come back to the issue. First up we have the Fianna Fáil group and it is Senator Erin-----

Senator Robbie Gallagher: Senator Ward should be first.

An Cathaoirleach: Senator Gallagher should be aware that the rota I am working from was agreed at a meeting of the Committee on Procedure and Privileges, CPP. I can share the rota

with the Senator.

Senator Robbie Gallagher: On a point of information, in all the debates on justice for which I have been present, when the Minister is a Fine Gael Minister, normally a Fine Gael member has led off.

An Cathaoirleach: I am going with the rota that was agreed by the group leaders at the CPP. If the Fianna Fáil group would like the Senator to go first, I have no problem with that. However, according to the rules we are applying, the Fianna Fáil group goes first. Fianna Fáil has ten minutes. Then it will be the turn of the Independent group and then Senator Ward. That was agreed by the CPP.

Senator Robbie Gallagher: I indicated to Senator Ward prior to the debate commencing that that would be the case.

Senator Barry Ward: I propose to share my time with Senators Currie and Carrigy.

An Cathaoirleach: Is that agreed? Agreed.

Senator Barry Ward: I am grateful to Senator Gallagher for allowing me to speak because I wish to put on the record my appreciation for the work the Minister has done in this area. The understanding and the commitment she has had in this area are reassuring and impressive. She has listed off a number of schemes that are already in place to address these issues. When I say “these issues”, this is a huge area. We could spend, as the Cathaoirleach has indicated, days talking about the various aspects of violence: gender-based violence, domestic violence, sexual violence. There are so many aspects to it, and it is so pervasive and damaging, obviously to the individuals involved but also to society as a whole. The schemes that have been mentioned are very important. The changes in attitude in official Ireland in recent years are very important. In the Courts Service, for example, the provision for victims in terms of criminal proceedings are really important and much improved. An Garda Síochána has a much more solid understanding of these issues now than maybe it had in the past. The Department of Justice has also prioritised these issues. These are really important steps that we must take to address these issues.

Perhaps the most important step that we as a society can take is in terms of my own gender - men - because the reality is that while men are not the exclusive portrayers of this violence and there are men who are victims, something I do not want to diminish, in the context of some of the issues discussed today, for example, the sharing of intimate images that were dumped on the Internet last week, that is a major issue. I heard the Leader of the House this morning querying the term “revenge porn” that is used. She quite rightly said that the suggestion is that there is something to be vengeful for as opposed to it being a mere act of violence of sorts - maybe not physical violence but certainly a violation of the person whose image is involved. It is also extremely damaging in the same way as direct physical violence is. We should recognise that it is just an act of badness and damage that is akin to violence, and the term “revenge porn” perhaps puts it in a category that is not appropriate. Those images were mentioned, and given the time that I have, I do not propose to explore a very wide gamut of issues in this area.

Deputy Howlin’s Bill was mentioned and I support what was said about that. This is important legislation and it is great to see Private Members’ legislation taking on the import that it has with the Department. It is a recognition that Members of the Houses can propose legislation that can have a significant effect. I look forward to that Bill.

One suggestion I wanted to make and an idea I wanted to float was the fact that Deputy Howlin's Bill criminalises this activity, and rightly so. The difficulty we have is that in terms of the images that were released last week, the horse has to a certain extent bolted in respect of those matters and we generally have a propensity against retrospective legislation. One of the areas in which we can deal with this issue is at a civil level rather than a criminal level. We often talk about the criminalisation of this activity, which is appropriate, but one of the areas where we can genuinely hit people hard is in the civil sphere. It is often easier and more practicable to take cases on a civil basis. The way we could do that is to empower the person in the image with a copyright of that image. In circumstances where an intimate image has been shared in a particular way without consent and other conditions, the person in the image would assume ownership and therefore its copyright. That is important because it means that the platforms that are being used to share these images can be attacked at a civil level.

We know this works because artists whose material is shared on these platforms, be it Twitter, Instagram, Facebook or whatever, without their consent and where they have copyright can go to those platforms and tell them they must remove the image because the person does not have the right to put it up. Empowering the victim in that respect could be a very powerful way to create a tool to tackle the very platforms that are being used to share these horrible and very damaging images. That is something I certainly will speak to Deputy Howlin about, but it is something that might be appropriate for Private Members' legislation as well to create that copyright issue.

Coming back to the main point that was made, it is important to say that we must all take responsibility, particularly men, for standing up to this. Men of any generation, when an image is shared, a joke is told or a comment is passed, must take responsibility for reacting to it, calling it out for what it is, rejecting that behaviour, having difficult conversations with their friends, and saying this is not acceptable, they are not going to stand for it, and they are going to call it out. The more we do that, the much greater chance we have of tackling this kind of behaviour and stopping it. I thank the Minister for attending.

Senator Emer Currie: I thank the Minister and thank her for the commitments she has made to tackling domestic, sexual and gender-based violence. She will leave her mark here and I appreciate her style, which is less about the promises and more about delivering. It is certainly necessary here. I acknowledge the work of the former Minister, Frances Fitzgerald MEP, in this area as well. In her short time in office, the Minister has secured the greater use of live video links and remote hearings, launched awareness campaigns and secured additional Covid funding. She has launched a plan to help victims and vulnerable witnesses in sexual violence cases. "Supporting a Victim's Journey" is a comprehensive roadmap for implementing the O'Malley recommendations to support and protect witnesses during the investigation and prosecution of sexual offences.

It is fitting that this debate is taking place on the eve of the UN International Day for the Elimination of Violence against Women and the 16 days of activism leading up to Human Rights Day, as well as during what has been a horrendous time for sufferers of domestic abuse throughout the pandemic, with a 25% increase in domestic violence calls to the Garda. The Minister's most encouraging commitment is to a truly joined-up approach across Government agencies and to mapping a victim's journey with a review of grant schemes and organisations that work with victims. I believe a joined-up approach is required across a girl's and woman's life too, at every age, stage and circumstance. What behaviour is impacting her and how do we prevent it? What messages of support are reaching her and how do we encourage that? We

must support her every step of the way and show society, at every step, what is respect, what is consent and what is not consent. The role of men is every bit as important. This is a societal problem, not a female one.

The silent epidemic has moved to the shadows, but the threat of domestic, sexual and gender-based violence must be acknowledged all the time, not just during a pandemic. Having the “Still Here” messages on the till receipts sums it up for me. It was a powerful way of telling women, in a safe space, that we are there for them if required. That is the type of messaging we must provide. We must deliver on that and build a culture and infrastructure around it. The Minister referred to the word “empowerment”. Showing that there is support when people need it is the most important message.

We need more long-term, recurring funding for shelters and outreach services in communities and schools, helplines, digital services, awareness campaigns and a constant presence. I have work to do with local organisations to see how I can channel their work to the Minister. Some of the organisations have asked for clarity on the amount of additional ring-fenced funding across Departments. I thank the front-line workers in domestic violence and the many donors and organisations, such as Safe Ireland, Women’s Aid, Men’s Aid Ireland and the local refuges, that have helped people to cope. I acknowledge the work of the Garda and the completion of the national roll-out of the protective services units.

We have seen the power of collecting data over the past few months. We must continue to do that. We must also work on our education system at every step, in an age-appropriate way, to address the issue of consent.

Senator Micheál Carrigy: I welcome the Minister. One line in her speech struck me: “Being able to feel safe and secure, particularly in one’s home, is a fundamental right.” It is a right, and I welcome that. I fully support the Minister and I know she will implement our national response in this regard.

I also support the Minister’s proposal to bring forward legislation in respect of the Harassment, Harmful Communications and Related Offences Bill 2017 to deal with the distribution or publication of intimate images without consent and with intent to do harm. As Senator Ward said, there is an obligation on young, not so young and middle-aged men to take a lead and play our part. We must delete the images we may receive and tell the sender that it is not okay or acceptable.

Senator Robbie Gallagher: I am sharing time with Senator McGreehan.

I welcome the Minister back to the House. I compliment her and the Government on the swift action being taken in respect of the images mentioned by previous speakers. It is good to see such swift action being taken. Domestic violence comes into sharp focus particularly at this time of the year, at Christmas time, when families spend more time together and there is increased consumption of alcohol within the household. In the context of getting an indication of the extent of the problem here, I would like to compliment work done by Safe Ireland, the national domestic violence association, which works with 39 front-line services throughout the length and breadth of the country. We have a group, Tearmann, in my constituency of Monaghan-Cavan which does excellent work and I compliment the staff of that organisation on their superb work.

A body of work carried out by Safe Ireland shone a light on the extent of this problem, par-

ticularly during the Covid-19 pandemic. It traced the prevalence of domestic violence during the first six months of the Covid pandemic from March onwards. The results were very disappointing. It was heartbreaking to see the extent of the problem during that particular time. I will briefly share with the Minister some of the information from Safe Ireland's report. During the first six-month period, 3,450 women and 589 children contacted a domestic violence service for the very first time. Some 33,944 telephone calls were answered during that time. That is an average of 184 per day. Sometimes we forget that behind all those figures there are families in deep distress. I can only imagine the pain, hurt and the mental anguish they are going through to have the courage to pick up the phone. It is important also to remember the ones who have yet to be able to pick up the phone to report that violence for fear of what the repercussions might be. I would like to encourage anyone who finds themselves in that situation to pick up the phone as, I am sure, would everybody in this House. As the Minister outlined, thankfully, there is plenty of help available for people.

The other few statistics I noted were that, on average, 191 women and 288 children are living in domestic violence accommodation every single month. More alarmingly, 1,351 requests for accommodation were not forthcoming because of the fact there was no safe space for those people to be housed. That clearly shows that while we are doing great work, much more needs to be done. In my constituency of Monaghan-Cavan we await a refuge centre for the people of those counties. The Minister might comment on that in her response.

Another area Safe Ireland highlighted was the fact that more funding is coming, which is welcome, but it is coming across a few Departments. It requested that an overall figure be given to it in order that these groups could plan for the years ahead. I compliment the Minister on her work to date. I welcome the initiatives introduced by the Government. Unfortunately, they will be all needed and probably more along with them.

Senator Erin McGreehan: The Minister is welcome to the House and I congratulate her on her appointment. It is very important that we have this debate. It has been called for by many of us in the House since the start of this Seanad.

I am very proud to be part of Dundalk Women's Aid. It is one of 39 Safe Ireland domestic violence member services across the country. It does tremendous work against all odds. It is under-resourced, under-staffed and under-valued by many. The importance of organisations like these is often not understood. They are on the front line, trying to hold things together.

This pandemic has highlighted the scourge of domestic violence. However, the increase in the number of victims of domestic violence during the past few months is frightening. We must not overlook that these women and children were more than likely victims before the pandemic. It might just have got so bad they could not cope anymore. They feared for their lives or the lives of their children during the intensity of the lockdown. Domestic abuse and coercive control are the most under-reported, undocumented, unprosecuted crimes in the country and, depressingly, domestic and gender-based violence is a growing problem which must be addressed. It is an abuse that not only can cause physical hurt but emotional turmoil that lasts an entire lifetime. It can send a victim into the most darkest, loneliest, isolated of places. Violence against women remains widespread in every community, across every background and everywhere we look there is more than likely a victim. This has devastating consequences for women, society and it also has a rippling effect on generations afterwards.

There have been many positives in recent years. The Criminal Justice (Victims of Crime)

Act 2017 introduced a wider range of special measures and other rights and protections for victims of these crimes. These and other developments, such as Operation Faoiseamh, to assist the victims of domestic violence are all extremely welcome. They have already had a hugely positive effect on victims' experiences of the criminal justice system but more must be done. We can make this the safest country for women if we act.

As the Minister said, this is timely. The Minister's move on the Harassment, Harmful Communications and Related Offences Bill 2017 is so important. I will not say too much on that today because I want to concentrate on domestic violence but we need to protect our citizens. Prevention is better than cure. Creeps share these sexualised photos because they can. They abuse and harass women because they can and as a society, we need to stand up for what is right and stop allowing abusers to use women's bodies against them.

The Government needs to focus on areas where an inter-agency approach has the potential to be most effective. We need the Government to ensure the Minister has the reach, responsibility and resources to ensure there is an active and co-ordinated approach from all Government Departments, showing real leadership to work together to transform the statutory, professional and community-based services and supports that women need. We need a complete national infrastructure which is fit for purpose. By putting in place laws to deter domestic violence, by putting in place infrastructure and supports to empower victims to get out of abusive relationships and by putting the victim front and centre of all acts of legislation and policy, we can stop this. We need society to shame the perpetrator and not the victim. It is not the victim's mistake but the abuser's crime.

We are coming into the Christmas season, which, as Senator Gallagher mentioned, is a difficult time for many people. Our homes should be our castles and where we have fun and love but that is not the case when one is living in a domestic violence situation. Christmas will cause an awful lot of hurt, fear and, unfortunately, violence for many families and victims of domestic violence. We have to make sure that support is out there and that organisations such as Women's Aid and An Garda Síochána are there for victims.

An Cathaoirleach: I thank the Senator for her important work on this area in County Louth.

Senator Ivana Bacik: I would like to ask the permission of the House to share my time with Senator Hoey.

An Cathaoirleach: Is that agreed? Agreed.

Senator Ivana Bacik: I welcome the Minister to the House and commend her on all the work she is doing on this issue. I welcome the opportunity to speak on combating domestic, sexual and gender-based violence.

I will say a little, as the Minister did, about the dreadful news of the sharing of so many intimate photos of people. This large-scale leaking of images was distressing and a horrific abuse and my colleague, Senator Hoey, will speak more on that. I want to acknowledge, as the Minister has done, that my Labour Party colleague, Deputy Howlin, brought forward a Private Members' Bill three years ago in 2017, namely the Harassment, Harmful Communications and Related Offences Bill 2017, or Coco's law, specifically to tackle, as the Minister knows, on-line sexual abuse of this sort. It is welcome that it is being expedited through the Houses with Government support and I am glad that is being done. This law is long overdue and I hope it will get through the justice committee next week. I know the Minister is working with Deputy

Howlin on the amendments and it will be before us in the Seanad so that we can ensure our laws are robust enough to deal with this issue.

To speak more generally about this week, tomorrow is International Day for the Elimination of Violence Against Women. The purpose of the day is to raise awareness of the fact that women and girls around the world are subject to many forms of visible and hidden violence, as we know. Historically, the date is based on the day of the 1960 assassination of three sisters in the Dominican Republic and the theme this year is: “Fund, Respond, Prevent, Collect!”. We know this is an enormous global issue, with 243 million women and girls having been abused by an intimate partner in the past year. We know that as Covid-19 took hold and as lockdown measures were implemented, violence against women, particularly within the home, intensified in different levels.

I acknowledge the immense work that has been done by so many agencies. The Minister has spoken about the Garda’s Operation Faoiseamh, which has been so important. I also acknowledge the work that has been done by NGOs, such as Safe Ireland, Women’s Aid and others, which have stepped up to ensure supports are in place for women and children experiencing violence. The figures are very disturbing. Safe Ireland’s Tracking the Shadow of the Pandemic report shows just how many women and children have been affected. Some 2,000 women and 411 children have been in receipt of support from services each month since March. Figures from the Garda also show very high levels of applications for barring orders each day. It behoves all of us to support measures that are being taken to help those who are suffering in this way and to ensure that we are raising awareness about the issue.

I commend ICTU, the trade union movement, which is calling on the Government to ratify ILO Convention No. 190 on eliminating violence and harassment in the world of work, as part of marking the International Day for the Elimination of Violence against Women. The trade unions are also seeking to raise awareness about this issue. During the negotiations on the programme for Government, I called for consideration to be given to creating a dedicated ministerial position to address domestic violence and gender-based violence, because we are aware that there is an epidemic across the country.

I acknowledge the Minister’s great commitment to the issue, but it is crucial that we would see strong Government leadership across Departments so that a multi-agency and multi-departmental approach is being taken. We must work with NGOs as well. The Minister and I are both speaking at a Women’s Aid event tomorrow, as is President Michael D. Higgins, which will highlight intimate relationship abuse. That is an important event.

I wish to speak very briefly about two other areas. In terms of sexual abuse and rape, the Minister has referenced the report by Tom O’Malley. I agree with her that the recommendations must be implemented. We know that the 2017 Act did bring in significant reforms, including, for the first time, a statutory definition of consent, but the other recommendations on supports for victims and complainants in sex abuse cases must also be implemented. We know about the low levels of reporting. We also know about the need to fund the 16 rape crisis centres, which perform an essential service providing advice and counselling to survivors.

In the context of the sex trade, I refer to the important report by the sexual exploitation research programme, SERP, at UCD, which was launched last week. It is an important report on Part 4 of the Criminal Law (Sexual Offences) Act 2017, which banned the purchase of sex. It showed that violence against women is endemic in the sex trade and that those who enter the

sex trade do so in very constrained circumstances. Many see prostitution as an escape route from poverty but the SERP data very importantly suggest that it, in fact, entrenches poverty. I ask the Minister to take on board the important report from SERP. I am aware that there is a three-year review under way into Part 4. It is hugely important that we raise public awareness about this legislation, that we look at expunging criminal records for historical convictions related to selling sex and that we ensure training for all those involved in implementing the law.

We must fund, respond, prevent and collect data in terms of our national strategy and global strategy to tackling the endemic gender-based violence and domestic violence against women.

Senator Annie Hoey: Domestic violence does not just happen as physical violence behind closed doors. It also happens on mobile phones, family laptops and iPads. It can be image-based, financial, verbal or in a closed WhatsApp group. As our means of communication change and as our lives change with technology, we have to assume that this behaviour carries into the new wave of living too and we need to regulate these spaces.

There are no stereotypes in domestic violence. It can happen in any home, on any platform, in any town, in a number of different ways. As we all become tech natives, we need to know that perpetrators will be held accountable for actions online as well. We in the Labour Party recognised this issue three years ago when Deputy Howlin produced a Harassment, Harmful Communications and Related Offences Bill 2017. This Bill has been trudging along for three whole years. It breaks my heart to think of the harm that has been caused in the past three years to the young people who are bullied online, to the point of taking their own lives. My colleague, Senator Bacik, referenced Coco's Law. For those who do not know, the Bill was named after Nicole Coco Fox Fenton, a teenager who died by suicide after she was continuously abused online. None of the perpetrators has ever been held to account. Deputy Howlin's Bill will provide recourse under the auspices of the law for the perpetrators of such cruel and torturous behaviour online.

Another element of Deputy Howlin's Bill would be to make it a criminal offence to distribute intimate images without consent. Image-based sexual abuse or violence is a repugnant vile act. It is a heinous act that is designed to shame and gain control over a person who has had their intimate images shared without their consent. We are all aware of the news in the past week that a large cache of illicit images was leaked online. While the full details of the case remain to be revealed, it is very clear that the issue of image-based sexual violence is a real one in this country and one that must be tackled immediately. Image-based sexual violence is a real issue in Ireland, and must be tackled immediately. Image-based sexual violence has been an offence in the UK since 2015. In the first year alone, 206 people were prosecuted under the new law there. Too often, women are the targets of online abuse. I want to take a moment to have it noted on the record that the response online to me speaking out against image-based sexual violence was nothing short of shocking. As I said at the time, I will not be silenced. Those who seek to intimidate those of us in public life who speak out against these sorts of violent crimes will not silence us.

I am someone who has experienced sexual violence. I am not alone, and I am possibly not the only person in this room who has experienced sexual violence of some form. There are people who are watching this debate who have experienced sexual violence. I want to put it on the record: I believe you, I see you, I hear you, and it was not your fault.

I warmly welcome the fact that there has been so much recognition from across the politi-

cal landscape of the various serious and corrosive impacts that sexual violence can have on a person. While we need societal change in respect of sexual and domestic violence, I hope that as legislators, we undertake our duties to ensure there is robust legislation in place to deal with these vile acts. Too many vulnerable people, both young and old, are affected by harmful online bullying and harassment. That private, intimate images of young people can be shared online is totally unacceptable. Harassment, stalking and aggravated online bullying are not acceptable; they have never been acceptable. I look forward to the day in the coming weeks when they will be criminal offences, and the perpetrators of these egregious offences will be held to account under the full force of the law. I look forward to working with the Minister and colleagues across the political spectrum to put an end finally to something that has been a very difficult process for a number of people watching.

Senator Pauline O'Reilly: I would like to share my time with Senator Garvey.

Acting Chairman (Senator Erin McGreehan): Is that agreed? Agreed.

Senator Pauline O'Reilly: I welcome the Minister to the House and thank her for the work she has been undertaking along with my party colleague, the Minister for Children, Equality, Disability, Integration and Youth, Deputy O'Gorman. I also wish to congratulate the Labour Party, particularly Deputy Howlin and Senator Bacik, for its hard work over a long period in this area. I know they will all be speaking tomorrow and I look forward to it.

Two years ago I attended a convention on the centenary of women being granted the right to vote in Ireland. At the event were the granddaughters of Emmeline Pankhurst and Hanna Sheehy Skeffington. I am sure many Senators will know Micheline Sheehy Skeffington. We took part in an exercise at the event, in which we raised a number of fingers to demonstrate how we rated the advancements that have been made in various aspects of gender equality. On the issue of violence, we all put up a fist because nothing has changed for us in the last 100 years when it comes to gender-based violence. I was going to speak about the fact that at the event, which was attended by approximately 200 people, I could count on one hand the number of men who were there. In that context, I was delighted when Senator Ward spoke about the importance of men getting involved in this work. I was going to comment on how shameful it is to need to have Taoiseach's nominees to bring some sort of gender balance to the floor of this Chamber, but if we also have men speaking about these issues, that will also advance things for all of us. I do not think the Minister mentioned it in her opening statement, but I would like her to speak to her Cabinet colleagues about the importance across all of the Ministries in terms of gender-based violence.

I spoke in the Seanad this morning on the importance of education. We are out of date by 20 years when we talk about coming into the 20th century in respect of sex education in schools. A survey of over 2,000 students that was carried out by NUIG and the Union of Students in Ireland earlier this year showed that just 15% of women and 20% of men in third level education were satisfied with the kind of sex education they had received in secondary school. We have to stop wrapping up religion with sex in this country. It is beyond time. In that survey, a secondary school boy said he was told by a religious teacher, who was clearly teaching sex education, that he would be better off looking at the cycle of the woman with whom he was engaged in intimate relations rather than using any form of contraception. That goes on into third level. Consent is lacking as part of that education programme and we cannot expect to see any advances at all unless we address this issue urgently. I ask the Minister to bring that to attention of her Cabinet colleague.

This is the first programme for Government to refer to domestic violence. The Minister has mentioned some of the things she is undertaking and I welcome all of them. Coercive control is now a crime and we saw the first prosecution earlier this month. There is also the domestic homicide review, the amendment of the Bill about which we were speaking earlier, and the implementation of a plan for refuge space.

Senator Currie also spoke about this but I would like to bring to the Minister's attention the importance of organisations and NGOs knowing how much funding they have. It is an incredibly difficult cause for an organisation or NGO to raise money for. They do not feel comfortable going out and asking the public for money for it in the same way they would with other things. As a society, we have to get more comfortable with calling out sexual violence but as a Government we also need to ensure we put funding in place to close that gap and make up that shortfall.

Senator Róisín Garvey: We have a very serious matter to discuss today. Some 15% of all women and 6% of all men in Ireland have experienced severe domestic violence from a partner. That would, statistically, put at least three of us in this room in that category. I concur with Senator Hoey that she is, sadly, not the only one in this room who has suffered from sexual abuse. I can personally vouch for that. The sad thing is that I know very few women who have not been harassed sexually or abused verbally at some stage in their lives. As younger women we may have put up with it but now, as older women, we know it is not acceptable. However, there is still a cohort of younger women who are putting up with these low standards which we have to nip in the bud.

One of the important things I wanted to talk about today is the education aspect of this matter. Sometimes, the perpetrators themselves are not even aware that what they are doing is not acceptable because we do not have the vocabulary for it. We might feel it in our gut that it is wrong, whether as victim or perpetrator, but we do not have the vocabulary to use our words to protect ourselves when we are in an uncomfortable situation. Often, having the right words at the right time can deflect a situation before it escalates.

I have been researching this issue and there are some social enterprises around education. Life Connections is one of the only ones I could find that works with adolescents from a preventative point of view. This was a pandemic before we ever had a Covid pandemic and that is one of the missing pieces of the jigsaw. What the Minister said about interdepartmental stuff is great but if we plan to nip this in the bud, prevention and education has to be a proper part of it. Women's Aid was founded in 1974. This has been going on such a long time but the Minister might be the one who finally puts it to bed. This House might do it too, because 40% of the people in this House are female.

I really appreciate what Senator Ward said. It would be great if a lot of men did what he suggested, called out other men and said it is not good enough or acceptable anymore. Sometimes when women try to say such things they are told it must be their time of the month or that they are just being emotional and a woman and so on. It is important for men to call men out as well. Most men are good people but unfortunately they are getting a bad name and there are lots of generalisations about men because of those few. It is nearly more of a responsibility for men than women to call out this activity.

On a positive note, I refer to two excellent courses. There is a level 8 course in Dundalk Institute of Technology, DkIT, that covers domestic abuse and coercion, and looks at real data on how to prevent this. In my home county of Clare some amazing people started Clare Haven

Services, which I used myself in the past. Mary FitzGerald, Colette Redington and Gerry Brennan were at the forefront of that. After years of working in Clare Haven Services they realised something else needed to be done and that they could not just firefight all the time. I would describe the service as the accident and emergency side of domestic violence and abuse in that it is at the end of it. They have set up a group called Haven Horizons that looks at the education side and how we can prevent it from happening. I do not believe that anybody is born and sets out to be a perpetrator or an abuser, or sets out to be a victim, but it is happening. There has to be a huge emphasis on it. It needs to be brought to Cabinet so we can all work together, particularly for funding. I have fundraised for Clare Haven Services and for Aware, but these services should not have to be fundraised for. They should be mandatory services. It is such a huge part of who we are as a nation to see how we treat our women and our children, and to see how we treat this huge issue. We have to look at that and not have these amazing NGOs living in fear of not being funded. They should not be charities. They should be State-funded and guaranteed every year.

I must say hats off to the group in Clare, in particular. It will have the first level 6 FETAC course. It will be launched in January and will be available online. It will be open to everybody and anybody. It is to do with education around domestic violence and coercive abuse, which is a huge unnamed and unrecognised issue we also have. Coming as I do from an education background, I believe that we must look at these services and put to bed this horrific and archaic abuse that people have to deal with. I look forward to supporting the Minister, Deputy McEntee. I believe that she could be the woman for the job.

Senator Lynn Boylan: I welcome the Minister, Deputy McEntee, to the Seanad for statements on domestic violence and gender based violence. I apologise if I leave the Chamber without hearing the Minister's response because I must go to a committee. I will listen back to it.

Domestic violence is an issue that is particularly personal to me. We in Ireland have a very long way to go to improve on the issue. I welcome the recent improvements by this Government and the previous Government around coercive control and the implementation of divisional protective services units, which are very positive developments. It is also worth noting that the Government has supported great initiatives such as Operation Faoiseamh and the Still Here campaigns. I echo what other Senators have said, however, that it is not enough to just reference the campaigns or to namecheck them. It is absolutely essential that domestic violence services are modernised and backed up with the resources that assist them to carry out their vital work.

Reference was made to the Safe Ireland report. The figures are stark: 3,450 women and 589 children contacted a domestic violence service for the first time this year and 33,941 helpline calls were made, which averages at 184 calls per day. This is 184 cries for help every single day in this country. What is even more terrifying is that fact that between March and August of this year 1,351 requests for refuge went unmet because the services were full. This means that eight women a day were turned away because there was nowhere for them to go. Fleeing from a domestic violence situation comes with enormous risk. Consider the eight women a day who made that decision, who built up the courage to flee, and are then turned away because of the lack of refuge places. In nine counties in the State there is not even a refuge for women to go to. Not only is this a national scandal, it is also a breach of our legal obligations under the Istanbul Convention. I am aware that it was not during the Minister, Deputy McEntee's time, it was her predecessor Minister, Deputy Flanagan, when Ireland ratified the Istanbul Conven-

tion, but we are still failing to meet one of its basic asks. The Council of Europe convention is very clear when it sets out the obligation to provide a minimum number of refuge spaces, and that number is one refuge space for every 10,000 women in the population. Does the Minister accept that obligation under the convention? If she does, will the Minister correct the situation whereby we were misled by a previous Government Minister, former Deputy Zappone, that the number was one refuge space per 10,000 people in the population? This is clearly false. I hope that now we have a new Government and new Ministers, we will have an acceptance that that interpretation is false and that the resources will be made available to provide the necessary refuge spaces.

I also echo comments from others in welcoming the announcements of additional funding for Tusla. Will the Minister outline how much of that is being allocated to domestic violence services? The Department of Justice has additional funding to support its new strategy, Supporting a Victim's Journey, but what we hear from domestic violence services is that they have no clarity on how much of that will go to fund their services. Will the Minister clarify that for these organisations and give a commitment that the funding will be available to them, that it will be criteria led, that it will be fair, and that it will be regionally balanced?

Safe Ireland also reported that, every month, 15 women in refuge are unable to move on and free up those spaces for other women because there is literally no suitable accommodation for them to go to. I know it is not the responsibility of the Minister's Department to fix the housing crisis, and God knows it needs fixing, but will she give a commitment that these women will at least be counted in the homeless figures because currently they are not? They are part of that cohort of the hidden homeless that exist in this country.

My party leader, Deputy McDonald, and her colleague Deputy Louise O'Reilly introduced the domestic violence leave Bill to the Oireachtas last week. When I was in the European Parliament, I successfully introduced a report outlining why domestic violence leave is so critical and why financial security is so important for victims of domestic violence. This type of leave already exists in New Zealand, the Philippines and regionally in Canada and Australia. Apart from the personal emotional and psychological cost of domestic violence, it also results in excessive absenteeism from work and can reduce productivity. It puts victims at an increased risk of losing their financial independence. A British trade union-led study found that 2% of employees lost their employment as a result of absenteeism caused by domestic violence. Domestic violence leave will facilitate women to access court appointments and doctor appointments and to source alternative accommodation so that they can escape the situation that they are in. I ask that the Minister give a commitment to supporting this Bill as it progresses through the Houses.

I offer my solidarity to the women who have found themselves victims of image-based violence and image-based sexual abuse this week with the sharing of their intimate photos on online platforms. I think we were all shocked by what we read about those images being shared and the number of men who were involved in sharing those images, but I think what probably shocked us even more was the type of commentary that has followed from some quarters. It shows that we have a very long way to go in this country in tackling misogyny and victim blaming. I welcome the fact that the Minister has committed her support of Coco's law and I guarantee that Sinn Féin will not be found wanting in working with her and all of her colleagues across the Houses to ensure that this legislation is finally brought in and that it is fit for purpose. Although I think we do need firm commitments, I echo what others have said: we do need men to stand up. I welcome Senator Ward's comments and I think more of his colleagues need to

start saying that publicly. I echo the comments of Senator Garvey around the importance of education. I would like to hear the Minister say that she will go to Cabinet, and that they will develop a strategy to address victim blaming, misogyny, and attitudes towards consent in this country because we have a long way to go.

Senator Alice-Mary Higgins: I am very glad we can have this discussion. Many of us from all parties have been calling for action and a debate on this since this Seanad first convened. It has acquired particular urgency this week in the context of the image-based sexual violence we have been hearing about. It is also important to note that in the wider context of the Covid-19 pandemic, there has been a shocking increase in terms of the vulnerabilities associated with violence against women and that this increase is international. The United Nations has described violence against women during the pandemic as a shadow pandemic and has referenced calls internationally having increased fivefold. Our obligations internationally relate to the Istanbul convention, the Council of Europe convention on gender-based violence and domestic violence and the United Nations sustainable development goals. Those are our long-standing obligations in the international context. The other international context is that epidemic of violence and the reductions in many countries across the world in protections, as we have seen recently with some European countries seeking to reduce these protections and exit the Istanbul convention. It is important that Ireland remains strong and is a leader in that regard.

Within the pandemic, as has been described, there were 33,941 helpline calls and 27,000 incidents to which the Garda were called in terms of domestic violence and intimate partner violence. It is a terrifying time for many people across Ireland. I refer to the horror, not so much of what happened last week because image-based sexual violence was happening, but the exposure last week of the depth of image-based sexual violence in Ireland, which was very harrowing and distressing for many. It exposed, as has been said, not just that this type of violence and abuse was happening but also the attitudes and entitlement that seem to underpin it, which came across in the commentary in regard to these actions as well.

I welcome that the Minister is supporting the legislation. My group will support it and work to strengthen it and ensure it moves speedily through the Houses. I would like to flag a couple of key issues that I think will be important. It is important not only that this is identified as image-based sexual abuse and violence but that it is identified as sexual abuse and a sexual offence. That is important. It should not be about image without consent, which is also very important, it should be specifically a sexual offence and have that effect. I welcome the idea of looking into “real or threatened” behaviour. The threat of such images is one of the issues we discussed in our deliberations on coercive control. It is important too much emphasis is not placed solely on the intent. We do not want intent to become a defence in relation to the conduct of this effect. If the effect is on a person whose images are shared, that should be our central focus. The experience of such persons and their needs must be centre-focused.

As I said, coercive control is an example of how, if we work cross-party on legislation, we can make an immense difference. The offence of coercive control was introduced in the last Seanad. It involved cross-party work by some who are Members of this Oireachtas such as Senators Clifford-Lee and Ardagh, members of Fine Gael, members of the Civil Engagement Group, including me and former Senator Colette Kelleher, as well as Senator Bacik and others. There was extremely close co-operation, including from Sinn Féin via former Senator Máire Devlin. I am highlighting this work because it required people really co-operating. We were told it was impossible to bring in a coercive control offence, that it could not be implemented and would be unenforceable, but we pressed and persevered and over six months the position

of the Government changed and we did introduce an offence of coercive control. It has been extraordinarily important as a message in terms of what is or is not acceptable in terms of how people treat each other. It has been an empowering message for many and has allowed people to stand up and say that how they are being treated is not accepted, it is wrong and it is coercive control. I was glad to see the first successful prosecution taking place last week. I highlight this to encourage us to be ambitious around image-based sexual abuse and sexual violence. A change and a shift is really important. It can happen and it has an impact. We talked about homes a lot, which are on our minds because of the pandemic, but one other important aspect of that legislation is the fact that it includes other intimate partner relationships including dating and other relationships where a person is being targeted with coercive control. It is not simply for those who live together. If people are being targeted with sexual abuse or coercive control it is important for them to know they can take action even if they are not living with the person concerned. It is important to say that because a lot of younger women, in particular, who are in dating relationships and who experience sexual violence and abuse do not know that this legislation applies to them and that they are protected under the law and have rights.

There was real legislative progress in the last Oireachtas and now we have the task of implementing that legislation. The big piece was the pushing forward of the Istanbul convention. However, the problem is that the ratification has not yet been followed up by the requisite resources. We have spoken about a bystander campaign but I am concerned about the consequences of running such a campaign, of encouraging people to reach out, to call and take action when we know that 1,351 people were turned away from shelters. For somebody who takes the step of leaving an abusive situation to be met with a closed door is unacceptable. We know that the point at which such action is taken, when somebody tries to make a break for it, is when he or she becomes most vulnerable. Furthermore, it is not acceptable for Ireland to use a sophism to suggest that we only need half of the number of shelter places as every other country that has signed up to the Istanbul convention. The suggestion that we need one for every 10,000 women, rather than one for every 10,000 members of the population must be addressed. We should not be trying to come up with maths-like solutions to what are real and sometimes life and death situations.

In terms of funding and resources, Safe Ireland has called for €7.5 million. There is a concern that there are still counties in Ireland that do not have shelters. Members will know of the difficulties faced by shelters. I know that the Galway Rape Crisis Centre, for example, has again and again faced the possibility of closure and being on the brink. Constantly struggling is the norm for shelters around the country. I welcome the Minister's commitment to multi-year funding but it must be really robust and substantial. It is also important, in the context of the role of Tusla which was mentioned earlier, that this is not just funding for services but also for advocacy. I am concerned that those engaged in supporting the women - predominantly but not exclusively - who are accessing services and supports are able to have a say and provide feedback on what is needed. This is really crucial work, which we saw with organisations like the Dublin Rape Crisis Centre, Safe Ireland, Rape Crisis Network Ireland and others in terms of driving that really positive debate around coercive control and making it an offence. I urge the Minister to ensure that the voice of those affected by this issue and the capacity of organisations to support that voice is also part of the picture in terms of resourcing the change in culture *vis-à-vis* domestic violence in Ireland.

Supporting the Victim's Journey is a really positive start in terms of changing the extraordinarily and shockingly high fallout rates. A very small number of people actually report violence

and then many disappear from the system because it is so gruelling. Supporting the Victim's Journey is really important but I ask the Minister to comment on the issue of training for judges. Will training be provided for judges around how they engage with these issues? I ask because understanding is needed.

There is a lot more to be done in every sector including in academia and the workplace. ICTU and others have put forward proposals in this regard. I encourage the Minister to support the domestic violence leave issue. We need safer cities.

Lastly, I raise the issue of consent. The most important issue is freedom and ensuring that women have the freedom to participate in society sexually, personally and in every other aspect of their lives. That is the reward and that is what happens if we make these changes.

Senator Gerard P. Craughwell: I thank the Minister for coming to the House today. I support Coco's law. Some weeks ago, the parents and grandparents of two beautiful girls were outside the gates of Leinster House with the girls' photographs. Looking at the images of these girls, one found oneself wondering what happened, why and how. My mind immediately goes to the mother and father standing in a mortuary looking at the cold body of their beautiful child, dead. Why? They do not know and neither do we. We know that there was some online harassment involved. We might think of it as childhood playing but it is not. We have taken the bullies out of the school and brought them onto social media. Being online and anonymous allows these bullies to do and say what they feel like. There is no way, or at least it is extremely difficult, to track down who is saying something to someone. People may think that, at the end of the day, it is only a bit of fun and that they are only giving someone a hard time but we forget that none of us, no matter how strong we are, can take constant harassment.

I recall from my time as a teacher, teaching a computer course, mainly to young men who were 18 or 19 years of age. I was sitting in my office one day when the door burst open and a young man stood before me in floods of tears. He kept shouting, "I am not a homosexual." I tried to figure out what was going on. The Internet was not around at that time but there was a messaging system on the computing system we were using. It started with one message a day, then it became two, then ten and then it was a message every 15 minutes. This young man was subjected to this treatment because he had an effeminate way about him. If the Internet had been available at that stage, it would have pursued him outside of the college and followed him into his home and into his bedroom.

The year I became president of the Teachers Union of Ireland, twin girls committed suicide in Donegal within two weeks of one another. I remember visiting the school. It was in absolute disarray. The teachers and children were in a state of nervous tension. The principal told me that he sat in his car at night because his family could no longer take the messages coming into the House. He sat in his car at night while his staff supervised social media and tipped him off as to where there might be a problem. This was going on constantly. He told me that what bothered him was that the parents of these children made sure they changed into their pyjamas, brushed their teeth and washed their faces before they went to bed but that the one thing they would not do was take their phones off them so they would not have access to social media. The children, therefore, bring the harassment to their bedrooms with them.

This brings me on to where we need to go. We need Coco's law and I congratulate Deputy Howlin and all in the Labour Party for bringing it forward. We need to go back to our educa-

tion system as well. We need to instil in children who go through the education system what is acceptable behaviour and what is not. As a teacher, I have had occasion to talk to parents who insisted that their little John or Mary would never do anything, but they do. They drove some beautiful young girls to take their own lives. That is what it is about. The more quickly society wakes up to that fact, the better. Members of this House have been harassed. We eventually tracked down the person who was harassing a former Labour Party Senator and he was taken before the courts. That sort of harassment goes on all day, every day. It occurs across all socio-economic groupings and genders.

That brings me to the topic of domestic violence. It never ceases to amaze me. One can meet a lovely couple who have just met and are madly in love. Everything seems fantastic. They get married or simply move in together and set up a home. Somewhere along the line it goes terribly wrong. It says something about our society that we are prepared to turn a blind eye to the violence that goes on. Any woman I have ever known who was subjected to domestic violence was broken and destroyed by the time it became public knowledge. Women's mental health is ruined. Recovery takes years.

I do not know why any man would go that way. A woman can be a hard person to live with and I am sure men can be hard to live with. Some of us do not seem to be able to argue, get the frustration of normal human relationships out into the open, solve the problem and move on. All too sadly for so many women and some men, we end up in a situation where violence is the only solution. It is pretty harrowing to think that couples who start out so beautifully can finish that way.

We must be mindful of an issue that came up as a result of the 2008 economic crash. I have met a significant number of women who are single parents today. Their husbands borrowed money on the strength of the family home and when things took a turn for the worse they inflicted another sort of violence. They walked away, leaving these women with children and nothing else but debts, problems and the constant threat of losing their homes. We have no solution. I dealt with one woman whose husband had doubled the mortgage through a predatory lending company. When the cheque for the second half of the mortgage arrived he picked up the cash, which he told her he was using to pay off tax debts, and left her with nothing. The ruthless banks known as "vulture funds" came after her. They did not go after him to find out what he had done with the money. My colleague, Senator Ward, is looking at me. I know the family home was the asset and that is what the banks naturally pursued. I can understand that. However, this is a form of domestic violence that nobody sees.

The type of violence we are talking about takes place in the shadows, without the knowledge of the general public. Sometimes even the relations of those involved do not know how badly the relationship has broken down. By the time a woman makes it public that she is suffering from domestic violence that she can no longer live with, she is a broken individual. I remember when the first refuge centre in Galway opened in the 1970s. People thought we did not need one in Galway because that type of thing did not happen there. The numbers read out by my colleagues today put the lie to that. Somebody said that Covid-19 has accelerated this. I do not believe it has. Rather, there is no respite at all now. Husbands, wives and children are at home all of the time. This has brought the issue into the open once again.

I will support the Labour Party and I hope we see some strong legislation on this.

Senator Aisling Dolan: I would like to share my time. I will take two minutes, with the

same length of time for Senators Mary Seery Kearney and Shane Cassells.

Acting Chairman (Senator Pauline O'Reilly): We have another five minutes, so whoever is in the middle will have to speak next time.

Senator Mary Seery Kearney: I am happy to wait until we adjourn.

Acting Chairman (Senator Pauline O'Reilly): That is fine. I thank Senator Seery Kearney.

Senator Aisling Dolan: I welcome the Minister to the Chamber. This is a difficult topic. I heard the Minister speaking on this issue and its impact on women especially in Ireland in difficult and terrifying situations. The Minister stated public information campaigns make a difference. That is why we must talk about this issue, ensure it is not a hidden secret and bring it out into the open. I speak clearly about active bystanders as well. The statistics are shocking and the home is not a safe place. I pay tribute to the *www.stillhere.ie* and No Excuses campaigns from the Minister's Department, which make it clear that people in this situation can travel outside the 5 km limit. I also refer to the national roll-out of the Garda divisional protective services units. I also mention MOVE Ireland - Men Overcoming Violence, which is a fantastic initiative I heard of recently. We must support those counsellors who are working with men in group sessions to change behaviours and attitudes.

Which parts of the country are piloting live video links and remote hearings? I ask these questions in the context of huge backlogs in courts. I come from an area where there is a great deal of disadvantage. Many women are engaging with legal aid, but there are huge backlogs. There is a wait of two to three months to access legal aid in County Galway and there is no full-time Legal Aid Board in Roscommon. On that aspect, how do we encourage solicitors to take on more legal aid? They are turning away from it in droves. On front-line policing, when will all gardaí receive the specialist training, and will it also include details of and referral to groups such as MOVE Ireland?

Senator Shane Cassells: I thank Senator Dolan for sharing her time. Some powerful statements were made during this debate. Some contributions touched on the point that many counties do not have shelter or support services. I record my appreciation for the services provided in County Meath. Those services, like many others throughout the country, started in a voluntary capacity back in 1987 in Navan. Over the decades, countless women and families have been supported, and mainly voluntarily until the HSE and Meath County Council provided funding to support the services in recent times. I acknowledge what Deirdre Murphy and Sinead Smith have done in keeping those services going.

One aspect I will touch on are the other victims of domestic violence, namely, the children impacted by that violence. The support services provided must then get into the complex area of supporting those children. Imagine how scary it is to be brought to a women's refuge as a result of domestic violence in one's home. I refer to what the professional team there are trained to do to ensure that is not as scary an experience, in respect of the assessment and the report plan for children coming into a refuge. I also refer to the one-to-one interventions provided. There is a "Mammy and me" programme for mothers with children under four years old, as well as group programmes for children. I record my thanks for the work going on in my local refuge at Flower Hill in Navan and in those throughout the country.

On the issue of funding, and State support, which has been raised by several Senators, many

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people are also supporting these services in a private capacity. Every year, there are Christmas appeals. The impact of Covid-19, though, means that this year the normal hampers and other supports usually brought to women's refuges are not allowed. It is possible to support women's refuges online this year, however. I ask people to make themselves aware of that possibility and to support these refuges online where that is possible.

Sitting suspended at 4.15 p.m. and resumed at 4.30 p.m.

Health Insurance (Amendment) Bill 2020: Order for Second Stage

Bill entitled an Act to amend the Health Insurance Act 1994 to specify the amount of premium to be paid from the Risk Equalisation Fund in respect of certain classes of insured persons from 1 April 2021; to amend that Act to specify the amount of the hospital utilisation credit applicable from 1 April 2021; to make a consequential amendment to the Stamp Duties Consolidation Act 1999; and to provide for related matters.

Senator Martin Conway: I move: "That Second Stage be taken now."

Question put and agreed to.

Health Insurance (Amendment) Bill 2020: Second Stage

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

An Leas-Chathaoirleach: I welcome the Minister of State, Deputy Feighan. He is recovering from his south Donegal constituents' disappointment on Sunday.

Minister of State at the Department of Health (Deputy Frankie Feighan): May I take this opportunity to congratulate you, a Leas-Chathaoirleach, and Cavan on a wonderful victory last Sunday? I am pleased to have this opportunity to address the House on Second Stage of the Health Insurance (Amendment) Bill 2020. This is a short and technical Bill comprising six sections, all focused on the specific issue of health insurance. This legislation is needed in order to revise the parameters of the risk equalisation scheme, which is a financial mechanism that supports our community-rated health insurance market. It is widely acknowledged that the events of this year have been unprecedented and have affected us all in ways that we could never have imagined. Covid-19 has also had a significant impact on the private health insurance market, particularly the claims experience of insurers this year. This has caused much uncertainty regarding market direction in the year ahead, which is an important additional factor considered in setting the risk equalisation rates for 2021.

I will begin by briefly outlining the purpose of risk equalisation before providing an overview of the process undertaken to set the 2021 rates, and then outlining the specific revised rates that will apply next year. To give some private health insurance background, over 45% of the population in Ireland hold private health insurance. Health insurance in Ireland is provided according to four principles, namely, open enrolment, lifetime cover, minimum benefit

and community rating. Our community-rated health insurance market means that the cost of health insurance is shared across all members of the market. In general, everyone, with certain exceptions, can buy the same policy at the same price. Older and sicker people pay much less for health insurance than they would in a risk-rated market. People who are less likely to need healthcare pay more than they would in a risk-rated market.

Our market based on generational solidarity; younger and healthier people effectively subsidise older people who may be less well and need more care. This helps to keep health insurance affordable for older and sicker people, who might otherwise be priced out of the market.

Community rating means health insurers must offer health insurance policies at the same price to everyone, regardless of a person's current or potential health status. Community rating is supported by providing cross-subsidies between insurers with different risk profiles. This is called risk equalisation and is essentially a financial transfer mechanism, whereby money flows from insurers with healthier members to insurers with sicker members. Without it, an insurer with older and sicker members would be required to charge much higher premiums than their competitors to cover their claims costs.

The risk equalisation scheme was first introduced in Ireland in 2013. Under the scheme, credits are paid to all insurers for their older and sicker members. These credits are funded directly by stamp duty levies on all health insurance contracts written, with all moneys held in the risk equalisation fund. In effect, the scheme redistributes funds between insurers to meet some of the additional costs of insuring older and sicker members. None of the stamp duties on health insurance contracts go to the Exchequer, they are all redistributed from the fund to compensate for the additional cost of insuring older and less healthy people. The risk equalisation fund is managed by the Health Insurance Authority, HIA, the independent regulator of the health insurance market.

Amending legislation is required each year to update the amounts of credits paid to insurers under the scheme and the amounts of stamp duty levied on health insurance contracts to fund the credits. As part of the process, the HIA carries out an annual analysis and evaluation of insurers' market data, focused on the claims costs that every insurer has paid over the preceding year. Based on this examination, the HIA determines the levels of credits to be paid out from the fund and the stamp duties applicable to every contract, for the following year. This evaluation also includes information on market conditions, which are particularly relevant in the current pandemic. The Health Insurance Authority, HIA, consults each of the insurers during the process to ensure the evaluation is thorough and informed. Although the private health insurance, PHI, market has demonstrated resilience and remained reasonably stable among significant uncertainty in 2020, the longer term impact on market profile and membership is yet to be determined. In recommending stamp duty rates and credits to apply to the health insurance market for 2021, the authority had the added consideration that market claims for the first half of 2020 were distorted as a result of the pandemic.

This Bill seeks to amend the health insurance legislation to provide that the amount of stamp duty levy will remain unchanged in respect of non-advanced contracts, at €52 per child and €157 per adult, and for advanced contracts, at €150 per child and €449 per adult; that the level of hospital utilisation credit, HUC, will increase from €100 to €125 per night, payable for overnight stays in hospital, while the level of the HUC for day admissions remains at €75; and a marginal decrease in the risk equalisation credit payable in respect of those over 65 years. For next year, stamp duty rates which are charged on every health insurance policy will remain

unchanged from the 2020 levels. In view of market uncertainty at this time, it is considered that sustainability of the market can be aided by keeping stamp duty unchanged in the period ahead. The hospital utilisation credit is a type of risk equalisation credit that is paid to an insurer each time a customer attends hospital for an overnight admission or day case. The credit acts as a proxy for health status as it is paid retrospectively and only when a customer needs treatment. Increasingly, the HUC for overnight stays is intended to improve the effectiveness of the risk equalisation scheme by compensating insurers for that increased risk in providing community-rated health insurance products.

Age-related credits are paid from the risk equalisation fund to insurers and are paid for customers aged over 65. These vary in amount, depending on age, gender and level of cover. This Bill provides for a marginal decrease in the amount of some of the age-related risk equalisation credits payable next year. While this means that insurers will receive lower credits for some older customers, this is balanced with the increase in the hospital utilisation credit, meaning they will receive more credits for the customers who are hospitalised during the year. The HIA has recommended the rates for 2021 and the Ministers for Health and Finance have considered and accepted those recommendations on the basis that these rates will provide stability and some certainty to the market in these unprecedented times. The amendments in this Bill are in line with the policy objective of the scheme to support community rating in the health insurance market so that older and less healthy people can access health insurance at the same price as younger and healthier people.

I will outline the specific sections of the Bill. Section 1 defines the principal Act as the Health Insurance Act 1994. Section 2 amends section 11C of the principal Act to provide 1 April 2021 as the effective date for revised credits payable from the risk equalisation fund. Section 3 amends Schedule 3 to the principal Act to the effect that from 1 April 2021 the applicable hospital utilisation credits payable from the risk equalisation fund in respect of insured persons are revised. Section 4 replaces Table 2 in Schedule 4 to the principal Act to the effect that from 1 April 2021 the applicable risk equalisation credits payable from the risk equalisation fund in respect of certain classes of insured persons are revised. Section 5 amends section 125A of the Stamp Duties Consolidation Act 1999 to specify the applicable stamp duty rates for 1 January 2021 to 31 March 2021 and from 1 April 2021 onwards. Section 6 provides for the Short Title, commencement, collective citation and construction of the Bill.

To reiterate, the Bill allows us to maintain our support for the core principle of community rating which is a long-established and well-supported Government policy for the health insurance market. It is envisaged that the approach being taken now will provide stability for the private health insurance market in the year ahead. I commend the Bill to the House.

Senator Fiona O'Loughlin: Fianna Fáil Senators will be supporting the Health Insurance (Amendment) Bill, which is akin to the Finance Bill or the Social Welfare Bill in that it arrives every November. As the Minister of State has outlined, the measures in it are designed to support risk equalisation and to sustain community rating in our health insurance market so that older citizens and people with illnesses can afford health insurance and are not discriminated against in favour of younger, healthier people. There is no increase in the risk equalisation levy this year.

Risk equalisation and community rating is something that we have always supported. Our values as a people are to support our older people and our sick, not just out of a sense of obligation but because we respect and value older people and the dignity of each person in his or

her illness, medical condition or disability. We are very firm in our view that the principle of solidarity should apply in private health insurance as well as in public health services. Over 2 million people in Ireland have private health insurance cover and many have been paying for health insurance all of their adult lives. They have an entirely fair expectation that the health insurance market will not be permitted to change in a way that diminishes their coverage. It is entirely right for people to expect that they will not face higher health insurance prices because of their age or because they have a particular medical condition.

It is important to note the comments of Mr. Don Gallagher, the CEO of the Health Insurance Authority, HIA, earlier this year. He stated:

As yet, we are uncertain of the impact Covid-19 may have on the market. The combination of the health shock and economic shock as a result of Covid-19 could potentially result in people cancelling their health insurance for a variety of reasons in the short to medium term. A significant increase in cancellations at younger ages could potentially impact the sustainability and stability of a community-rated health insurance market. The Authority's primary objective is to ensure access to private health insurance for all consumers regardless of age, gender or health status. We have established a Board Committee to consider the impacts that the Covid-19 pandemic may have on the health insurance market and on the Risk Equalisation Fund.

In that context, it is important that we pay attention to the discussion around that and encourage those who have private health insurance cover at this time to maintain that cover if possible. Giving up such cover could have long-term consequences for them and for society at large.

Senator Martin Conway: I welcome the Minister of State back to the House. This legislation comes before the Houses annually. I welcome the fact that we are not to see any increase in stamp duty, at least as it affects customers of health insurance companies. Health insurance has been an absolute blessing for hundreds of thousands of families over many years. By and large, the health insurance industry has served this country well in enabling access to high-quality healthcare for all people and all citizens who are in a position to afford health insurance. We are lucky that health insurance is reasonably affordable in this country, although not totally affordable. Community rating and risk equalisation are cornerstones in achieving equality in the area of health insurance. We in this country can stand over our health insurance system in a way in which those in the United States of America and other countries cannot. We ensure that vulnerable people with long-term illnesses, challenging conditions and lifelong disabilities are not ripped off when they purchase health insurance and have access to the same quality healthcare as everybody else. I welcome this legislation, which is a step in the right direction as it continues this long-held policy that has transcended governments.

With regard to health insurance in general, there is excessive red tape associated with it. There are myriad plans offered through different providers. These need to be streamlined, particularly for the benefit of older people. We have all had older people come to our offices who believed they were covered for certain procedures only to discover they were only partially covered or not covered at all. We need to eliminate small print and confusion with regard to health insurance. As a matter of fact, we need to do this across the spectrum of the insurance industry but we are talking about health insurance this evening.

The one type of insurance whose terms should be crystal clear, straightforward, uncomplicated and easy to understand is health insurance because it can be the difference between life and death. People buy health insurance so that they will have the comfort and the confidence that they will receive the care they require when they need it. That is the cornerstone of health insurance. We have to make that simple for people. We do not need it to be complicated because, when it is complicated, it leads to confusion and uncertainty and creates doubt, disturbance and upset at a critical time, when people are dealing with sickness, recovery and recuperation. Far too often, the red tape associated with health insurance and the confusion created by myriad options and plans leads people into situations in which they are uncomfortable and stressed when they should be recuperating. That is something the Minister of State might bring to the attention of the regulator so that something might, at some stage, be done about it.

Senator Seán Kyne: I welcome the Minister of State, Deputy Feighan. It is safe to say that the fundamental purpose of this Bill can be summed up in one word, “fairness”. As we know and accept, fairness is of great importance in any sector and certainly in the health sector. As others have said, the Oireachtas now passes legislation of this kind annually but it is very important nonetheless. It allows for health insurance at the same cost regardless of age, gender or one’s health status or illness level. It ensures that health insurance companies are not penalised when providing insurance for older customers who may require medical treatment and care more so than younger customers. We cannot escape the fact that the provision of high-quality, appropriate and timely healthcare is expensive the world over. With increasingly high-tech procedures, revolutionary treatments and innovative medications, outcomes for patients are improving. Despite the constant focus on the negatives, this is as true for our health service as it is for those of many other comparable countries.

Covid-19 has also brought the exceptional care provided by the committed staff of our health service into sharp focus. For many older people or people with underlying health conditions, the possibility of contracting Covid-19 has been a constant worry. Often, despite significant investment by the State, the cost of healthcare is also a concern. The availability and accessibility of health insurance is therefore of great importance to many people. Like any other insurance, it provides peace of mind, hopefully without having to be used.

Last month the Joint Committee on Health heard from key people on the Sláintecare programme implementation office and the associated section of the HSE. It was clear that many wonderful and constructive initiatives and programmes are under way, each one representing a step towards the implementation of the all-party commitment to Sláintecare. The full implementation of Sláintecare will involve sensible and strategic investment. Primary care in the community, innovative use of technology and health promotion will all be prioritised. Health insurance may become a necessity of the past, with legislation like this no longer needed. That is the long-term aim of the Sláintecare report, which calls for free and equal access to healthcare for all. Until Sláintecare is fully implemented, this Bill is an important measure to equalise access to healthcare for some.

Senator Annie Hoey: I have a timer so I can stay within my time. The Members will have to bear with me as I jump from page to page. I feel for the poor people who have to take note of my speeches.

The Minister of State said in his speech that more than 45% of the Irish population holds private health insurance. In light of Senator Kyne’s point, I find this an interesting figure. For the last five years or longer we have been talking about implementing Sláintecare. Millions of

euros have been invested and countless hours have been given over to discussions of Sláintecare in this House, the Dáil, the Joint Committee on Health and all sorts of other political spaces. It seems a little bit strange that we are perpetuating a two-tier health system that is split between public and private when we should be assessing what will happen to the private healthcare sector during the era of Sláintecare. I certainly look forward to that era, when we will have an NHS-style healthcare system here in Ireland. We need to have a conversation about the future of private healthcare. I am aware that I have gone a little off-piste, but I think that is an important point.

I would like to draw attention to something that may be a side issue but is related to today's discussion. I refer to non-community rated international student health insurance. I do not know if the Minister of State has been contacted by the Alliance for Affordable Insurance for International Students. This is a quite large alliance of representative bodies including the Irish Council for International Students, ICOS, the Higher Education Colleges Association, the Union of Students in Ireland and several universities. It campaigns for the continued availability of non-community rated student medical insurance for international students studying in Ireland. This follows a decision of the Health Insurance Authority, HIA, that non-EEA students studying in Ireland on courses of more than one academic year are to be considered ordinarily resident in Ireland for the purposes of the Health Insurance Acts. A recent Court of Appeal ruling confirmed the HIA position on applying community-rated medical insurance to international students in Ireland.

Ireland is the destination of choice for many international students seeking to begin or further their higher education in an English-speaking country. We cannot really afford to lose international students due to a sudden lack of cost-effective and tailored cover for medical expenses. For context, I note that since this happened the cost of international students' insurance has gone from about €150 per year to €690 per year. That is a 450% increase. This happened after 20 years during which international student insurance was relatively stable. This has been raised with the Government in the last 20 months.

It has also been raised in this House and I have tabled an amendment to this Bill that will address this issue for international students. As I said, it has been raised in this House a couple of times and I hope the Minister of State will see fit to fix the anomaly that is causing
5 o'clock an enormous amount of stress for international students. I need not, as I say every week, refer to the great work that our healthcare workers are doing in Ireland, and those international medical students are very important to us, both in terms of our international reputation and the fact that they are healthcare workers on the front line.

We will be supporting this Bill and I hope the Government will support my amendment. We have talked today about fairness and stabilisation and I put it up to House to ensure that our international students are treated with the same respect. I am sure I will get to talk further about the amendment when we come to it.

Senator Paul Gavan: Before I begin to deal with this Bill, I must take this opportunity to congratulate the Leas-Chathaoirleach on Cavan's magnificent achievement at the weekend.

An Leas-Chathaoirleach: Thank you.

Senator Paul Gavan: I know that the Minister of State is a major sports fan and he will be cognisant of the three major sporting achievements this weekend, namely, Cavan's magnificent

victory in Ulster, Tipperary's historic win in Munster and, of course, Tottenham Hotspur, the original London Irish club, moving to the top of the Premiership. It was a fantastic weekend.

In terms of this Bill, it is fair to say that the political differences across this House are most acute when we debate issues such as private healthcare and private health insurance. The political differences between this Government and Sinn Féin are most visible when it comes to health care provision, particularly in the context of private versus public healthcare. When this Bill came across my desk, I was reminded of the body of work progressive politicians have ahead of them to address the imbalance in healthcare and the importance of removing private healthcare from our public hospitals and our public healthcare system.

As has been stated previously, the question of health insurance is very fraught. On the one hand it facilitates the skipping of queues and the bypassing of waiting lists created by this and previous Governments. On the other hand, it represents a large number of people who go without other things to have health insurance because they are afraid that, without it, they will end up waiting 24 months for a colonoscopy or some other procedure.

I fundamentally oppose the need for a private health insurance market. We should be addressing this issue today. Why is there a need for a private health insurance market? The industry exists within the crevices and cracks of our broken public health system. I do not blame the health insurance industry for how it operates. As is the case in other countries, it is exploiting a failed system. If health insurance companies want to provide access to private care in private hospitals, I wish them well. That is their prerogative. My anger is reserved for those who have broken our health system and allowed private medicine to exist within it. It is clear that the system did not break because of those working within it. The system was deliberately broken and the process began with the Fianna Fáil-Progressive Democrats Government.

Why did this happen? The system was broken to allow private medicine to make a profit from people's ills while convincing them that this was a good thing and possibly even good for their health. The health insurance market exists because the Government champions it and because people are afraid of having to enter the public system where they will have to wait for months or even years for treatment. Indeed, this weekend I spoke to two neighbours, one of whom is in his second year of waiting for a pain-killing injection, with no hope. Ironically, he is a former HSE worker. We are where we are because successive governments have driven, as a matter of policy, the privatisation of aspects of the health service and the commodification of health itself. We must ask whether this is the best way to run a health service. Is the manner of health insurance in this country fair, especially in view of the fact that much of the cover on offer is driven by fear? It constitutes an extra burden to be carried by taxpayers who have already contributed a large amount to the health budget.

The Oireachtas deals with a Bill such as this one every year. It seeks to take the risk away from insurance companies and equalise the risk for certain policyholders. It would be great if the Government was as quick to intervene in the market in other areas. While we will allow the passage of this Bill to ensure that older people and others are protected, we do so with serious reservations about a health service that is buckling under the weight of demand. In addition, we must point out that fear and a health service crippled by mismanagement and ineptitude are driving people to take out private health insurance. This is the case because successive Governments have failed to provide universal health care which is free at the point of delivery and which is based on need rather than an ability to pay. Insurance companies trade fear for profit in the health market and unfortunately there are many in this House who continue to act as their

cheerleaders. The commodification of healthcare has been one of the most damning elements of the neo-liberal privatisation agenda. The push to turn people's health and well-being into a revenue stream is morally wrong. Where a public system sees illness and patients in need, the private sector sees money and opportunity.

Sinn Féin will allow this Bill to pass but we must have a more robust debate on the issue of private health insurance and private healthcare in our public system. I look forward to the day when we can provide a health service that delivers for the people based on need rather than on ability to pay and where private health insurance is no longer needed because of the quality of such a universal health service.

Finally, I wish to echo the point made by the previous speaker. The issue of non-EEA students has been around for a while. It was raised last year. It would not be a costly measure to accept a progressive amendment on Committee Stage and I hope the Minister of State will consider that because it is very important.

An Leas-Chathaoirleach: I now call on the Minister of State to make his concluding remarks.

Minister of State at the Department of Health (Deputy Frankie Feighan): I thank Senators for their support for the Bill and for their contributions to the debate.

Health insurance is held by a very large proportion of people in Ireland relative to other countries. As Senator Hoey pointed out, 45% of the population is quite large by European standards. Community rating is a fundamental cornerstone of the Irish health insurance system. This means people who are old or sick do not have to pay more than the young and healthy, whereas in other health insurance systems the level of risk that an individual presents directly affects the premium paid. This objective is supported by a risk equalisation scheme which aims to keep health insurance affordable for older and less healthy citizens. Under this scheme, all the money raised in levies from insurers is paid into a fund for the sole purpose of supporting the market in the form of credits payable.

To recap, the purpose of this Bill is to specify the revised credits and corresponding stamp duty levies to apply on health insurance policies from April 2021. Against the background of some uncertainty about the impact of Covid-19 on the health insurance industry, the credits and levy rates for next year strike a fair balance between the need to support community rating while maintaining sustainability of the market at a time of uncertainty. This Bill allows us to maintain our support for the core principle of community rating, which is long-established and well-supported Government policy for the health insurance market. The Bill will ensure that we can continue to provide the necessary support to ensure that the costs of health insurance are shared across the insured population.

In reply to Senators Hoey and Gavan regarding health insurance for non-EEA students, I am not sure whether it is appropriate to deal with it in this Bill which only applies to risk equalisation. I will ask departmental officials to discuss the matter with the Senators to see if we can sort it out. I understand that it concerns non-EEA students studying in Ireland and hopefully the officials will find a way to resolve that. I will set up a meeting in the coming days to try to sort it out.

I thank Senators for their contributions and hope that we can pass this very necessary Bill in the coming days.

Question put and agreed to.

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

Senator Martin Conway: On Thursday, 26 November 2020.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Committee Stage ordered for Thursday, 26 November 2020.

Sitting suspended at 5.09 p.m. and resumed at 5.45 p.m.

Credit Union Restructuring Board (Dissolution) Bill 2019: Second Stage

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

Minister of State at the Department of Finance (Deputy Sean Fleming): This Bill gives effect to the dissolution of the Credit Union Restructuring Board. In summary, the Bill provides for the dissolution of the Credit Union Restructuring Board, the transfer of certain functions of the Credit Union Restructuring Board to the Minister for Finance and makes the relevant amendments to the Credit Union and Co-operation with Overseas Regulators Act 2012.

I will give some background on the establishment of the Credit Union Restructuring Board. Further to the 2011 to 2016 programme for Government, the Government established a Commission on Credit Unions. A core recommendation of that commission in its 2012 report was that the sector should be restructured on a voluntary, incentivised and time-bound basis. It was further recommended that a new body, the Credit Union Restructuring Board, or ReBo, should be established on a short-term basis to engage with credit unions and to oversee and facilitate the restructuring and amalgamations of credit unions. ReBo was established on an administrative basis in August 2012 and it was put on a statutory footing on enactment of section 42 of the Credit Union and Co-operation with Overseas Regulators Act 2012 on 1 January 2013.

Part 3 of the Credit Union and Co-operation with Overseas Regulators Act 2012 provides the legal foundation for the restructuring process, including the establishment of ReBo on a time-bound basis and the dissolution of ReBo on the completion of its work under section 43 of the 2012 Act. When the Minister is satisfied that ReBo has completed the performance of its functions under Part 3 of the 2012 Act, he can then dissolve ReBo. The Minister carried out two section 43 interim reviews, the first in 2015 and the second in 2016. There was also a final section 43 review in June 2017. The second interim review, in October 2016, recommended that ReBo be given until 31 March 2017 to complete any outstanding restructuring projects and then be wound down in an orderly fashion. The purpose of the final section 43 review in June 2017 was to assess the work of ReBo over its lifetime to determine whether its work was complete.

Taking account of each aspect of ReBo's functions, and following due consideration, examination and detailed analysis of its work, the final review in June 2017, under section 43(2) (b) of the 2012 Act, concluded that ReBo had completed the performance of its functions to the highest standards and an orderly wind down of ReBo's operations was recommended. In addition, ReBo completed its restructuring work with a minimal call on Exchequer resources

compared with original expectations.

I will briefly outline the extent and manner of ReBo's work during its short lifetime. ReBo was led by its chairman, Mr. Bobby McVeigh, and its board members included members from the main credit union representative bodies, including the Irish League of Credit Unions, the Credit Union Development Association and the Credit Union Management Association, a Central Bank non-voting member, a Department representative and independent members appointed by the Minister for Finance. ReBo staff were employed on fixed-term contracts, which expired on or before 31 July 2017.

ReBo's role was to plan for the restructuring of the credit union sector, engage with and assist credit unions in the preparation of their restructuring plans, consider and decide on restructuring plans submitted to it by credit unions, oversee the implementation of restructuring plans, including the provision of post-restructuring support, and oversee the operational functions of ReBo. Following on from ReBo's role in the restructuring process, the Commission on Credit Unions recommended that any restructuring proposals must have the endorsement of the ReBo board before being submitted to the Central Bank for regulatory approval. Funding requirements should be determined based on the credit union assessments and funding should be provided from one of three sources in the following order: excess capital from within participating credit unions; the sector itself; or Exchequer funding on a recoupable basis.

The final date for restructuring was initially 31 December 2015, but that was extended to 31 March 2016 following the interim section 43 review of ReBo's work in 2015. After that date, no further restructuring proposals could be accepted by ReBo. In March 2017, ReBo completed the performance of its functions in accordance with the 2012 Act. While some 210 credit unions were involved in 117 potential restructuring projects, at the end of its operational life ReBo had facilitated and overseen the full restructuring of 156 credit unions in 24 counties under 82 projects with assets of almost €6 billion. This equates to approximately 38% of total credit union assets at that time. Some of the uncompleted projects were handed to the Central Bank for further consideration.

The Government provided €250 million in the credit union fund that was established specifically for credit union restructuring. Half of ReBo's administration costs were met from the credit union fund and were met by way of a ReBo levy on the credit union sector. Under the 2012 Act, ReBo could, with the Minister's consent, make regulations prescribing a levy to be paid to it by credit unions and when such a levy would fall due to be paid. In 2014, 2015, 2016 and 2017, ReBo made regulations requiring credit unions to make a contribution towards ReBo's operating costs.

To its great credit, and to the credit of the sector itself, of the €250 million provided to the credit union fund, all but €11.6 million was returned to the Exchequer in 2018. The lower than anticipated spending on restructuring was essentially because the majority of credit unions participating in restructuring projects financed those projects from within their own resources. Where there was a shortfall, financial assistance was provided in certain cases by the Irish League of Credit Unions using its savings protection scheme. Combined, this resulted in a much lower cost to the Exchequer than anticipated by the original commission.

As I mentioned, some of ReBo's uncompleted projects were handed to the Central Bank. In addition to those projects, new restructuring projects have commenced directly with the Central Bank. When ReBo ceased accepting new applications for assistance, the Registry of Credit

Unions issued a circular and explanatory note to all credit unions advising interested credit unions to engage directly with the Registry of Credit Unions. The Registry of Credit Unions also updated the credit union handbook to include information on the restructuring process. While restructuring has continued post ReBo, the pace has slowed somewhat with a total of 57 transfer of engagements confirmed: 19 in 2017, 15 in 2018, 12 in 2019 and 11 in 2020 to date. I am informed that nine transfers of engagements are currently under way.

Completing 82 projects involving 156 credit unions across 24 counties was a huge achievement for ReBo, particularly in such a tight timeframe. It is commendable that the credit union movement provided financial support from within its own resources and minimised the call on Exchequer funding.

Following the resignation of the board on 31 July 2017, a caretaker board comprising two Department of Finance officials and an existing director, the Central Bank-nominated non-voting director, has been appointed in order to meet the requirements of the 2012 Act. The caretaker board must remain in place until ReBo is dissolved via this Bill.

I look forward to hearing the views of Senators in the course of the debate on the Bill, which provides for the dissolution of ReBo, the transfer certain functions of the Credit Union Restructuring Board to the Minister for Finance, the amendment of the Credit Union and Co-operation with Overseas Regulators Act 2012 and the consequential amendment of other enactments. I commend the Bill to the Seanad.

Senator Seán Kyne: I welcome the Minister of State to the House. Cuirim fáilte roimh an deis cúpla focal a rá maidir leis an mBille um an mBord um Athstruchtúrú Comhar Creidmheasa (Díscaoileadh), 2019. Tá a fhios ag chuile dhuine an obair thábhachtach a dhéanann na comhair chreidmheasa i chuile chontae trasna na tíre. Tá sé fíorthábhachtach do dhaoine go bhfuil na comhair chreidmheasa ag obair ar son na bpobal sin.

I welcome the Bill to dissolve the legal entity of the restructuring board and to transfer assets and liabilities to the Minister for Finance. The restructuring board was given an important job to do, that job has now been completed successfully and, hence, we can progress with the dissolution of the board. This is a technical Bill to give effect to that dissolution. I note that one year after dissolution the Minister shall arrange for the accounts to be filed. Has he any idea at this stage what those accounts might tell us in terms of assets and, hopefully, not liabilities to the State?

In regard to ReBo, he also mentioned the post-structuring support. I note he stated that while restructuring has continued post ReBo the paced has slowed somewhat. While this was before the Minister of State's time in office, were we too hasty in dissolving this entity in 2017 and should we have continued on and allowed for a greater level of restructuring? I know that date was set in the original legislation and employees got contracts up to that date. They were obviously doing exceptional work but, as the Minister of State said, the pace has slowed somewhat.

Is the Minister of State happy that all the restructured credit unions are operating to their fullest potential in every county and community in which they operate? We all know credit unions provide a vital local service to the communities they serve. Often the community, as in my own area, can be across a large swathe of countryside. The credit union is a community-based structure and organisation. It is not driven by profit. Like any company, it has to achieve

a profit but it is driven for its members' needs. If there are dividends they would be returned to members.

Credit unions are extremely important in reducing the use of the scourge of moneylenders. They are a vital provider of small loans, whether it be for home improvements, the purchase of a kitchen appliance or some other purchase. That local service the movement provides is very important.

As a result of the scaling up of many credit unions, the amalgamation of a number of credit unions or one credit union taking control of or subsuming a number of smaller credit unions, they have been able to get into areas such as the mortgage business. That is only possible because of the restructuring and renewal by ReBo.

The Minister of State mentioned the €250 million provided to the credit union fund and all but approximately €11.6 million was returned to the Exchequer in late 2018. Does that mean it was not drawn down or was it drawn down and repaid? I note ReBo was able to recoup some of the costs in terms of levies to credit unions.

This is a technical Bill on a very important sector. I would like to recognise the role of the late John Hume in the establishment of the credit union movement. He travelled the length and breadth of this country encouraging the establishment of credit unions. The credit union movement is down to the strength of his testament, work and vision.

Acting Chairman (Senator John McGahon): As there is no one from the Independent group, I call Senator Casey.

Senator Pat Casey: I welcome the Minister of State back to the House. We have seen him a lot lately and perhaps we will be seeing much more of him in the future. As he will know, we will be supporting this Bill, which has been brought forward by the Government to dissolve the Credit Union Restructuring Board, or ReBo as it has been deemed, because it has fulfilled its purpose.

ReBo was established on a statutory basis in January 2013 as a body responsible for facilitating and overseeing the restructuring of credit unions to support their financial and long-term stability. The commission recommended that the restructuring be carried out on a voluntary, incentivised and timebound basis. In line with the commission's recommendation, the restructuring process has been carried out within a clear timeframe.

In its short lifetime, ReBo oversaw the facilitation of 82 restructuring projects, involving 156 credit unions with assets totalling €6 billion, across the Twenty-six Counties. It completed its restructuring work with a minimum call on the Exchequer resources. While *6 o'clock* €250 million of Exchequer funding was provided to facilitate ReBo's restructuring work, the cost to the Exchequer amounted to approximately €11.6 million, with the credit union movement providing much of the funding from its own resources, thus minimising the requirement for the Exchequer funding.

It is interesting to note that in 2011, it was indicated in this Chamber that the cost of resecuring the credit union sector would be up to €1 billion. Thankfully, that proved to be very wide of the mark. That is not to downplay the significant issues experienced by a small number of credit unions. The State had to rescue several credit unions and the representative bodies played a very important role in that regard. There were cases where standards lapsed and Government

arrangements were not what they ought to be. Where serious lapses had taken place, they had not been dealt with. It is fair to say that the assumption that a significant number of bad loans had not been properly provided for within the movement did not prove to be the case. It should be acknowledged that the underlying health of the movement was far better than it had been assumed to be. As the Minister of State has indicated, a final review of the operation was carried out in June 2017. Following an indepth examination by departmental officials, this review concluded that ReBo had completed the performance of its function with positive results. That brings us to where we are tonight in finalising this process.

It would be wrong of us not to understand the major role the credit union movement has played in every rural town and village in the country. Many of us probably opened our first savings account with the credit union. As has been mentioned, the movement helps people to stay away from money laundering and lenders who should not be touched. They provide access to funding that many people would not be able to access due to their finances, especially at times like Christmas. I served on the housing committee in the previous Dáil. Equally, I am aware of the major role credit unions could possibly play in the delivery of social and affordable housing with the level of funding available on their books. We look forward to perhaps a public private partnership agreement to allow the State and credit unions to use the money to facilitate their members as well.

We welcome this very technical Bill and we will be supporting it. Equally, I put on the record my full support for the credit union movement and the role it has played in society. I hope it will have many success stories in the years to come.

Senator Marie Sherlock: I welcome the Minister of State. This is an important piece of legislation. The restructuring board was set up to undertake a very important and arduous piece of work in terms of consolidating and restructuring the credit union sector in this country. It is a very important sector in terms of allowing access to borrowing for so many within communities who would otherwise not have that access. The work of the board was to oversee the restructuring, which it did. There are 40% fewer credit unions now compared with 2011. It was a large body of work. An Seanadóir Kyne raised a very important issue with regard to the incomplete projects and if the dissolution or unwinding of the board from 2017 is hasty. The projects have been handed over to the Central Bank of Ireland, which acts as the regulator but it also has a consumer protection mandate. I think in particular of a number of credit unions I know that are subject to lending restrictions. Drumcondra Credit Union was liquidated earlier this year. In spite of its protection role, the Central Bank of Ireland did not undertake any exercise to understand how members were, in effect, left in the lurch. The credit union was the sole financial service provider for some who also had savings and insurance cover with it. There are questions and concerns about the work of the Central Bank in terms of completing the restructuring work within the credit union sector.

While we are discussing the dissolution of the restructuring board we should use the opportunity to discuss and reflect on the future direction of the credit union movement. A number of reviews were commissioned and completed in recent years by the Government. The question is what is the Government's plan now with regard to any future reports on the structure of the credit union sector and the implementation of recommendations. I understand the Department of Finance is currently undertaking a review of the credit union policy framework. That is on foot of a previous recommendation from the credit union advisory committee. We need clarity on where the Department stands with regard to the recommendations for the credit union sector.

We have 280 credit unions in this country. It is a smaller number of credit unions but the individual credit unions are bigger. There are real questions about how credit unions can function as an alternative to conventional banks. We are witnessing a transformation in financial services and how people access them but a significant cohort of people do not have access to conventional banks. The question is how we support credit unions to strengthen their role in day-to-day banking and in lending and borrowing. The second key question concerns enabling credit unions to lend to affordable housing bodies and for social housing. Some of that demand has been met. In 2018 credit unions were allowed to invest in tier 3 approved social housing bodies up to a value of €700 million, through a regulated investment vehicle. That is very welcome, but I have seen repeated statements from the Minister for Finance that the Central Bank and the Department have completed their role with regard to enabling credit unions to lend to the housing sector, in particular to social housing. My understanding from the credit union movement is that there is a strong desire to be able to lend more. I want to hear from the Minister of State about his plans in that regard, if there are any.

Senator Paul Gavan: The Minister of State, Deputy Fleming, is very welcome. It is nice to be able to support a Bill that he brings to the House. We will support this legislation. The Bill will wind down the Credit Union Restructuring Board, ReBo. When the board was established many feared that the credit unions would be the next to collapse on foot of the banking crisis at the time. While many difficult years followed for the credit union movement, it got through this difficult period less damaged than many people expected. It came out the other end by utilising its own resources and harnessing the voluntary commitment and social ethos of its members. While the Government of the day put the banks first, the credit union movement had to rely on its own members. Credit unions showed their resilience with only €11.6 million of the ReBo fund being utilised. The restructuring board enabled nearly 100 restructuring projects in more than 150 credit unions, all on a voluntary basis. This is testament to the efforts of the credit union movement, which secured its sustainability into the future. This is only a good thing for the many communities that rely on and depend on their credit unions.

While ReBo is no longer required and has now been dissolved, it is essential that the future sustainability of the credit union movement is supported by the Central Bank. For a long time, Sinn Féin has called for reform of the lending limit rules that apply to credit unions. Recent changes made by the Central Bank are welcome. We would encourage further changes that would allow credit unions to become bigger players in many sectors, including in particular the housing market. Given the current housing crisis and difficulties felt by so many mortgage holders with their banks, the credit union movement is in a unique place to offer sustainable solutions for mortgage holders and those looking for a home. Perhaps the Minister of State might comment on that in his response.

Sinn Féin also understands the challenges the credit union movement will face in competing with retail banks as they seek to attract young members. It is crucial that credit unions are supported as the financial landscape continues to change. Credit unions have served our communities well for decades. They are not like other financial institutions. Indeed, they are effectively financial co-operatives. Sinn Féin is particularly passionate about the need for co-operatives in the broader sense to play a much bigger role in our economic revival. Their social ethos and voluntary ethic provide services to communities and families that can be trusted. As this Bill winds down the restructuring board, I commend the credit union movement on its perseverance.

Senator Rónán Mullen: Cuirim fáilte roimh an Aire Stáit agus guím gach rath ar a chuid oibre. Some 3 million Irish people are members of credit unions at present, following in a long

tradition of co-operative action within local communities. The movement started more than 60 years ago to try to free communities from the grip of moneylenders and loan sharks. Sadly, those practices and those practitioners are still with us and credit unions still act as a bulwark against them, so they deserve every possible support and encouragement from the State.

I want to say a few words about how we might give that support but first I wish to ask a question about the rationale for the Bill. I apologise if the question is due to a lack of understanding on my part. Section 43 of the Credit Union and Co-operation with Overseas Regulators Act 2012, which established the Credit Union Restructuring Board, provides that the Minister may, by order, dissolve the board and include in the order such incidental, ancillary or consequential provisions as the Minister considers necessary or expedient. It goes on to say that a draft of his order must be approved by resolution of both Houses of the Oireachtas before having effect. It may well be that I am missing something and perhaps the Minister of State's official can assist us. It seems to me that the provisions of sections 6 to 13 of the Bill before us today, dealing with the dissolution of the board and the transfer of its functions, property, records and so on, could all have been with by such an order under the 2012 Act without need for further legislation, or am I wrong? I might well be but I would be grateful for an answer to that on the record of the House. Following that line of thinking, I would have thought that resolutions of both Houses would have given the Minister of State the necessary comfort that any order he made to dissolve the board would be within the existing law and the Constitution. I ask this, because while our job is to legislate, as a rule, we aim to avoid new legislation if it is not strictly necessary. As I have said, perhaps it is but at the moment I do not see how the Bill before us today is necessary or adds anything to existing law. However, I would be grateful for a correction, clarification or both on that.

From 2010 to 2013 there was an air of crisis being spread about the credit union movement which was perhaps unwarranted looking back. While there were a number of high-profile cases of credit union failures, including those in Newbridge and Rush, the sector stabilised significantly from 2013 onwards. The problems with the sector in fact paled in comparison with those of the banks and of the €250 million given to the restructuring board to assist credit unions, only €30 million was eventually needed. Maybe it is hindsight but I do recall raising the situation in Newbridge in the House at that time and I believe I spoke about the possibility of the hyping-up of the so-called crisis in the sector and that it might risk long-term reputational damage.

As regards the work of the Central Bank and the restructuring board, we need to reflect on whether the restructuring went too far in some respects. The overall number of credit unions fell from 406 to 246 in the last decade due to Central Bank pressure, with one quarter of mergers leading to office closures in local communities. A number of mega credit unions were formed, for example, in north Dublin, where credit unions in Skerries, Portmarnock, Balbriggan, Baldoyle, Howth, Glasnevin, East Wall and Clontarf, were all merged into one. Another merged entity took in credit unions in Coolock, Artane, Ayrfield and Swords. These are giant entities covering enormous populations and they were given comically sterile and anodyne names such as "Progressive Credit Union", or "Members First Credit Union", which are not exactly imaginative. I mention this because the appeal of credit unions is that people feel that they are part of something in their community and that they have a stake in it, and that is important. In encouraging these mass mergers, in most cases among credit unions where there were no serious financial problems, perhaps we robbed them of the possibility of being seen as local.

Credit unions are going to become increasingly important again as banks continue to antagonise small customers. Just yesterday, AIB and Bank of Ireland, which are both effectively

State-owned, hiked their fees substantially for current accounts. As we know, small businesses also face charges for lodgments and other transactions. Meanwhile, many credit unions, including one of the mega entities I mentioned earlier, are capping savings and cancelling dividends because they literally have too much on deposit. Credit unions should be encouraged to lend more to small businesses, but also to individuals. One of the impacts of heightened regulation of the sector by the Central Bank in the past decade is that lending has actually decreased. As of last year, credit union loans comprise just 27% of their total assets, compared with around 65% for AIB and Bank of Ireland. If one does the maths, there is about €7 billion in credit union funds, which they could safely lend. Lending rules now allow credit unions to grant mortgages, but even the largest of them can only do so up to a limit of 15% of their total assets. In conclusion, surely we should be doing more to allow credit unions to lend this money cheaply to people. There are huge barriers which they face in terms of approval for any new products that they have, and they are barriers which the Minister of State can, and hopefully will, work to remove.

Senator Jerry Buttimer: Ar dtús báire, cuirim fáilte roimh an Aire Stáit. This is important legislation and I am pleased to speak on it as a former member of the board of supervisors of a credit union in Bishopstown. The credit union movement has gone through gargantuan change in the past decade, some of which I would question in terms of its progress or lack thereof. I listened to Senator Mullen speaking and I concur completely with some of his remarks. The fundamental aspect for many of us and for those in communities is that the credit union movement is still regarded as the people's bank, particularly in respect of their shares and personal savings. The report of the Commission on Credit Unions has been published and this summer, the Irish League of Credit Unions called for more reform. I hope that as part of future debate, we will have a real debate on the future of our credit union movement. It has looked after an gnáthdhuine, the ordinary person, in our communities so well since its foundation. Senator Kyne is right to commemorate and remember the late John Hume, who died this summer.

The Irish League of Credit Unions reports that it is worried about the upsurge in savings, which is a good thing on one level, then leads to people not taking up lending, which is a source of revenue for the credit unions. We all received the Irish League of Credit Union's 2020 Vision document before the election, and on reading it one can see that some of the policy priorities are quite sensible and should be debated in this House, because while we welcome the Bill today, we need to listen to the Irish League of Credit Unions. Senator Gavan or Senator Mullen raised the issue of the Central Bank and other regulators. I do not question the motivation of these institutions but they do not necessarily have a monopoly on wisdom. The credit union movement is one to which we must listen.

I welcome the reduction in the two levies paid by credit unions, namely, the credit union institution resolution levy and the credit union stabilisation levy, in the Finance Bill 2020, which we will be debating later. It is very important that that has been done. I think we all agree credit unions exist to serve their members within the community. That leads me to my final point, which I have made already and concerns the lack of demand for loans, which is a challenge that the credit union movement is now facing. I hope that can be addressed and we can look at that issue. The other point relates to the capital reserve structure requirement of the credit unions, and I ask the Minister of State to address that in his remarks.

I welcome the Bill. From the Minister of State's time as a spokesperson on public expenditure and reform and while on the Committee of Public Accounts and the finance committee, I know he is very pro-credit union and I look forward to him working with us all who are pro-

credit union to bring further change. However, I make the point that we should all listen to and co-ordinate with the credit union movement.

Senator Paddy Burke: I welcome the opportunity to speak on the Bill and I welcome the Minister of State to the House and wish him well.

There are three main parts to this Bill, whose purpose is to dissolve the Credit Union Restructuring Board, to transfer certain functions of the Credit Union Restructuring Board to the Minister for Finance, and to amend the Credit Union and Co-operation with Overseas Regulators Act 2012. Those are the main parts of the Bill. The restructuring board was brought in when this country was in a much poorer state than it is at present. As we know, some credit unions ran into serious trouble but there were others that had very profitable businesses. The restructuring board was brought in to restructure the whole credit union system, so I think it is to be congratulated in the work it has done. As Senator Mullen has said, in doing that work, the number of credit unions has been reduced throughout the country from 406 to 246 and that in itself limits contact that many people in some areas can have with the credit union. It limits the scope for them to go in on a weekly basis to pay their bills etc., which is one of the downsides of the work that has been done. As Senator Mullen also said, there are 3 million members of credit unions and they have provided fantastic business and opportunities to ordinary rank and file people. In many cases these were people who could not get a loan anywhere else. Credit unions have helped people by giving them reconstructed grants for their loans for their houses, car loans and small loans to buy a washing machine, tumble dryer or whatever. Credit unions have provided loans that the banks did not want to know anything about so we owe a great debt of gratitude to the credit union movement. From what I see every day, the movement is growing and I know why. It is nearly impossible to open a bank account due to the level of paperwork that is required and the Minister of State should consider this matter. Why can a person go online and open a bank account in a couple of hours but cannot do it in person? I met a businessman who opened an account in a matter of hours with the German bank N26 so now he has his debit card and everything yet there are business people in this country who are at their wits' end trying to open accounts in banks. That is why I say that credit unions were nearly a bank of last resort for an awful lot of people who are in a lot of difficulty. The credit union bailed them out because it knew who they were and many of them had a history of paying back their loans, given time. The credit union movement has done a great service to this country. I welcome and wish the Minister of State well with the legislation. Today is a day for us to give due recognition to the people who volunteer to work in credit unions. Senator Buttimer was a member of a board. Credit unions have done an enormous amount of work and are owed a great debt of gratitude by the people of this country.

Senator Aisling Dolan: I welcome the Minister of State here to speak on the Credit Union Restructuring Board (Dissolution) Bill. I very much acknowledge that ReBo has fulfilled its role, as he has said, under the 2012 legislation. He mentioned that there were 82 projects with assets of €6 billion that covered 156 restructuring of credit unions across 24 counties and performed very well over the period since 2011. I pay tribute to that massive project and acknowledge that the credit unions have also stepped up in the past number of years. Smaller credit unions have been subsumed and the legislation has allowed the amalgamation of a lot of them.

As many Members have spoken about here, there is so much to be said for the credit unions in our areas. Every town and village very much knows the power and importance of its credit union. One sees on Saturdays, when one goes home to try and get money out of one's own bank account, that there are long queues at the credit union. The credit union movement has lasted.

For example, there has been a credit union in Ballinasloe for over 50 years. One of its founding members, Mr. Liam Kenny, who was a phenomenal person who worked in the credit union and started the credit union in Ballinasloe, was there to support families in times of huge need in the 1970s, 1980s and 1990s. He said, “that the honesty and integrity of our members has kept us out of all that sort of bother”, when talking about governance issues. He also said, “we are a members orientated organisation - our ethos is to help each other” and act in the common good. That is the sense of what credit unions are. They have supported many community projects and work so hard for communities, especially now in this time of Covid. Locally, I have seen investment in my community and they have supported Christmas lights projects, which has happened across the country.

As colleagues have mentioned previously, there are large amounts of cash reserves in credit unions and large levels of household savings that we are fully aware of, over the past year, particularly with the challenges of Covid and the lockdown. Are there plans afoot for credit unions to review their lending regime to allow higher spend amounts and more scope to support people, particularly in this time of Covid? Are we going to support businesses and people coming out of this period and into the new year? The track record of credit unions has been excellent. There are really good governance measures that have been put in place. We are seeing the benefit of the credit unions that have been effective in their own communities.

Senator Martin Conway: I, too, welcome the Minister of State to the House. This legislation is a culmination of a lot of work that was done to restructure, tidy up and ensure there was proper and appropriate governance of moneys within the credit union movement. Today, it is appropriate to salute and acknowledge, as other colleagues have done, the founding pioneering people who developed the credit union model in this country.

I have an extremely close relationship with the credit union movement because I was born and grew up upstairs over a shop that was literally next door to the credit union in Ennistymon. As a small boy I saw the queues for myself, and I saw the people who got opportunities in life, whether it was improving their home, being able to purchase a car, being able to put a television in their home, or even educating their children. That was because the credit union knew the community intimately. The people in it knew the integrity of the community intimately and they knew that, by and large, they would get their money back from the people they lent to. It was driven by volunteers who were caring, compassionate and dedicated to their community and the betterment of the people within their community.

Unfortunately, we do not have a tradition of community banking in this country. In Germany, community banking is probably the strongest financial institution that exists there and it serves the people of that country extremely well. Other countries may not have the best model of community banking, which in my view exists in Germany, but they have variations of it that serve them well. As far as I am concerned, our community bank is the credit union. It is incumbent on us, as legislators, to equip credit unions with the best possible processes and procedures to ensure they can continue to do the vital work they do of providing loans of small amounts to people who need them to improve their lives and ensure their families get the opportunities that we all want in life.

I do not believe that the role of credit unions is to bankroll property development, significant infrastructural buildings or even lend to major community projects such as swimming pools, sports facilities or anything like that. I believe that the future of credit unions should be what was its past, which has been to give a break to the people who need it. I have no doubt that we

will continue to evolve in helping the credit unions to do this type of work. I do not mean we should hold the credit unions back in terms of modernising with ICT, ATMs and the suite of supports that will be found in a mainstream bank. Of course we should facilitate credit unions to provide those types of services.

In many ways, I would much prefer to see a relationship developing between the credit unions and An Post. I know that An Post has engaged over recent years with AIB. I would much prefer if that relationship were developed with the credit union movement. Far more synergies exist between the post office and the credit union. In many communities throughout the country, the postmaster is involved in the credit union and, in many cases, is one of the directors. Therefore, An Post has a role play. Maybe at some stage in the future we can develop a real community banking structure, driven by the credit union movement in collaboration with An Post, because in my view that is the future of the movement and the future of the banking wing of An Post. As always, the Aire Stáit is very welcome to the House.

Minister of State at the Department of Finance (Deputy Sean Fleming): I thank Senators for their contributions and support of this legislation, which will formally dissolve the Credit Union Restructuring Board, ReBo. The Government recognises the importance of the role of the credit union sector as a volunteer and co-operative movement and the distinction between it and other types of financial institutions has been stated well by several Members.

There were 156 credit unions restructured in 82 projects, involving assets of €6 billion across 24 counties. The final review of ReBo concluded that the board had completed the performance of its functions with positive results and the Minister for Finance has decided to proceed with the orderly winding down of ReBo. This legislation passed all Stages of the Dáil last year in a very straightforward manner, without amendment, and it would have come to the Seanad at the beginning of this year except for elections and everything else that has happened. That is why it is only coming here now.

Several comments were made to which I can respond. A final report will be produced when ReBo is wound down and I am told there is approximately €400,000 in the account to be handed back to the Minister for Finance when this is completed. I was asked whether a post-restructuring report was produced by ReBo when restructuring or amalgamations, which they were in most cases, happened. This would come under the Central Bank's remit and there would have been further onward monitoring afterwards. There would be no issue in that regard.

There was a question of whether we have acted too hastily, given how many amalgamations happened. The rate seemed to slow but there was significant urgency several years ago because of the financial crisis. It is about keeping the process time-limited and not letting it run forever. A number of credit unions are now, of their own volition, choosing to amalgamate with others and they do not need financial support from the State or taxpayer to do this. They are well able to do it with their own resources.

There was a question of whether credit unions are operating well for members. They are and we hope they are keeping many moneylenders at bay. Money laundering was mentioned and credit unions have helped prevent such problems in their activities in local communities.

People have mentioned lending restrictions and although there are certain caps, there is plenty of headroom. I have met people from umpteen credit unions in my short period in the job to date and although they might complain about only being able to issue 100 mortgages

from a credit union, in reality they have offered none. They might say they have not issued any mortgages because they can only issue 100 mortgages. I tell them that we might see if they can go further once 30, 40 or 50 mortgages have been issued. This demonstrates a bit of reluctance in credit unions to take that brave step of getting into mortgages.

Everybody has mentioned approved housing bodies and the need for funding but the future of credit unions is in the mortgage market and enabling people to buy their homes. If a credit union provides a mortgage, people will be happy with the loan and the credit union could have that family for life. It is the future of the sector.

The question was asked as to whether credit unions could lend more. There is much money to lend and I encourage them to lend more. There is a limit, and everybody has a limit, but none of the credit unions is near that limit yet. The problem is there is too much money on deposit, and this might cause them to lose money. The best thing we can do for credit unions is help them grow their loan books. That is where they will make interest and profit, continuing the process for the next generation. I would really like to see them carrying out more work in the mortgage market. Some have already started that work but I encourage more to do it.

The legislation allows for dissolution by ministerial order but there are aspects of the Act in question that must be continued, and these are being taken over by the Minister. There is no provision in the Act for those powers to continue if there is dissolution by ministerial order, so the Attorney General has requested that this process be done formally in legislation. It is to enable those powers relating to some outstanding levies to be transferred to the Minister.

There was mention of a lack of demand for loans and I encourage the credit unions to do more in the area. There is also the question of reserves and there is no need to allow for review of more lending, as there is already scope for more lending. I only wish they would loan more money.

Great tribute was paid by a number of Members who saluted the founders of the credit union movement many years ago. Many people in many households would not have got school supplies, the dishwasher or washing machine without their help but credit unions must think a little bigger than household appliances now. There was a time when credit unions were great for giving out car loans but most of the garages now have their own finance arrangements in place so that market has been taken over.

I encourage credit unions to get back into student loans, for example. If a student will be in college for three or four years, the business could be done in the first year and it could be rolled forward each year when a loan is in order. There would be less paperwork in years two, three and four. I also mention the mortgages as well.

There is synergy between the credit unions and An Post. An Post seems to be doing its own work and I agree they are kindred spirits, to an extent, and they are both involved with local communities. It is a matter for An Post to consider and it would not be appropriate for the Minister to make a direction in that regard. The point is well made.

Senator Rónán Mullen: It would match a demand.

Deputy Sean Fleming: I am nudging them into mortgage lending. It is the main message I have for credit unions. They should start giving mortgages to people, as those people would be happier taking a mortgage from a credit union than a bank which could sell the loan to an

international vulture fund. I have never heard of a credit union doing that.

I thank Senators for their input and I look forward to progressing the legislation through the remaining Stages in the Seanad.

Question put and agreed to.

Acting Chairman (Senator John McGahon): When is it proposed to take Committee Stage?

Senator Martin Conway: Next Monday.

Acting Chairman (Senator John McGahon): Is that agreed? Agreed.

Committee Stage ordered for Monday, 30 November 2020.

Finance (Miscellaneous Provisions) Bill 2020: Order for Second Stage

Bill entitled an Act to make provision for the holding of certain meetings of credit unions by remote meeting; having regard to the risk to human life and public health posed by the disease known as Covid-19, to make exceptional provision in relation to the operation of certain provisions of the Credit Union Act 1997 for a certain period and such further period (if any) as may be specified by order of the Government; to make provision for the attendance and voting at certain meetings of credit unions by proxy; for those and other purposes of amend the Credit Union Act 1997; to make certain provision for the term of office of members of the Irish Fiscal Advisory Council and for that purpose to amend the Fiscal Responsibility Act 2012; to make provision in relation to certain loan agreements entered into by the State with the European Union and for that purpose to amend the Credit Institutions (Stabilisation) Act 2010; and to provide for related matters.

Senator Martin Conway: I move: “That Second Stage be taken today.”

Question put and agreed to.

Finance (Miscellaneous Provisions) Bill 2020: Second Stage

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

Minister of State at the Department of Finance (Deputy Sean Fleming): I appreciate the Seanad Éireann facilitating the taking of two Bills relating to credit union activities this evening. The Credit Union Restructuring Board (Dissolution) Bill 2019 has already gone through the Dáil and it should complete its passage through the Oireachtas next week. This Bill is starting here and will have to go to the Dáil but we want to ensure it is completed before the end of this year, if possible.

This Bill was initially set out as the credit unions (miscellaneous provisions) Bill as the

overwhelming majority of the Bill relates to credit unions. As there are two items of a financial nature included in the Bill, the title has been changed to the Finance (Miscellaneous Provisions) Bill 2020.

The three core objectives of the Bill are to amend the Credit Union Act 1997 to allow for general meetings to proceed that are prohibited under current health regulations, to amend the Fiscal Responsibility Act 2012 to allow for an increase from two to three in the number of terms that can be served by a member of the Irish Fiscal Advisory Council, and to amend the Credit Institutions (Stabilisation) Act 2010 to include the European Union as a facility lender that will allow the State to comply with certain provisions contained in the SURE loan agreement.

The Credit Union Act 1997 requires credit unions to have their annual general meetings for the financial year to 30 September 2020 completed by the end of January 2021. Under current public health guidelines, general meetings, including such annual general meetings, cannot proceed in practice. The changes being proposed in the Bill will allow greater flexibility to manage general meetings on a permanent basis and it is important that these changes are permissive in nature. In other words, we are permitting credit unions to have their meetings virtually but we are not requiring them to do it. It is a matter for each credit union and the members of the credit union to set their own rules on the holding of such meetings virtually. They are not required to do it but there is currently a legal prohibition on them doing it. We are removing that in order to give credit unions who want to do it the facility to do so. Those credit unions that do not wish to hold virtual meetings are not obliged to do it. It is as simple as that.

Some of these amendments will be temporary and relate directly to changes required to enable general meetings to proceed during the Covid-19 pandemic. In particular, the board of a credit union may decide on the form of a general meeting, similar to the provisions in the Companies (Miscellaneous Provisions) (Covid-19) Act 2020, notwithstanding the rules of the credit union. Should these changes not be made and the public health measures continue to restrict large physical gatherings, the Central Bank has the power, in limited circumstances, to direct a credit union to postpone the holding of an annual general meeting for a period not exceeding nine months where it is necessary to do so. The Central Bank has an identical power to defer special general meetings of credit unions. Boards could also issue information in written form to members and-or publish financial updates on their websites. However, these outcomes would be suboptimal as members would not be able to express their right to vote and-or call the board to account.

The main amendments proposed in the legislation are: to allow the option of virtual general meetings which provide access for remote attendance and the option of electronic voting; to provide credit unions with the option of availing of proxy voting for a temporary interim period to allow for the directors to determine the form of the general meeting, notwithstanding the credit union rules; to allow for AGMs related to the year ending in September 2020 to be delayed to April 2021 as opposed to the normal January 2021; to allow for the interim period to be extended by order beyond April, if necessary, depending on Covid etc.; to allow the Minister for Finance to make further regulations relating to general meetings to be held by the use of electronic communications technology; and to allow the directors of a credit union, in exceptional circumstances, to cancel the holding of a general meeting at any time prior to the holding of the meeting.

While the Bill introduced today is similar in some respects to the Companies (Miscellaneous Provisions) (Covid-19) Act 2020, it takes into account the different nature of credit unions and

makes some permanent changes. For example, the Bill provides for credit unions to hold partly or fully virtual meetings on a permanent basis, a feature we hope will encourage greater member engagement at general meetings in the future.

The Bill will amend the Schedule to the Fiscal Responsibility Act 2012 to increase the maximum number of consecutive terms which a member of the Irish Fiscal Advisory Council may serve from two to three terms before becoming ineligible for reappointment. This amendment is proposed to address exceptional continuity challenges which the council is currently facing and to provide for greater flexibility for future appointments. Members of the council are required to possess a certain skill set and a highly technical level of expertise. With members currently restricted to serving just two consecutive terms of office, the pool of candidates available for every new open competitive process is a particularly narrow one and an ongoing challenge.

The five-member council is likely to have three vacancies by the end of the year. In addition, the two members who will remain *in situ* are relatively new appointees. The continuity challenges which face the council constitute exceptional circumstances and require the proposed change to the Fiscal Responsibility Act 2012. Once passed, the change will help to address this considerable continuity challenge and allow for existing members to serve a third consecutive term.

The Bill will amend section 67 of the Credit Institutions (Stabilisation) Act 2010 to include the European Union as a facility lender, which will allow the State to comply with certain provisions contained in the EU support to mitigate unemployment risks in an emergency, SURE, loan agreement. Section 67(7) of the Credit Institutions (Stabilisation) Act sets out those institutions which are facility lenders to the State. While the definition of “facility lender” currently includes the European Financial Stability Facility and European Financial Stabilisation Mechanism, which are part of the European Union, these references would not cover the European Union as lender under the SURE regulation and loan agreement. The technical amendment to section 67(7) extends the definition of “facility lender” to include the European Union as lender to the Irish State.

As Senators will be aware, the Government has applied for a loan of €2.474 billion under the EU’s SURE instrument. This loan will cover eligible expenditure on short-term work schemes, that is, the majority of the expenditure on the temporary wage subsidy scheme, which has already been spent to date. Essentially, we want to draw down a loan to cover the payments to date under that EU arrangement. At the moment there is no provision in Irish law to allow the State to draw down a loan directly from the European Union. While we can draw down from other European institutions, we cannot complete the agreement until we change our legislation to borrow directly from the European Union for the first time ever. It is a new initiative as part of the EU’s response to Covid-19 across the Union.

I look forward to hearing the views of the Senators in the course of the debate on the Bill, which in summary, will allow credit unions to hold virtual AGMs associated with the financial year ending in September 2020, will allow each credit union to decide on the appropriate mechanism for voting at a general meeting, and will extend the time in which AGMs can be held from January 2021 to the end of April 2021. The Bill will also amend the Fiscal Responsibility Act 2012 to allow for an increase in the number of consecutive terms that can be served by a member of the Irish Fiscal Advisory Council. It will also amend the Credit Institutions (Stabilisation) Act 2010 to include the European Union as a facility lender, which will allow the State to comply with certain provisions contained in the SURE loan agreement.

I commend the Bill to the Seanad.

Senator Seán Kyne: I welcome the Minister of State who is dealing with his second Bill this evening, the Finance (Miscellaneous Provisions) Bill 2020, which like the previous Bill is somewhat technical in nature.

The Minister of State spoke about allowing for an additional term for members of the five-member Irish Fiscal Advisory Council, which makes perfect sense. Would he agree that five members is a low number and that there might be a need to increase that to seven or eight at a future date? It would make things somewhat easier in that regard because these things happen on boards from time to time and people are busy. I presume it is the same as an ordinary board that any Department might have. It is important to have both continuity and new blood, and increasing the membership would allow for that.

I understand that the SURE provision was enacted previously under Covid-19 regulations. The changes here are to ensure we can draw down loans directly from the European Union. We are lucky that as a member of the European Union that facility is available to us when needed at a favourable rate. I certainly welcome that.

The bulk of the Bill relates to the credit union movement. I will not repeat what has been said on that. The changes will allow them to carry out AGMs virtually and for votes to take place in those cases as well. It covers the period of the Covid-19 emergency. It is to be hoped that by September 2021, AGMs will be back to normal and can be held in person without masks and everything else. Who knows where we will be? That is certainly the wish and the aim. I welcome all the provisions the Minister of State mentioned there.

Lines 9 and 10 of Long Title of the Bill state, “for those and other purposes of amend the Credit Union Act 1997”. It may make sense legally; it does not make sense to me. It might be missing a comma or perhaps the word “of” should not be there. I ask the Minister of State to check that out at some stage.

Senator Pat Casey: I again thank the Minister of State. We will be supporting the Bill which makes amendments to existing legislation, including urgently required changes relating to credit union general meetings to enable them to go ahead during the current pandemic. It also changes the terms of the membership of the Irish Fiscal Advisory Council to strengthen continuity and widen eligibility. The Bill also makes changes to enable compliance with certain provisions contained in the SURE loan agreement which provides financial assistance to EU member states to address sudden increases in public expenditure caused by the Covid pandemic and to preserve employment.

The Bill is a priority in this term because the current legislative deadline for credit unions to hold their AGMs relating to the year ended in September 2020 is 30 January 2021. Therefore, it is important that this legislation is passed. Changes to the Fiscal Responsibility Act are also required by the end of 2020.

The credit unions will be able to hold AGMs virtually with the option of electronic voting. Maybe we should introduce similar provisions on how we operate our business in the Houses here. Maybe we could vote in a more efficient manner than we do at the moment. Maybe somebody could draft legislation on how we pass our own Bills here.

The Bill is concerned with credit unions and there is unanimous support for the credit union

movement in both Houses of the Oireachtas. The movement is hugely valued in every community in the country. It is interesting to note that the two most trusted brands in Ireland are credit unions and An Post, both of which are very much community based. The community is at the heart of both organisations. The Minister of State and others have spoken about the future of credit unions and how to expand their role in the community. Credit unions have the potential to fill a void in communities. As we know, even our major towns are struggling to maintain a main street banking presence. Credit unions might be able to fill the gap left by the decline in main street banking. Banks are walking away from their customers and are not serving the needs of the local communities and local businesses and there may be an opportunity for credit unions to strengthen their role in that regard. I also agree with the Minister of State that it is time credit unions had a more active role in the mortgage market. I welcome both of these Bills and would like to put on the record of the House my faith and trust in the credit union movement in Ireland. I applaud what it has done for our people.

Senator Marie Sherlock: This is a very important Bill. I welcome, in particular, the amendment to the Credit Institutions (Stabilisation) Act, which is both necessary and timely and the Labour Party will be supporting it. I also welcome the amendment to the Credit Union Act. It is important to put the ability of credit unions to hold their AGM online on a permanent footing and I would encourage all of them to do so because it is means of encouraging more of their members to be active in their credit unions. It is a reminder that credit unions are very democratic organisations. There is no such thing as customers in credit unions, only members and in that context, the facilitation of an AGM online is very important and will hopefully encourage more members to become involved.

I want to record my deep unease with the proposal to extend the number of consecutive terms for members of the Irish Fiscal Advisory Council, IFAC. A period of 12 years seems like an excessive length of time to serve on any board or council but particularly on the IFAC. It jars with the notion of a healthy turnover of participants on the board and potentially conflicts with the principle of trying to ensure a fresh flow of ideas onto a board or a council. From what I understand about the equivalent advisory councils in most other EU member states, Ireland will stand apart in allowing three consecutive terms. The UK's advisory council, for example, has a five-year term that is renewable just once, in Sweden, it is a three-year term that is not renewable at all, in France it is a five-year term that is renewable once, or not at all because there is a gender balance requirement, and in Finland it is a four-year term that is not renewable. These are just four examples but when one looks at the remainder of the EU member states it appears that terms are renewable up to two terms only. It is a concern if Ireland were to stand apart from other member states in terms of its practice with regard to appointing members to the IFAC.

I want to make it clear that I am not having a cut off the Minister of State here because there is a wider issue with regard to the Department of Finance. The question must be asked as to why the Department is bringing this proposal forward now. I understand that the existing council is facing into a situation where it will be reduced to just three members at the end of the year.

Why has the vacancy on the council been left open for almost 11 months? The vacancy was advertised on 6 November but I am not sure if that was the first advertisement this year. There is a wider question as to the Government's approach to the IFAC. The then Government was very enthusiastic about the IFAC when it was established in 2012 but one must question the Government's current attitude towards the council. The council has an important function in advising the Government on fiscal policy but it also has a broader role in terms of provid-

ing analysis, dissemination of information and an understanding of Ireland's fiscal stance, our compliance with budgetary rules and our performance. While I would not agree with all of the council's recommendations, its establishment in 2012 was a very welcome and hugely important development. Any of us who were observing fiscal policy closely in this country will attest to the disjointed and very poor availability of data on fiscal policy making and on understanding the fiscal stance of this country. The IFAC has advanced and progressed our understanding of Ireland's fiscal and budgetary stance but one must question the Government's attitude towards the council and the level of encouragement and support provided to it. If the Government believes there is an issue with regard to the council's statutory functions, it should bring forward recommendations on same. When I read that the council is currently facing "exceptional continuity challenges", I ask myself whose fault that is and I believe it is the Government's fault because it has not been proactive in ensuring it is attracting candidates to the council. There are many macroeconomists here in Ireland and many macroeconomists from Ireland who are working abroad who I believe would be interested in serving but they must be attracted in; they have to be asked. There is another way, rather than extending membership of the council to three terms. I wish to be very clear that I am not in any way casting any aspersions on or discrediting those who are currently serving. I know that those who have been serving have done so diligently and have given much of their time but I do not think a 12-year term is good practice for a Government-appointed council. Another way of ensuring a healthy and consistent flow of qualified persons onto the council must be found.

Senator Paul Gavan: Sinn Féin supports this Bill. The financial year end for credit unions is the end of September, with annual general meetings, AGMs, subsequently occurring between October and January, as required under the Credit Union Act 1997. As a result of the current public health measures, it would not be possible to proceed with physical AGMs and special general meetings. In addition, the uncertain direction of public health measures into the future makes planning for such meetings difficult due to the time lag between notice of a meeting being sent to members and the actual meeting itself.

The purpose of this legislation is to allow credit unions to hold certain meetings remotely which are required under the Credit Union Act. Our support for this legislation is wholly contingent on the support of the credit union movement itself. I note the Credit Union Development Association, CUDA and the Irish League of Credit Unions, ILCU, have engaged with the Department of Finance and the Oireachtas Committee on Finance, Public Expenditure and Reform, and Taoiseach on the general scheme of this legislation. Both organisations welcome the provisions of this legislation overall, as does Sinn Féin. These are extraordinary times and the Bill seeks to introduce flexibility as credit unions fulfil their obligations under the 1997 Act.

I join the credit union movement in welcoming section 78A(8), which provides that a temporary failure or disruption in communications will not invalidate the general meeting or any proceedings relating to it. Questions have been asked about the practical problems that may result from notice requirements for cancelled or rescheduled general meetings. Section 78A(10) permits the board of directors to cancel, relocate or change the means of holding a general meeting in order to comply with public health guidelines, provided this is done in accordance with section 80 of the 1997 Act. It is my understanding that section 80 requires such notice to be given by post, something that may not be practical at such short notice. Perhaps the Minister of State will clarify this issue.

Similarly, I am aware that the Irish League of Credit Unions has asked for clarification as to the exact meaning of the phrase "end of the day" provided in line 2 of page 7 of the Bill. I

would be grateful if the Minister of State could provide that clarity today also.

Section 10 seeks to amend section 82(3) of the Act to allow for proxy voting in the general meeting. In 2016 the credit union advisory committee published its review of the implementation of the recommendations in the report by the Commission on Credit Unions. In it they noted that proxy voting was a specific concern from stakeholders. Stakeholders have stated their concern that proxy voting would be introduced in the permanent legislation and I would appreciate it if the Minister of State would address these concerns.

Finally, I wish to voice my support for the overall aim of the legislation and I look forward to scrutinising it further on Committee Stage.

Senator Aisling Dolan: I welcome the Minister of State to speak on the Finance (Miscellaneous Provisions) Bill 2020. I will ask about three points: the virtual meetings of credit unions; the fiscal council longer term; and credit unions accessing the European Union SURE scheme as a facility lender. The board of directors of every credit union is drawn from the members. As we have talked about it, a credit union is a community organisation. A credit union is run by the community for the community and for the benefit of the community. It is a non-profit. One is looking at bringing in volunteers. Every board of directors does this freely in their own time. They commit their time and expertise. They have the knowledge to lead and manage their credit union. We all have to be very grateful because they are putting in the good governance measures that we see the success of credit unions has been based on.

Following on from Senator Sherlock's points, I would ask a question of the Minister of State, to which I do not have the answer. It is about building up the importance of the credit union and making it attractive in the community so that people participate in, become members of and get loans from it, hopefully, for a post-Covid summer holiday which people would be able to look forward to. There is a body of work here where the State could support credit unions in the communication of that role with public relations, encouraging people to join boards of directors, or some other incentive measures. This applies to boards of directors in credit unions at a local level and to the question before us now with regard to the fiscal advisory council where there seems to be a difficulty because the terms are to be extended. I am happy to see that a 50% gender balance is provided for on the fiscal council at the moment, although it is a small group. It is something the 30% club are always fighting for.

On the issue of virtual meetings, we have to be more flexible. For mothers and fathers with young families, for example, it is very difficult for them to participate in voluntary activity in the evenings. Any type of virtual meeting would only encourage and support people to get more involved with their credit unions.

On the SURE scheme, which is the European Union temporary support to mitigate unemployment risks in an emergency, Ireland is applying for financial support of more than €2.5 billion. Again, it is very important that all lenders are able to access this, as the Minister of State mentioned, and they would be considered a lender for the credit union. We are looking at huge rates of unemployment. Some 500,000 people are on some type of unemployment benefit and some 300,000 people are on the temporary wage subsidy scheme. It is crucial that we are able to access those funds, and that our lenders are able to access the funds directly from the European Union. I am very supportive of that, but there are questions around how we support and incentivise people to get involved in boards of directors and how we get people to build their expertise with credit unions in Ireland.

Senator Jerry Buttimer: I thank the Minister of State for being here to take this very important legislation. It is a pity that the backdrop to this debate on the proposed reform of the credit union movement is Covid-19. The explanatory memorandum to the Bill speaks about the provision for the holding of certain meetings of the credit unions by remote meeting. I pose my question in terms of the audit committee, the board of supervisors who have to go in and oversee the work of the credit union board and to look at the presentation of loans in the year and how that operates. Have we got a guideline and a roadmap for the board of supervisors?

As Senators Gavan and Dolan said, this legislation speaks about the importance of the annual general meeting. Those of us who are involved in the credit union movement know the importance of the annual general meeting. We also know the importance of communication. Section 8(1) provides for notification to be given in the same manner as the previous meetings unless “in the opinion of the board of directors, giving such notice in that manner is not reasonably practicable”. Has any consideration been given in this new modern world of technology to WhatsApp notification or to email as a means of communicating? I appreciate that not every member of the credit union movement has an email address. That is not meant to be a judgmental comment; it is a matter of fact. Has any consideration been given to that?

On the holding of meetings of boards of directors, I will put it in the context of the Houses of the Oireachtas with regard to the legal standing of the board. Parliamentary privilege is not given to Members who attend meetings virtually from outside Leinster House. What is the legal requirement for the credit union members of boards of directors and the board of supervisors, and what is their legal position? As Senator Dolan rightly said, these boards are run voluntarily. These are professional people who bring expertise. There are also people from all walks of life.

I spoke in the previous debate about the Credit Unions 2020 Vision and the legislative framework for credit unions. In its pre-election request to us as politicians the credit union movement spoke about a review of the Credit Union and Co-operation with Overseas Regulators Act 2012, which it was looking to be changed. In the overarching reform of the credit union movement what is the thinking of Government now around the credit union movement and its role in the community, as referenced by many speakers in this and the previous debate?

There is a need to reassure and walk with the credit union movement in its delivery of what it offers to people based on the co-operative movement of old. There is an opportunity now, in a new world, to be able to deliver reform that is meaningful but is not, as the Credit Unions 2020 Vision document states, in effect “a platitude” but is real and tangible. For the future we want to see a sustainable model of the credit union movement. This Bill refers to changes and I would worry that over time the ethos of the credit union movement would be changed and altered. I welcome the provision here in that regard. It is important that there is real engagement.

I am concerned that with proxy voting we will end up becoming like the banks at their annual general meetings and the lending institutions where one can have people voted or blocked by a particular entity or grouping. I have not got the technical term for it but I would worry that this may lend itself to becoming part of it. I hope that will not happen. As we all know, the credit union AGM is an important opportunity to reaffirm and refresh and it has stood the test of time. I welcome the Bill and I welcome the changes in it.

Senator Martin Conway: On this important legislation I agree with Senator Buttimer that it is somewhat regrettable that we are dealing with many things in the context of Covid-19, but that is life.

With regard to the Irish Fiscal Advisory Council, I tend to share some of the concerns expressed by Senator Sherlock in terms of the moving over and the fixed terms. However, some of the people on the council now would have helped chart us out of the previous difficulties and perhaps they are rightly placed. In many ways, we are dealing with a unique set of circumstances so I can see the logic in what is being done here, but I believe that if we are taking a long-term view, two terms is enough. I am on a couple of boards of directors of NGOs and the time limit certainly would not be 12 years, for a very good reason. We must look at best international practice when it comes to the Irish Fiscal Advisory Council. Senator Kyne made the very valid point that we must consider beefing it up, perhaps with eight to ten members. The money spent on it is exceptionally well spent. The advice it has given to the Government has been very much on the money.

I am aware of the Minister of State's previous role as Chairman of the Committee of Public Accounts and I watched him on the television screen on many occasions as he interrogated on behalf of that committee. He would understand and appreciate the importance of a changeover, beefing it up and bringing in more expertise. In our current situation, there is a global challenge to getting our economy back on track. That is only compounded by Brexit. The Fiscal Advisory Council is a key component in that regard.

Regarding the credit union in terms of accessing European money, that is evolving in the right direction and I strongly support it. As regards what has been said about AGMs and the need to hold them virtually, I consider that a housekeeping matter. On the overall point about credit union AGMs, and I have attended many of them, they are social events to some extent but also important community and oversight events. Some AGMs even have music events afterwards. The credit union AGMs are unique and many people would bemoan the fact that they must be held virtually, although the credit unions have the option of not holding them virtually.

In my previous contribution, I did not mention the role I envisage for credit unions in providing mortgages. That is another evolution of the credit union. Where banks and financial institutions are overprescriptive, there is a role for the credit union to take a more community ethos approach, to look at the benefit of a couple with three children supporting the local school, environment, community, GAA and so forth, and perhaps to push the boundaries out. It is a fact that people on low incomes who get mortgages meet their obligations, by and large. The people who go into arrears are usually people with a different socioeconomic profile. When people from a difficult financial background have a financial institution that works with them and helps them through a difficult patch, they usually discharge their loans. That has been proven time and again. That is evidence based internationally, but particularly in Ireland. People who get the opportunity to have their own home are extremely proud of that. We can point to the culture of home ownership in this country as being what drives people to meet their obligations in terms of their mortgages.

This Bill has been initiated in the Seanad and, no doubt, the Dáil will try to tear it apart, after which it will return to this House and we will tidy it up again. The work we are doing here is very important. There is a case for having further debates on joining the credit union with An Post, or at least creating memorandums of understanding, if that is possible, between the credit union and An Post. That is the direction An Post needs to take, not with AIB, Bank of Ireland or any of the big banks but with the credit unions to try to create a community banking culture in this country.

Senator Paddy Burke: I welcome the Minister of State back to the House. I have some

brief questions for him. First, I welcome the legislation. With regard to the European Union facility included in the Bill, is this specifically for the credit unions or does it apply to many other institutions? Does it apply to all institutions that are lending? Do the main banks here already have that facility and is the Minister of State extending it to other institutions such as the credit union?

Second, with regard to holding meetings, whether it is through Zoom, Webex or whatever platform is used, has any thought gone into whether people could be eavesdropping, for want of a better word? A member could be online and there could be somebody else who may have a vested interest and who could have set up a scenario to get information to which he or she is not entitled. Most annual general meetings are only for members or for a certain number of people who are entitled to attend. In a case where meetings are held through a platform between various parts of a county or town, is there any provision in case anything untoward may happen? There is always something that can happen, such as the leaking of information. For example, there might be bad debts being discussed. Some people might have bad debts and their names may come up at an annual general meeting or the like. Would there be cover for the committee members? The chairman of the meeting, in particular, could be left exposed to anything happening in that regard.

Aside from that, I welcome the legislation and wish the Minister of State well.

Minister of State at the Department of Finance (Deputy Sean Fleming): I thank the Senators for their contributions on, and support for, this legislative measure which will formally amend the Credit Union Act 1997 to allow for general meetings, which are prohibited under the current health restrictions, to proceed. Some of the amendments will be permanent and will continue to operate after the interim period early next year. The Bill also amends the Fiscal Responsibility Act 2012 to allow for an increase in the number of consecutive terms which members of the Fiscal Advisory Council can serve. Furthermore, it amends the Credit Institutions (Stabilisation) Act 2010 to include the European Union as a facility lender, which will allow the State to comply with certain provisions of the SURE loan agreement. That agreement has been mentioned. It is an agreement in respect of support to mitigate unemployment risks in an emergency. It is specifically related to Covid.

The Government recognises the significant role of credit unions as a voluntary, co-operative movement, and how important it is for members to receive up-to-date financial information on the credit union as well as being able to have their say on a key range of issues, typically at an AGM. We hope the permanent changes being made will allow for greater participation at general meetings by the members of a credit union.

On some of the points made by Members, I accept the point that perhaps five members on the fiscal council was tight. We have a particular problem as there will only be two *in situ* in the term of their office at the end of this year. We have to deal with what is before us. I agree, and it is a matter for future consideration, that if there were more members of the council, we might not find ourselves in this predicament of having only two, which might not even amount to a quorum at the end of this year. I accept the point and it would have been my instinct when I saw the legislation, but we must deal with what is in front of us.

On the issue of whether the legislation deals with voting at AGMs, like in a company, people can arrive with proxy votes representing a large amount of shares. The fundamental difference between credit unions and companies is that companies can buy shares. If somebody has 10%

of the shares, he or she has proxy for 10%. This is a mutual association so every single person has one vote. Nobody can arrive with 10% or 3% of the votes. They can arrive only with one proxy vote. That is very important because there is a fundamental difference here. While we use the proxy vote and the procedures are like those in the Companies Act, it is fundamentally different because it is not a shared vote. It is a personal vote.

Senator Gavan asked about the changing of meetings and what was meant by the phrase “the end of the day”. That means that if the board of directors deems it necessary to cancel a meeting, it can only do so up to the end of the day prior to the meeting, meaning midnight the night before. It cannot cancel a meeting on the day of the meeting but can do it up to the end of the previous day. That is what that particular item means.

We must understand that directors are volunteers and there is no liability attached to them if people say something untoward at a meeting or virtually and they are eavesdropped on. That can happen in the course of any event or at any meeting anyway and one cannot blame the chairman for it. If somebody says something wrong that person is responsible for his or her own actions. It is not the responsibility of everybody else in the room.

The gender balance of the Irish Fiscal Advisory Council was mentioned. That is important and essential and I hope whoever comes on as new members in due course will meet those criteria.

I do not think the legal position of the audit committee or supervisory board will be affected by this. They can still have their meetings but this legislation takes steps to prevent an AGM which involves large gatherings. Audit committees and so on are normally small meetings with small groups of people that can happen with proper social distancing when the time allows. This legislation should not impact on those meetings.

The review of the role of credit unions was mentioned. We are in favour of that and we just want them to lend more. They have a lot of excess cash, as all the banks do at the moment. There is a lot of money out there that institutions should be willing to loan in the new year once people are in the mood to start spending again.

Senator Conway mentioned that AGMs have an oversight role and a social element. I have not attended any AGMs that had music and dancing but obviously once they have their official business done they are entitled to relax. I do not object to that.

I wish to make a very important point because I understand this issue may have caused a bit of confusion. It was twice asked if the loan drawn down from the EU under the SURE loan agreement is for credit unions. Unfortunately, it has nothing to do with credit unions. We were bringing forward legislation relating solely to credit unions and it was decided in the last few weeks that it would be called the Credit Union (Miscellaneous Provisions) Bill. However, because of the issue with the Irish Fiscal Advisory Council, it was necessary to put this section in, which has nothing whatsoever to do with credit unions. We also had to include the other element as a result of the July stimulus legislation we brought through the Dáil and Seanad some months ago. It provides for the Minister for Finance, solely, to borrow the money from the EU. It has nothing to do with credit unions. We are piggy-backing those two sections into this legislation because they both need to be passed by the end of the year.

I can understand how some people might have thought these sections were connected to credit unions. Unlike the borrowing the State would normally do, with the National Treasury

Management Agency, NTMA, raising loans to finance the State, this mechanism finances the current account of states across the EU for the exceptional costs they have incurred, such as those of the wage subsidy scheme, which has already been paid out. This loan agreement will come directly signed by the Minister for Finance, not by the NTMA, and it will be lodged to the Central Fund. It will be spent in the current account and the spending of that fund has already been approved through the Estimates process. Some of it will carry into next year as well. It is a direct loan into the current account to meet the financial cost of Covid this year and into next year. It will add onto the national debt but as a direct loan, which is a new mechanism for the EU to loan money directly to governments rather than through a lending agency such as the NTMA.

I have responded as best I can to some of the points made. I thank Senators for their input and look forward to progressing this legislation through the remaining Stages in the Seanad.

Question put and agreed to.

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

Senator Seán Kyne: Next Monday.

An Cathaoirleach: Is that agreed? Agreed.

Committee Stage ordered for Monday, 30 November 2020.

An Cathaoirleach: When is it proposed to sit again?

Senator Seán Kyne: At 10.30 a.m. tomorrow.

The Seanad adjourned at 7.31 p.m. until 10.30 a.m. on Wednesday, 25 November 2020.