



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Dé Céadaoin, 25 Samhain 2020

Wednesday, 25 November 2020

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

*Machnamh agus Paidir.
Reflection and Prayer.*

Message from Joint Committee

An Cathaoirleach: The Joint Committee on Agriculture and the Marine has completed its consideration of the following motion:

That Seanad Éireann approves the following regulations in draft:

Horse and Greyhound Racing Fund Regulations 2020, a copy of which was laid in draft form before Seanad Éireann on 13 November 2020.

Gnó an tSeanaid - Business of Seanad

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

The need for the Minister for Justice to make a statement on the treatment and care of prisoners with a mental illness in Irish prisons.

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

The need for the Minister for Health to make a statement on the future of transgender healthcare in Ireland.

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 Catherine Ardagh of the following matter:

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 Martin Conway of the following matter:

The need for the Minister for Housing, Local Government and Heritage to provide an update on his Department's plans to improve the water and wastewater infrastructure in the villages of Doolin, Broadford, Cooraclare and Carrigaholt in County Clare.

I have also received notice from Senator Aidan Davitt of the following matter:

The need for the Minister for Housing, Local Government and Heritage to make a statement on the implication of the national planning framework strategy of removing one-off local needs rural planning and rezoning-dezoning population caps.

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

The need for the Minister for Agriculture, Food and the Marine to make a statement on the growing crisis in the Irish horticulture sector in relation to the provision of peat.

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 Micheál Carrigy of the following matter:

The need for the Minister for Education to provide an update on a request for funding for additional classroom space in St. Mel's College, Longford.

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 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 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 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 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 Pat Casey of the following matter:

The need for the Minister for Housing, Local Government and Heritage to outline when he proposes to make waiver of rates regulations under section 15 of the Local Government Rates and other Matters Act 2019.

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 Murphy, Doherty, Mullen and Ardagh and they will be taken now. The other Senators may give notice on another day of the matters they wish to raise.

Nithe i dtosach suíonna - Commencement Matters

Prison Mental Health Services

An Cathaoirleach: I welcome former Senator and now Minister of State, Deputy Feighan, to address the House and Senator Murphy on the issue he has tabled.

Senator Eugene Murphy: I appreciate this matter being taken this morning. The reason I tabled it is that I have had a long involvement in supporting people with mental health issues in my constituency and on a broader basis for a number of years. I also served on the prison committee of Cloverhill Prison for almost two years. Anybody who has been a member of a prison visiting committee will know the one job one has to sign on the dotted line is to represent the welfare of prisoners. It was a difficult experience but it teaches one a great deal about life when one meets a person in a cell who is behind bars because justice has been put in place. In this particular situation we would all accept that something needs to be done rather quickly.

I acknowledge the phonecall I received from the Minister for Justice, Deputy McEntee, last night. She would dearly like to be here today but I understand she is tied up with other issues at the moment. She has taken a keen interest in mental health issues during her period in the Oireachtas. However, it is great to have my own county man here, the Minister of State, Deputy Feighan, who also has a very good understanding of this situation.

We are discussing this issue today because of an article by Conor Gallagher in *The Irish Times* yesterday in which he reported the inhumane treatment of a mental health patient put into Cloverhill Prison, which was highlighted by the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, CPT, which found serious failings in the treatment of mentally ill prisoners, and that prisoner in particular. We all know the details of the case. They were horrifying and shocking. I read them again this morning. I also acknowledge the Irish Prison Service wants to deal with this matter very urgently. It should not be happening.

I know the Minister of State will agree with me that we have to stop the practice of putting mentally ill patients into prison cells and, worst than that, isolating them in a terrible way. We must consider putting in place a system within our prisons that will specifically deal with mentally ill patients where there would be a special quarter for them in which psychologists and psychiatrists can deal with them. Isolating these patients in a cell for up to two weeks, apart from handing them in a bit of food, is obscene in this day and age. If we are to treat human beings with any bit of dignity and respect we must move away from this type of carry on. This is not the only case. As was highlighted in the article in *The Irish Times* yesterday, there are other such cases happening.

In our constituency offices from time to time, we are contacted by families who on many occasions are struggling to cope with a mentally ill family member and find their family members are brought to court and put into prison because there is nowhere else for them to go. The man in this instance was waiting to get into the Central Mental Hospital in Dundrum, for which there is a waiting list. Again, that begs the question of why we cannot provide more places in Dundrum.

I will not labour the point any further. This issue has been well flagged in recent days. I raise it in the context of being a former member of the board of Cloverhill Prison and on the basis of my involvement in many cases, some involving families who had a person put in prison because of mental illness. I hope the Minister of State's response will give us some good news. It would be the wish of everybody in this Seanad to move forward with this issue and make the changes necessary as quickly as possible.

Minister of State at the Department of Health (Deputy Frankie Feighan): I thank my colleague for raising this issue. The Minister for Justice yesterday welcomed the publication of the report of the committee for the prevention of torture and fully acknowledges the importance of external oversight and evaluation in helping develop and improve our penal systems. While the report offers encouragement in a number of areas and recognises progress made, it clearly identifies issues that need to be addressed urgently. Among the issues to be welcomed is the introduction by the Irish Prison Service, IPS, of a new prisoner complaints system before the end of the year which, when bedded down, will include an oversight role for the Ombudsman. In addition, a review of the prison rules is under way, taking account of the most recently published European model rules. A specifically designed detention facility in Dublin Airport will provide a dedicated short-term facility for persons refused permission to land and will reduce the need to transfer such persons to another facility. The operation, management and governance of special observation cells is being reviewed and a clear distinction between the operation of close supervision cells and safety observation cells will be made. The practice of slopping out has been significantly reduced over recent years, with over €130 million invested in capital projects to improve and modernise the prison estate.

One of the most pressing issues raised by the committee relates to how we provide for the complex needs of people with mental health difficulties who come into contact with the criminal justice system. This is a priority for the Minister for Justice and I am pleased to say that in September, she met my colleague, the Minister for Health, to discuss this. They agreed to establish a high-level, cross-departmental and cross-agency task force to consider the mental health and addiction challenges of those imprisoned, as well as their primary care support on release. This work is under way with a view to planning for and implementing a revised model of care in order to deliver appropriate inpatient and step-down resources in the Central Mental Hospital, CMH, complemented by adequate prison in-reach and community forensic mental

health services and supports. The Government acknowledges that every person with mental health difficulties coming into contact with the system should have access to a comprehensive mental health support system and the high-level task force will look at how we deliver this as a matter of urgency. Both the Minister for Health, Deputy Stephen Donnelly, and the Minister for Justice, Deputy McEntee, recognise the urgent need to design and put in place proper systems to care for the most vulnerable people who come into contact with the criminal justice system. It is only fair to acknowledge the very positive comments made by the CPT in its 2019 preliminary report regarding the overall high level of care provided by prison staff to prisoners, which demonstrated a genuine concern among staff for those in custody.

Senator Eugene Murphy: I thank the Minister of State for his reply. I accept that the setting up of that task force was very important to the three parties in government as part of the programme for Government. I am delighted to hear him say that the Ministers for Justice and Health have met. I do not want to be blaming the people in the Prison Service because they are not trained for this type of work. The task force is great. The Minister of State may not know the answer to this but when is it due to report back? If he does not have that answer today he might come back to me with it. In the meantime, we must ensure that there are psychiatrists, psychologists and people to deal with this issue within the Prison Service to deal with any mental health patient who ends up in prison. The divide needs to be addressed quite clearly in order that a person in this situation can go directly to a psychiatric hospital and not to a prison. It is not the place for those people and we see what happens, which shows that those people are in a vulnerable position if they end up in prison.

Deputy Frankie Feighan: The Government is committed to delivering safe, secure and humane custody for those sent to prison in this State. This includes the provision of appropriate mental health services to persons in custody. We accept the CPT's findings that there is much to be done in this regard but welcome its recognition that progress has been made in a number of areas. We are considering how best to deliver appropriate CMH inpatient and step-down resources, complemented by adequate prison in-reach and community forensic mental health services and supports. This is a priority for the Ministers for Health and Justice and for the Government collectively. In addition, a review of the use of special observation cells is under way and appropriate and robust standard operating procedures and training on their use will be implemented. A new prisoner complaints system will be implemented before the end of the year and prison rules are under review to ensure they are aligned with international best practice.

Greater use is being made of alternatives to imprisonment and the IPS has developed a prison population management plan to maximise capacity within the estate, increasing the use of open centres and backdoor strategies, including structured temporary releases. The Irish Prison Service's capital strategy outlines plans for the complete replacement of outdated accommodation in Limerick and Portlaoise prisons, as well as improvements across a number of other prisons. A capital allocation of €36 million has been set aside for this under budget 2021. The Government and the IPS are committed to implementing the longer-term changes required to make our penal system safe, effective and able to respond to the needs of all prisoners, especially vulnerable ones. While there is unlikely to be a quick-fix solution to some of the issues highlighted by the CPT, we will work intensively together to ensure all people get the care and support they need from the system.

The Senator asked about when the task force will report back. I will try to get an answer for him on that as soon as possible.

Seanad Éireann
Health Services Reform

Senator Regina Doherty: I thank the Minister of State for his attendance in the Seanad this morning to discuss this issue. It is hugely important to the transgender community in Ireland, as well as their families, friends and supporters. Last year, the then Minister for Health, Deputy Harris, became increasingly aware of the difficulties faced by the transgender community in accessing essential healthcare in Ireland. He listened to that community and in taking on board their concerns, he set up and established the national transgender healthcare steering committee in May 2019. The committee was made up of members of the advocacy group Transgender Equality Network Ireland, TENI, clinicians, psychiatrists, endocrinologists and representatives from both the HSE and the Department of Health.

The overarching objective of the committee was to present a report to the Minister on how to develop a seamless and integrated service for those who present with gender identity issues, with clear pathways of care in order that the needs of the patients and their families are placed at the centre of the delivery of those services. This report was completed earlier this year and was received by the Department of Health on 28 February, which was unfortunately just one day before the first case of Covid was discovered in this country. While focus on tackling the pandemic understandably delayed the examination and publication of the report's recommendations in the first few months, the fact that no movement whatsoever has happened in the interim months is hugely disheartening.

The HSE and the Department of Health have done fantastic work to make sure normal healthcare services have for the most part resumed, yet the report remains shelved. According to some of the members of the steering committee, it is worse than shelved; it appears to be lost. It is an extremely important and valuable document which was developed at the request of the Minister for Health and was then submitted to the Department. That it seems to have just disappeared is baffling. The HSE maintains that it was submitted to the Department but the Department and the Minister of State - not Deputy Feighan - believe the HSE is still working on it. This passing of the buck is not good enough. It is a very serious report with very serious recommendations and it needs and deserves immediate attention and action.

What is even more worrying is the lack of engagement between the Minister for Health's office and his own ministerial appointee to the committee since the formation of the Government in June. That appointee has made six attempts to communicate with the Minister, all of which have been ignored. That is the main reason I am standing in this Chamber today. It is a real pity.

Members of the transgender community need to know their voices are being heard. As the previous Minister gave them a platform to speak, I hope their voices will not fall on deaf ears. The report must be examined and published without delay and a plan to introduce the recommendations in the report must be put forward immediately. Obviously, no one here has seen the report but given the wealth of expertise, personally and professionally, of the people on the committee, I have absolutely no doubt that the recommendations would improve the services for our transgender community and that this Seanad and the Dáil will support them.

Over the last few years I have had the privilege of working in a personal capacity with the transgender community, with TENI, and with members of the trans community seeking employment, where they face huge discrimination. We are making progress but it is slow. Often, some of the issues we highlight and some of the recommendations we make get ignored and are

marginalised by governments around the world. This Government needs to make huge strides to represent this community, as did the previous one. This is a small community but it is large in its heart and even larger in the impositions its members face every single day. The future of transgender healthcare in this country is unclear.

The current haphazard provision of services to our young people who are struggling with their identity is unreliable and potentially unsustainable in its current format. Two years ago, the people made a decision not to export our citizens for healthcare to other countries and yet this year alone, we have sent more than 80 patients under 18 years of age to the UK for health. In the space of four months from November 2019 to February 2020, the waiting time went from 12 months to 24 months. This issue is critical and needs an immediate response.

Has the Minister received the report? Has it been read? Has it been actioned? If not, when will it be actioned?

Deputy Frankie Feighan: I thank Senator Doherty for raising the issue. The National LGBTI+ Inclusion Strategy 2019-2021 sets out Government policy for promoting inclusion, targeting discrimination, and improving the quality of life and well-being for the LGBTI+ community in Ireland. It is supported by the LGBTI+ National Youth Strategy 2018-2020.

The strategy commits to ensuring that people can fully and equally avail of mainstream health services. In addition, the strategy recognises that targeted services are needed to support transgender people, including through the process of transition.

In line with international trends, the demand for transgender services in Ireland has increased exponentially over recent years. Prevalence studies suggest an increase in those experiencing gender dysphoria. In 1997 the World Health Organization reported a prevalence of 1:60,000 and in 2013, the fifth edition of the Diagnostic and Statistics Manual of Mental Disorders reported a prevalence of 1:20,000.

Services for transgender care have evolved organically over recent years, with adult services based in St. Columcille's Hospital, which is part of Ireland East Hospital Group, and children's services located in Our Lady's Children's Hospital, which is part of Children's Health Ireland. Endocrinology and psychological support services are delivered on both sites.

A model of care was developed to support the development of HSE gender identity services. The model of care was supported by the allocation of additional resources to enhance services. Recognising the need to develop gender identity services and to best use the additional funding, in May 2019 the HSE established a steering committee chaired by the national clinical lead in mental health, Dr. Siobhán Ní Bhriain, as the Senator outlined. The committee had the specific purpose to develop a seamless and integrated service for those people who present to the health service with gender identity issues. The committee brought together the various HSE transgender services, along with service users, as represented by Transgender Equality Network Ireland and ThisIsMe.

The committee concluded its work in January 2020 and issued its final report in February 2020. I recently had the opportunity to read the report. The report details the two outcomes achieved by the steering group, namely, the development of a job description for a consultant psychiatrist in child and adolescent psychiatry post to develop the transgender identity services for those aged under 18; and support for a governance committee across the Ireland East Hospi-

tal Group and Children's Health Ireland to ensure ongoing review of the national gender service as it develops.

The report notes the development of a strong sense of collegiality among the committee members and the commitment of all to develop a well-governed service for the transgender patient group. The report makes seven recommendations to enhance the model of care for the transgender community, all of which fall under the remit of the HSE. One of the recommendations is to develop a service users' forum within the national gender service. Most of the report's recommendations are in progress or ongoing.

I note the Senator's concerns about trying to get a meeting with the Minister and the Department. I will also bring those concerns back.

Senator Regina Doherty: I genuinely thank the Minister of State for coming to the House to give us that information because the members of the committee have not been able to get it in any other format. I appreciate not only that the Minister of State said he had actually received the report but also that the seven recommendations have been read and some actions taken. I say on behalf of the transgender community that is greatly welcome.

I have two requests. I ask for the Department of Health, if not to re-engage with the entire committee, to absolutely return one of the six calls made by the Minister's advocate on that committee. He is a young gentleman who has worked his socks off to try to improve conditions in this country for himself and his friends. Having asked him to do that body of work, the very least we can do is to engage with him.

I ask the Minister of State to publish the report and outline the status of the seven recommendations. That will instil trust and restore faith in the transgender community and among the people who put this body of work together that they have been listened to and their recommendations have not fallen on deaf ears. I know the Minister of State might not be able to commit to those requests himself, but I ask him to bring them back to the Minister, Deputy Stephen Donnelly, and ask for a response to be issued immediately. I thank the Minister of State; I really appreciate his response.

Deputy Frankie Feighan: I am committed to supporting the HSE in ensuring that people wishing to transition their gender have timely access to treatment that accords with the best practice. I note the Senator's welcome for the report. I want to see the HSE develop a well-governed and patient-centred healthcare service for adults and children in the transgender community in line with the programme for Government.

The report of the steering committee on the development of HSE transgender identity services is an important step in achieving this objective. Already the committee has achieved two tangible outcomes and its seven recommendations are in train. I am seeking a further update on the implementation of the committee's recommendation over the recent months from the new national clinical lead in mental health, Dr. Amir Niazi. I commend the work of the steering committee and I would welcome the early publication of its report by the HSE.

The six calls from the advocate for the group should be responded to. I know many people in the Department are working on Covid, as I have seen with people working in the sections dealing with alcohol and tobacco. However, they should be able to reply to a phone call. I will also bring that back.

Senator Rónán Mullen: It would be good if we had a debate in this Chamber on that last important and sensitive topic.

Article 44.2.1° of the Constitution states, “Freedom of conscience and the free profession and practice of religion are, subject to public order and morality, guaranteed to every citizen.” Article 9 of the European Convention on Human Rights binds Ireland to ensure that “Everyone has the right ... either alone or in community with others and in public or private, to manifest his [one might say his or her] religion or belief, in worship, teaching, practice and observance.”

Some 1.2 million people, representing 36% of all adults, exercise these rights on at least a weekly basis by attending a religious service. However, under the current Covid regulations, SI 448 of 2020, in force since 21 October, the organiser of any event is liable for a fine of up to €2,500 or up to six months in prison. No exception was made for religious gatherings of any kind or of any denomination.

It is not an exaggeration to say that this is the first time that religious leaders have been threatened with prosecution for holding religious services since the last of the Penal Laws was abolished in the late 1700s. This blanket ban on worship is a flagrant breach of the constitutional guarantee in Article 44.2.1°. In 1972, in the case of *Quinn’s Supermarket v. Attorney General*, the Supreme Court ruled that laws of general applicability which have the effect of preventing the right to practise religion are unconstitutional unless they include a carve-out protection for religious practice and any restrictions of that right must also be proportionate.

The European Court of Human Rights has repeatedly ruled that governments must conduct a detailed scientific analysis showing that a ban is absolutely necessary on public health grounds. However, the Minister for Health, Deputy Stephen Donnelly, has already suggested in the Dáil that no such analysis exists. On 22 October he told Deputy McNamara that he would “challenge NPHET to provide the evidence”. On 3 November Deputy Nolan asked a parliamentary question seeking the evidentiary basis for the restrictions on public worship. In a quite remarkable 800-word written reply, the Minister, Deputy Stephen Donnelly, provided no evidence and completely dodged the question he was asked. This suggests that the restrictions were applied arbitrarily, with no study of the available evidence. That is a breach of the Constitution and the convention.

I would be grateful if the Minister of State would state clearly whether the Minister for Health sought advice from the Attorney General on the constitutionality of these regulations, given the failure to make an appropriate exclusion for matters concerning religious worship, and what that advice was. The first part of the question can be given a “Yes” or “No” answer. Was advice sought from the Attorney General? Second, has an evidentiary analysis been compiled by the Department of Health on the need for such a blanket ban, given that such an evidentiary analysis would be required by the European Convention on Human Rights? Third, why was no detail given to the Dáil or the Seanad up to this point?

I would appreciate an answer to those questions. We all understand the need for restrictions for the sake of public health, and why the Government might urge such restrictions on people as a moral matter, as it were, and, if necessary, as a legal matter. However, where the Constitution is so clear on freedom of religious worship issues, it appears to be inadequate and unacceptable that legislation providing for penalties in the context of the breach of such restrictions would

not nod, at least, to the constitutional reality and say that the State is not constitutionally permitted to impose penalties in this area. Good lawmaking would require that. That would not stop the Government from urging religious leaders, who have been very anxious to be compliant in all this, and religious communities not to have public gatherings in certain circumstances. However, to legislate for restrictions and penalties, knowing there is a constitutional problem with such penalties, seems at least sloppy and, more seriously, disrespectful to the State, the Constitution and the law.

Deputy Frankie Feighan: I thank Senator Mullen for raising this matter. I would love to see the churches open again. Indeed, I, my wife and my family are looking forward to returning to mass, and I am proud to say that as a politician.

The Government's strategy, in line with the public health advice, is disease suppression. Covid-19 spreads when individuals and groups come into close contact with each other, enabling the virus to move from one person to another. The framework for restrictive measures is framed to account for periods when there is low incidence of the disease, with isolated clusters and low community transmission, through to situations where there is high or rapidly increasing incidence and widespread community transmission. It recognises the need for society and business to be allowed to continue as normally as possible. The framework takes account of the societal and economic impacts of the response to Covid-19. Nuanced and sectoral responses are in place to ensure the number of people impacted will be kept to the minimum necessary to control the disease, given the psychosocial impacts of the disease on the population.

With the recent epidemiological situation of high incidence of disease, widespread community transmission and increasing hospitalisations and deaths, it was necessary to put in place significant restrictions at level 5 to arrest the current trajectory of the disease and break transmission chains. This means asking people to stay at home and eliminating as much activity and contacts as possible to ensure that opportunities for the virus to transmit are minimised. Unfortunately, this includes moving religious services online, with places of worship remaining open for private prayer only and exceptions continuing for funerals and weddings, where 25 may attend. It is important to note that at all framework levels, ministers of religion are permitted to travel to perform a service online, to minister to the sick, and to conduct a funeral or wedding ceremony.

These restrictions have posed major challenges for the religious community and they are to be commended on how they have responded. By adopting new ways of connecting through social media and various communication channels, the church has continued to bring comfort and assistance to those in need, in particular those who are grieving. It is acknowledged that these restrictions impact on the spiritual well-being of faith communities, but the measures in place to suppress the disease transmission are intended to minimise the risks to public health while striking the right balance in prioritising and protecting some activities over others.

Regular ongoing contact is maintained with the faith groups and non-confessional organisations by the protocol and civic policy division of the Department of the Taoiseach, especially with regard to specific queries on interpretation of the Covid-19 guidelines and regulations. In this regard, the Taoiseach had a number of Covid-19 related meetings with faith groups. On 8 April 2020, the Taoiseach held a meeting with leaders of the main faiths and non-confessional organisations to discuss the effects Covid-19 is having on their communities. On 14 May 2020, the Taoiseach met with representatives of the Catholic Church, Archbishops E. Martin, D. Martin and K. O'Reilly, to share thoughts on the reopening of places of worship over the course

of the summer. The church shared information on the work that is being done at all levels to develop a national church plan for safe reopening and emphasised it would play its part in applying public health measures to ensure the health and safety of its congregation.

A further meeting with the Catholic archbishops was held last month. Discussion at that meeting focused mainly on the effect which the current Covid-19 restrictions are having on the health and well-being of the faith community and the great desire to return to worship as soon as possible. The archbishops emphasised that they are fully supportive of the public health messages, but highlighted that coming together in prayer and worship, especially for mass and the sacraments, is fundamental to Christian tradition and a source of nourishment for the life and well-being of communities. The importance of gathering for worship as a source of consolation and hope at Christmas time was stressed. The need for a shared understanding of the effects of the pandemic as it evolves and to align our response accordingly was recognised. All agreed on the importance of solidarity in facing and overcoming the challenges of Covid-19 together. Pastoral work continues as we enter the traditional time of remembrance in this month of November.

Senator Rónán Mullen: I thank the Minister of State for his response. His personal expression of the importance of public worship for him and many other people will be appreciated by people of faith. However, he is in the unfortunate position of not being the Minister with Cabinet responsibility and having to come to this House to give a reply that does not address the core point I raised. There appears to be no constitutional justification for creating restrictions with penalties and not excluding public worship. In the Dáil, in response to Deputy Nolan, the Minister said that it could be noted that holding a religious gathering is not a penal offence. How does this make sense if there are provisions for a fine and potential prison for holding gatherings but no exclusion made for religious gatherings?

This is extremely problematic. As I and Members of the Dáil have pointed out, faith communities have been extremely compliant and have led by example. There appears to be no evidence that there has been a spread of the virus associated with religious gatherings. In that context, if we return to level 3, it would be intolerable if the Government were to continue to pretend, implicitly or explicitly, that it is somehow against the law to hold religious gatherings. Let it propose what it wishes, but it should not suggest that this is against the law. In light of what we know, it would also be intolerable if there would not be the possibility of public worship, as technically would be the case if we only return to level 3. It is clear that we need a modified level 3. That message must be conveyed, loudly and clearly. The Government has not done its work properly here by proposing to legislate to penalise those who organise religious gatherings when, in fact, it has no legal or constitutional basis for being able to do so.

Deputy Frankie Feighan: I thank Senator Mullen for being so diplomatic in his response to my reply. The Government recognises the immense sacrifices that are being made by the country in this difficult time. As I mentioned, there has been significant engagement and solidarity from the Catholic Church and other faith communities at all stages through the pandemic to ensure the protection of individuals and communities from Covid-19. I agree with the Senator. As a politician and Minister of State and as a citizen, I believe the churches have done extremely well. They have gone out of their way to put all the necessary protections in place. I have highlighted to the Government that this should be taken on board. I hope that when we go down to level 3, it will be a modified level 3, as the Senator said. I look forward to a time when people who are responsible, and the churches and faith leaders are responsible with their congregations, will get the answer we all want.

Seanad Éireann
Special Educational Needs

Acting Chairman (Senator Victor Boyhan): I welcome the Minister of State at the Department of Education who is here to update us on plans for Scoil Colm, Crumlin, Dublin 12.

Senator Catherine Ardagh: I thank the Minister of State for coming in to address this issue. I have worked with the Dublin 12 campaign for ASD inclusion and the Involve Autism groups since their inception. These are groups of courageous and dynamic parents who campaign for autism units in their local schools. More specifically, the Dublin 12 for ASD inclusion has campaigned since 2018 for an autism-specific school in Dublin 12.

Over the years we have had huge difficulty in obtaining the exact figure for those diagnosed with autism in Dublin 12. There also remains an unanswered parliamentary question on how many children in Dublin 12 have been diagnosed with autism. Despite this we know that there is much anecdotal evidence that there is a massive need in the area for an autism-specific school. The Department of Education has identified that there are 25 children in the Dublin 12 area who receive home tuition. However, there are other children who live in the area but attend less suitable schools and autism units located outside of their area, so there is a huge need for an autism-specific school in Dublin 12. These groups of brave parents have identified a site at Scoil Colm. It is an empty building on Armagh Road that has the potential to be of huge benefit to the community. We have met the Minister for Education and asked her to open Scoil Colm as an autism-specific school.

As many Senators will know, Scoil Colm is set in the middle of an educational hub and surrounded by schools. Scoil Úna Naofa is a mainstream school that does not have a mainstream ASD class. Scoil Eoin is a special school that caters for all disabilities with students ranging in age from nine to 18 years. The Rosary College is a secondary school that does not have an autism class. There is also a Youthreach and primary care centre that provides the community with access to GPs and public health nurses.

Scoil Colm has been closed since its amalgamation in 2016. Everyone involved in the project is aware that the premises need a massive amount of work but it can host up to 132 children. Scoil Colm also has a big campus on beautiful grounds so could provide a sensory garden. The vision is for Scoil Colm to open and become a centre of excellence for those with autism. I visited the site several weeks ago and met the Minister for Education. This project has the cross-party support of all the politicians in the area who know first hand the huge need felt by children with autism in the area.

I congratulate the Minister of State on the recent announcement whereby she asked, or perhaps ordered, 25 schools in south Dublin to open special autism units. That is a hugely welcome development but there will always be children who do not thrive in a school with an autism-specific unit so need the services provided at a autism-specific school. It is in that light that I ask for an update on Scoil Colm. What is the future envisaged for Scoil Colm? When will a decision be made? The site is vacant and the local community want the premises to be opened as an autism-specific school because the children in the community lack such a service. Does the Minister of State know how many people in the Dublin 12 area have been diagnosed with autism? How many children are on waiting lists for either an autism-specific school or unit?

It is important for the public to know how difficult it is for parents who have a child with autism. When they seek to register their child in a school, parents must apply to all autism classes

in the area regardless of suitability for their child and they must apply to all autism classes outside of the area to improve their chances of getting any placement for their child, regardless of suitability for their child. Schools contact parents to advise if their child has been offered a placement. This offering can be made well into June thus increasing uncertainty for parents. If a placement is offered a parent must accept it regardless of the suitability of the class for the child. It is difficult enough for a child to get a place in a local school without having autism needs. However, when one's child is diagnosed with autism, one is faced with treble red tape when trying to get him or her a place in a school, which is hugely unfair.

Last week, the Minister for Education announced a no homework day. The children in Dublin 12 who are being home schooled and have been diagnosed with autism would like to experience a no homework day. We must, as we all know, treat all of our children equally.

Minister of State at the Department of Education (Deputy Josepha Madigan): I can hear the Senator's frustration on behalf of the parents of children with special needs and their journey, and I share her concern. As the very first dedicated Minister for special education, I am going to do precisely what she asked and make the entire process of locating a placement whether it is a special class or special school as easy as possible because at the moment it is unsatisfactory. I will outline this matter in my contribution.

I thank the Senator for raising this important matter. I want to acknowledge the tremendous work done by Involve Autism and the Dublin 12 campaign, both of whom I have met. Many of the parents have become activists as a result of their children's issues and challenges that they have had to face when dealing with the Department and the system.

Next year, as the Senator will know, we will have a record breaking €2 billion investment in education or 20% of the overall budget. As a result, the number of special education teachers, and special classes and school places will be at an unprecedented level, which is a step forward in the right direction.

Since my appointment I have met not just Involve Autism and the Dublin 12 campaign groups but a number of different associations and advocates for the special education sector. They have raised a number of issues with me that I hope to tackle through action priorities. I have published a list of my action priorities. I intend to itemise them and state deadlines and timelines for achieving those goals. Through both better planning at local and national levels, it is my objective to have special education places to meet the stream of emerging demand. The Senator talked about the number of autistic children. The data is something that we are looking at in terms of collecting and harvesting the information.

A forecasting model is being developed by the National Council for Special Education so that in the future this perennial issue, where there is a dearth of special class places, is tackled from a demographic perspective. It is important to note that the growth of autism has grown exponentially not just in Ireland but throughout the world and constantly evolves, which we have noted is particularly true for girls.

I am very conscious that there are some parts of the country, including south Dublin, in which there has been an increase in population that has led to valid concerns about the shortage of school places. I assure the Senator that the NCSE is continuing its engagement with schools, patron bodies, parents and others across south Dublin to bring the required additional special education placements onstream. The Senator will be aware that Scoil Colm has been identified

as a potential location in terms of the provision of additional special school places for the area and my Department has had engagement with the building owner in this regard. Discussions are ongoing regarding the next steps in utilising this accommodation for special school places.

Acting Chairman (Senator Victor Boyhan): That concludes-----

Senator Catherine Ardagh: Can I not come in again? Everyone else had the opportunity.

Acting Chairman (Senator Victor Boyhan): It is now 11.30 a.m. The Senator can have one minute.

Senator Catherine Ardagh: I thank the Minister of State, but I asked for a specific update on Scoil Colm. I would like to know where we are in regard to the discussions. What the Minister of State has said is very unclear. We need to know what is the future for Scoil Colm. What is going on is very cloak and dagger but the Department should give parents a proper update on the position of the school. They want to know what state the negotiations are at and what stage we are at in the ongoing process. It is hugely unfair to lead people up the garden path.

Deputy Josepha Madigan: I assure Senator Ardagh that nobody is leading anybody up the garden path. Suffice to say, there have been site visits and discussions with the patrons, trustees and the principal of Scoil Colm where some 150 children are already provided for. My understanding is that the school will provide some but not all of the classes. There are ongoing discussions and we need to be hopeful in that regard. I hope something might arise out of the discussions and that I will be able to inform the House of it in due course.

Sitting suspended at 11.32 a.m. and resumed at 11.41 a.m.

An tOrd Gnó - Order of Business

Senator Regina Doherty: The Order of Business is No. 1, motion regarding the Technological Universities Act 2018 (Section 36) (Appointed Day) Order 2020 - back from committee, to be taken on the conclusion of the Order of Business, without debate; No. 2, the Planning and Development Bill 2020 - Order for Second Stage and Second Stage, to be taken at 1 p.m. or 15 minutes after the conclusion of No. 1, whichever is the later, and to conclude within two hours, with the time allocated to group spokespersons not to exceed eight minutes, all other Senators not to exceed five minutes and a Minister to be given no less than seven minutes to reply to the debate; No. 3, motion regarding the Horse and Greyhound Racing Fund Regulations 2020 - back from committee, to be taken at 3.15 p.m. or 15 minutes after the conclusion of No. 2, whichever is later, and to conclude after 75 minutes, with the contributions of group spokespersons not to exceed six minutes, of all other Senators not to exceed four minutes and a Minister to be given no less than five minutes to reply to the debate; No. 4, Criminal Justice (Theft and Fraud Offences) (Amendment) Bill 2020 - Committee and Remaining Stages, to be taken at 4.45 p.m. or 15 minutes after the conclusion of No. 3, whichever is the later; and No. 27, motion 7, to be taken at 6 p.m. or 15 minutes after the conclusion of No. 4, whichever is the later, with the time allocated to this debate not to exceed two hours.

Senator Fiona O'Loughlin: I would like to address a number of issues to the Leader and to the House, the first of which relates to Tusla. There is a very disturbing report in this morn-

ing's newspapers in regard to Tusla and the problems within that agency. The specific issues mentioned are a lack of consistency in how Tusla operates and the retention of staff, which is a particular concern. There are many fine people working in Tusla and doing an excellent job but it is difficult for them within what is described as "an over-centralised out-of-date structure". As we know, children are being moved from social worker to social worker. This is very traumatic for children because it means they have to relive their negative experiences again and again. There are many challenges facing Tusla, including securing foster parents. I ask the Leader to arrange a debate on Tusla, how it operates and what it needs to do to improve.

The other area is remote working and poor broadband and telephone services, particularly in regard to Eir. I welcome that the chief executive of Eir is to appear before an Oireachtas committee this week. Many people are having horrific experiences in their dealings with customer services at Eir. A staff member in my office has not been able to make or receive calls on a mobile for the past four months and cannot access customer services in Eir. As the largest telecoms operator in this State Eir needs to do better. We need to engage with ComReg on this matter and, possibly, a debate in the House on communications would be worthwhile.

The final area is public transport, which is always important. It is important it is accessible, affordable and flexible, particularly for those in the commuter areas outside of Dublin, including Kildare, Laois, Meath and Wicklow. In Kildare, north Kildare is part of a short-hop zone and the remainder of Kildare going forward part of a long-hop zone. There is need for a medium-hop zone, particularly now when many people are working from home and may not need to avail of a full-year annual tax saver ticket. There should be more flexibility for people who need to travel to Dublin once or twice a week. The extension of the Leap card would provide this for people in commuter belt areas. I ask the Leader to ask the Minister for Transport to come the House for a debate on accessible and affordable public transport.

Senator Rónán Mullen: I would like to propose an amendment to the Order of Business. I propose that No. 1 not be taken without debate and that a 45 minute debate be allowed, with the associated changes being made to the Order of Business. I am a member of the education committee, all members of which had something to say on this important issue. The future of our technological universities and their establishment is an important issue and merits Senators having an opportunity to comment on the matter.

I had intended to raise the issue of the welfare of pre-born children. I am glad the Minister for Health has finally established an inquiry into the use and licensing of the drug valproate, otherwise known as Epilim, which has for decades been licensed and used in the treatment of epilepsy and manage seizures but it has been known for some time that it can cause birth defects and developmental difficulties in a child if taken by the mother during pregnancy. No warnings were given to women about this until recent years and so there is a very low awareness of how much of a problem it is. I was going to ask that the Minister address the issue in this House in due course, so I welcome that development.

The second issue is a specific and tragic issue which requires that the Minister for Health come to the House for a debate. Two years ago almost to the day we debated abortion legislation in this House and several Senators raised the possibility that Irish babies would be born alive as a result of failed abortions, particularly in late-term abortions. This happens regularly in the UK and elsewhere. The former Minister described this as scaremongering. A report published recently by three medical professionals in UCC studied the work of ten doctors who have performed late-term abortions under the 2018 Act. I urge Senators to read it. It is deeply

disturbing and chilling to read. It highlights three main issues. First, it is clear from the study that babies have been born alive, having survived the abortion procedure, and have been left to die, with doctors interviewed saying they were “begging people to help deal with the situation”, referring to calls for help made to colleagues. The doctors surveyed described what they do as brutal, awful and emotionally difficult. Second, it is clear from reading the study that administering pain relief to unborn babies before late-term abortions is not something that features in the considerations of those carrying out the abortions. This, too, must stir our consciences. Third, there is the heart-breaking accounts of the feelings among doctors, with one doctor describing “stab the baby in the heart in order to induce a fatal heart attack before inducing delivery” and saying “I remember getting sick out in the corridors afterwards because I thought it was such an awful procedure and so dreadful”. The doctors reported widespread opposition to abortion from other doctors. This was compiled by academics who broadly support relaxing the restrictions, even currently, in place.

In 2018, I and other Senators proposed amendments to the Act which would allow precautionary pain relief for surgical abortions and after care for babies who survive the procedure as a gesture towards the compassion we should feel in these cases. These proposals were rejected. I call for a rethink. Regardless of how people voted in the past, I sincerely hope we can all recognise that there is something dreadfully wrong here. I sincerely hope this is an area we can revisit urgently and that we can unite in finding a way to show mercy and compassion to unborn babies who end up in these appalling, horrific and heartbreaking situations. Let us disregard how people voted in the past and let us not be bound by that. This is a call to our consciences. I ask that the Minister would come to the House on this issue and this issue only. It cannot just be dealt with on the fly as if it was some normal everyday issue. I plead with the House on this, that at least we can unite about some aspects of this debate. We should all be extremely disturbed by what this report has brought to our attention.

Senator Mark Wall: I want to raise a number of issues on our Defence Forces with the Leader. The first issue is to support calls made in this House by colleagues for getting an update on the commencement of public pay talks. There may have been some preliminary contact with the representative bodies of our Defence Forces, which is always welcome, but I am sure that those representative bodies, like the rest of us in the House, would welcome clarification of the reports in the media of preliminary talks, and referred to in the media as exploratory talks, before the invites were sent out to representative bodies yesterday. From dealing with those representative bodies in the past months I know that they are very keen to be at the table to represent their members but they want to ensure that they are all starting from the same starting blocks with the Department.

I want to use this opportunity to reaffirm the Labour Party’s support for the Permanent Defence Force Other Ranks Representative Association, PDFORRA’s desire, and now the growing need, to affiliate to ICTU. It is events like those over the past days that should finally convince the Minister, Deputy Coveney, that this affiliation should happen.

In replies received by my Labour Party colleagues over recent days we learned that up to 500 Defence Forces personnel will leave our Permanent Defence Force by the end of the year. If we do not address pay and conditions urgently then we are simply not being serious about the future of our Defence Forces and no forthcoming commission will solve this.

With regard to the forthcoming commission I too believe it is very important that the House gets the chance to discuss the terms of reference for the commission. I am sure that like many

Members who made a submission to the Department of Defence, we would all like to know how the commission is progressing, what terms of reference are being considered, and indeed the timelines involved.

I have been contacted by a number of members of the public who are very complimentary of our Defence Forces and the work they are carrying out during Covid-19, especially over the past days, and they wanted that acknowledged in the House.

I welcome the meeting this week between the Minister and representatives of the Reserve Defence Force. It was reported that the Department has also agreed that members of the RDF will be able to serve overseas in the future. This is a welcome development, but it needs the support of employment legislation, which I hope will be forthcoming. Our Reserve Defence Force has an important part to play in the future of our Defence Forces, and this meeting was an important step in that development.

I ask the Leader to invite the Minister for Defence, Deputy Coveney, to the House to urgently address these issues.

Senator Lynn Ruane: I wish to raise reports in the media yesterday in relation to some prisoners in Coverhill Prison who are mentally unwell. In its latest report on Ireland, the Council of Europe's European Committee for the Prevention of Torture and Inhumane or Degrading Treatment or Punishment revealed some shocking conditions relating to some male prisoners in Cloverhill Prison, one of whom was left in an observation cell for two weeks, naked and in his own faeces. The prisoner had not received so much as a shower, and the only time the door was opened was when his food was being put into his cell. This is happening in Ireland's prison system. I cannot even say that we can blame the prison system. Clearly, people who are mentally unwell are being sentenced to prison and are being sent into a prison system that is not fit for purpose for someone who is so unwell and who should definitely not be in the prison system at all.

Will the Leader ask the Minister for Justice to come to the House in the near future for a debate on prison reform and prison conditions? I remember reading a quote in some research I did with Fiona O'Reilly, CEO of Safetynet services, when she said that the streets became our asylums. When we moved from mental health facilities and putting people into institutions, we did not necessarily get it right when we said that we would reintegrate people and that we would treat them within the community. In fact, those very people who would have been in institutions have ended up in our prison system and on our streets. We really need to address this issue and do so quickly. When a person who is so unwell is sentenced there needs to be some level of understanding and awareness within the Judiciary of the resources and supports the prison system has in being able to deal with that person, including security staff within the prison itself. They are not mental health nurses, and I am sure they are at a loss in what they can do. We need to be able to fix this.

On Senator Mullen's contribution, we need to be very careful when we say "late-term abortions". It is not a late-term abortion, it is actually for fatal foetal abnormality. We need to be very careful of what language we use. There is no late-term abortion in Ireland unless it is for fatal foetal abnormality. If one looks for the report, the only place one can find it on Google is in the likes of *gript.ie*. I could not find the original report. I would like to be able to access the original report-----

Senator Rónán Mullen: But-----

An Cathaoirleach: Through the Chair.

Senator Lynn Ruane: We need to be very careful about our language. They are not late-term abortions. I am sure people will read the report very differently and with a different lens. I just wanted to refer to the language used of “late-term abortions”.

Senator Catherine Ardagh: I agree with some of the statements made by Senator Ruane on Senator Mullen’s language today. It was completely inappropriate.

Senator Rónán Mullen: But it does occur in-----

An Cathaoirleach: Members know that under Standing Order 39, if they want to interrupt, they must ask the Chair.

Senator Catherine Ardagh: Today is international day for the elimination of violence against women. This is against the backdrop of reports where we have learned that one in eight women suffers violence during pregnancy and that one in five women who are in an intimate relationship suffers violence. Domestic violence did not go away during the lockdown, where one might have thought it may have. This shows that a huge amount of violence is happening within people’s homes. Today the director of the Dublin Rape Crisis Centre, Noeline Blackwell, stated that an “epidemic” of sexual violence has been going on in Ireland for the past two decades. Obviously, we need proper resources, including proper resourcing of women’s refuge centres, for which there is a huge demand during lockdown. Nearly half a dozen women have been on to me who could not get a place in a refuge.

If they do get a place the women have a struggle to continue on. Leaving a relationship is hugely difficult. Not only do the women need places in refuges they also need the resources to continue on, including counselling support and housing so they can leave abusive relationships.

This is also against the backdrop of anecdotal stories yesterday of the school in Carlow telling young girls how to dress. This has been denied but it feels as though we are slipping backwards when it comes to women’s rights and women’s welfare. We really need to put our money where our mouths are. We possibly need to have a dedicated Minister, not necessarily just for women’s rights, but this area needs to be funded properly because domestic violence has not gone away. It remains very prevalent.

Senator John Cummins: Over the past years we have seen huge investment and resourcing in An Garda Síochána to increase the strength of the force. It is now nearly at 15,000 with the highest budget ever of €3 billion in 2021. New and upgraded equipment, fleets of vehicles and new stations have been delivered in places such as Wexford and Kevin Street, not too far away from where we are now. In Waterford there has been an increase of 29% in Garda numbers between 2011 and September of this year. This is hugely welcome. Their presence has certainly been felt in Waterford. The work they have done throughout the pandemic has been exemplary, which I would like on the record of the House. The increase in numbers presents its own challenges, however, with regard to space constraints and the facilities available to gardaí and civilian staff. I am sure this is reflected in many parts of the State. In Waterford, which I know best, space is certainly at a premium in Ballybricken Garda station. Now is the time to focus on the next phase of investment and development of the force.

Waterford city is home to the divisional headquarters for Waterford, Carlow and Kilkenny. While the station was state-of-the-art when it was opened over 20 years ago, further investment is needed to expand on the existing site, perhaps over the former labour exchange, an old building that the Garda occupies but which is in need of significant upgrade and expansion works.

12 o'clock Otherwise, perhaps the solution is the construction of a new substation on the outskirts of the city to house some of the divisional units and equipment that are currently on the constrained site. The latter would probably be a more appropriate use, given the projected population growth in the national planning framework. Given the fact that the current plan runs from 2016 to 2021, early in the new year would be an opportune time to have a debate on the new capital plan for investment in An Garda Síochána. I know that responsibility for Garda stations straddles both the OPW and the Department of Justice. I ask the Leader to organise a debate on this early in the new year.

Senator Gerard P. Craughwell: Yesterday evening on the six o'clock news we heard a report from a secondary school in Carlow. The people behind the story need to be given an opportunity to explain themselves. I was absolutely horrified as a former teacher to think anybody would go into a room of young women and talk to them about their dress and sexualise them on the basis of their dress. The principal of the school involved has issued a statement, and the Department of Education needs to provide a full report on exactly what was said. I cannot imagine how a young girl in that school is feeling today, questioning herself on her dress. This goes back to the likes of young women being told they were raped because they were wearing a particular type of clothing. It is just wrong. It should not have happened, if it did, so we need a full report on it.

I support Senator Wall in his comments this morning on the Defence Forces and Defence Forces pay. As a former president of an ICTU-affiliated union, we need to hear ICTU come out and support the special status of the Defence Forces. I recall from my time in trade unionism that pay differentials were a huge issue. While the Defence Forces are currently prevented from being members of ICTU, ICTU needs to come out and formally support them, and I am making that call today. It is vitally important that the lowest paid workers in the public service are given an opportunity. We should not have heard at the weekend that pay talks were ongoing. The Leader has tried to contact me on this already and we can talk about it later today.

I second Senator Mullen's amendment to the Order of Business.

Senator Mary Fitzpatrick: Today, 25 November, is the UN's international day for the elimination of violence against women. The UN says violence against women and girls is one of the most widespread, persistent and devastating human rights violations in our world today. It remains largely unreported due to the impunity, silence, stigma and shame that surrounds it. In general terms, violence against women and girls manifests itself in physical, sexual and psychological abuse. This includes everything from rape to intimidation, harassment, human trafficking and female genital mutilation. One in three women experiences physical or sexual violence in her lifetime, quite frequently from an intimate partner.

In the Covid-19 pandemic domestic violence has increased dramatically. In my constituency of Dublin Central, the Garda has reported a 100% increase in the number of reports of domestic violence, and that is just the domestic violence that is being reported. In our Ireland of today, violence against girls, young women and women of all ages includes domestic abuse and the image-based sexual abuse that took place on a mass scale last week with the release of more than 6,000 images. Then today we are talking about the events in a school down the

country. However, it is wrong of us to demonise or call out one school. We miss the point if we do that. Whatever exactly happened in that instance masks what is happening generally in our society. We have schools all over the country telling girls that they must wear skirts and not trousers, that they must wear their jumpers over their shirts because their bras might be noticed or that they cannot wear Lycra exercise clothing because it would reveal the shape of their bodies. That is all wrong. It forces all the responsibility on young girls at a very impressionable age for adult men's thoughts. That is wrong. It is a failure of our society. When we fail girls and young women, we fail our society. We must all, therefore, on this day and every day call for and promote gender equality and call for the criminalisation of any form of gender violence or abuse. We must all stand up for young girls and young women and gender equality for all our citizens.

Senator Garret Ahearn: I welcome the news this week of the announcement that an application has been put forward by Limerick Institute of Technology, LIT, and Athlone Institute of Technology, AIT, to become a technological university. It is really welcome news for the region - the mid-west and the midlands - and for Tipperary. We have two sections of LIT, one in Thurles and one in Clonmel. It is really important for a region such as Tipperary that we have a university in a town such as Clonmel. It brings so many advantages. I really hope that in a number of months the same will happen in Waterford and Carlow as well, and that an application will go forward for the two institutes of technology there to become a technological university. I encourage the Leader to ask the Minister with responsibility for higher education to come to the Seanad to speak on this issue. In Clonmel the university is coming to Kickham Barracks, which has been closed for six years. The barracks is in the centre of town, and the new university will see extra students come in. There are 14,000 students in the two institutes of technology combined, but the new university will accommodate up to 1,000 students in Clonmel. That will have huge implications for a town the size of Clonmel. I ask the Leader to ask the Minister to come before the House to make a statement on this issue.

Senator Annie Hoey: I wish to reflect on third level education. There is a lot of talk about what will happen when students go back to college, if they go back after Christmas. Third level educators and the staff and teachers have been left in a grey area as to how they are to teach. They have been left in the grey a few times already this year, and that cannot happen again. I agree with what IFUT has said, that there needs to be a clear, agreed process as to how to conduct teaching and lectures for the new year.

While the student experience is valuable, safety must be paramount, and it would be possibly more helpful for the Minister to give teachers clarity on whether or not they will be online or offline so they do not find in January that they have wasted December preparing for in-room teaching while they will have to adapt to online teaching again. I am also acutely aware of the number of students who are perhaps sitting at home alone in their bedrooms trying to study and the deep impact that is having on them. I know it is very hard to give clarity in these very difficult times, but we have workers who are trying to adapt to what will come, so I ask the Minister to offer clarity in that area.

I wish to refer very quickly to the Debenhams workers. Last night there was an attempt at an overnight grab for stock in the former Limerick and Tralee stores. The workers and their supporters successfully held back the liquidators' attempts to access the stock. I know this has been raised a few times here, but the Debenhams workers have been holding the picket line for seven months trying to get a redundancy agreement. They met with the Taoiseach last week and were hoping for some resolution to this issue. I would posit that if the buying of clothes is

not deemed essential during lockdown, this grab attempt on clothes is also not essential. I wish to put on record that these workers are still waiting for a response from the Taoiseach, and the attempt last night would perhaps suggest that it is not as forthcoming as it was implied to them that it would be.

Senator Malcolm Byrne: I wish to start by agreeing with Senators Wall and Craughwell on addressing the terms and conditions affecting those in the Defence Forces, who are the worst paid members of the public service. A role has to be found for PDFORRA as part of the discussion, because this issue has been going on for far too long and it is important that it is addressed.

I agree with Senator Mullen around the need for debate on the future of the technological university sector. I do not know whether it is appropriate to have it right now but certainly in following on from Senator Ahearn's comments, it is essential. The motion regarding the creation of the Munster technological university, which is scheduled to be taken without debate, is extremely welcome. I look forward to the south east having a technological university in the near future but it would be important to have a major debate on the future of our higher education sector in this House, including the role of lifelong learning.

Members will be aware that the Environmental Protection Agency, EPA, published a quite comprehensive and worrying report this morning on the state of the Irish environment. There are many aspects that we could debate and discuss in this House but I particularly want to focus on questions around air quality. It is clear that there continue to be problems in respect of good air quality in Ireland. At Government level, there is a commitment to introducing clean air legislation and that needs to be fast-tracked. Given that there is supposed to be a ban in place on the burning of smoky coals, I looked at the statistics for last weekend. The WHO has stated that safe levels are those of 15 particles per 1 million or fewer. In Enniscorthy last weekend, the levels were 94.76 particles per 1 million, and in Wexford, where there has been a ban supposedly in place for many years, the levels were 122.34 particles per 1 million. This is replicated all over the country. The reality is that we do not have clean air in this country and it is having a serious impact upon those with respiratory illnesses and diseases. The clean air legislation needs to be introduced as soon as possible.

Senator Aisling Dolan: I welcome the great funding that was announced yesterday as part of the just transition fund, which amounts to over €27.8 million. It is wonderful to see a project in my own home town of Ballinasloe getting funding of nearly €500,000 for remote working hubs. The just transition process follows on from job losses, climate change and us changing the types of industry that we have in Ireland. More than 200 jobs were lost locally in Shannonbridge, more jobs were lost in Lanesborough, and there were also jobs losses in Aptar, so it is great to see this investment, which will bring jobs and people to work the middle of Ballinasloe town and increase footfall in that area.

I also welcome the wonderful funding that has been announced for Roscommon, with greenways being funded, the bog rail train routes being taken off in Cloontuskert and around by Shannonbridge, and action plans being put in place for Shannonbridge. All of this is to support people who are seeking to re-skill and retrain and also to have opportunities for work that they did not have previously.

I would also like to follow on separately to Senator Ahearn in welcoming the announcements of the plans for the Athlone and Letterkenny institutes of technology. That new techno-

logical university in Athlone will really be transformative for our region. As Athlone is only 20 minutes away from Ballinasloe, it will have a huge impact in east Galway, as it will in Tipperary. It will have a wide catchment area, and we look forward to having excellent research available and ready to imbed in industry and attract investment into the region of east Galway and into Roscommon. It will be fantastic to have a technological university on our doorstep.

Senator Erin McGreehan: I wish to speak on a few issues this morning. First, I request the Leader of the House to ask the Minister for Foreign Affairs for an update on the Brexit negotiations. Every single day we get a drip feed of new crises from Tony Connolly from RTÉ. As the news reporting seems to be the best source of news we can get as Members at present, it would be really good if we could get a Minister into the Houses to talk us through what is actually happening, and what will happen on 1 January 2021. As someone from the Border region, I have more than a vested interest in the negotiations.

I also wish to reiterate what my colleagues said about what basically amounts to gender shaming. We had a great discussion yesterday in the Seanad on gender-based and domestic violence, and I am sick of women's bodies being used against them as a tool or a reason to put them down or to abuse them. Women are being abused and harassed because they can be, and there are no laws in place to prevent this. Thankfully yesterday the Minister for Justice, Deputy McEntee, reiterated her desire to have online harassment legislation passed through the House before the end of the year. It is therefore very important that we grow up in this country and cop on. Women's bodies have been there for quite a long time and we need to grow with them.

My final point is to invite the relevant Minister to come to the House to discuss car insurance and the cost of it, particularly for young people. For young people in rural Ireland there is no public transport and they can no longer even car-share to get to college or wherever they need to be. The cost of car insurance is very prohibitive for young people, and therefore I would welcome a debate on the issue.

Senator Barry Ward: This morning we heard the unfortunate news from the Environmental Protection Agency that there are significant risks to the environment throughout the country. We have been made aware now that there are particular identifiable aspects that are causing damage to the environment and to water quality in particular. One of the references made by the chief executive, Laura Burke, on RTÉ's "Morning Ireland" programme this morning was to the discharge of untreated sewage into rivers and waterways throughout the country. This is an issue that really has to be addressed and which is particularly close to my heart, because in Dún Laoghaire, there is a pumping station on the west pier of the harbour, which removes the waste from the broader south Dublin area and pumps it into the treatment plant at Poolbeg. In the ordinary course of events, it works very efficiently and removes it but if there is a high rainfall event, that pumping system becomes overwhelmed. Because of a Victorian sewer system, the run-offs from the streets and gardens etc. go into the same courses as the sewage. This means the attenuation tanks at the west pier cannot cope with it, with the result that if there is a very heavy rainfall event, there is an overflow of untreated sewage into Dublin Bay. Dublin Bay is a UNESCO biosphere, a special area of conservation and a tremendously important recreational amenity for all people in Dublin, including those in Dún Laoghaire. In recent times we have seen an increase in the incidences of bathing water bans and overflows into Dublin Bay at Seapoint and the west pier, which are unacceptable. We need to provide funding to rehabilitate the sewage system in the Dún Laoghaire and Rathdown areas to ensure that when there is rainfall, the associated run-off water is separated and put directly and safely into the sea, rather than putting it into a sewage system unnecessarily, resulting in damage to the water quality in

Dublin Bay and the environment.

Senator Robbie Gallagher: Everyone in the country is eagerly looking forward to the easing of level 5 restrictions next week, the reopening of retail and the return of many aspects of normal life as we know it. The Irish people deserve great credit for the huge effort and sacrifice that they have put in, and thankfully we are seeing the results of this, with the figures falling day by day. However, I have been intrigued recently with the debate around the wearing of face masks as opposed to face shields or visors. Many people out there are confused as to which is the best option. The wearing of visors is particularly commonplace in the hospitality sector, and indeed across many other sectors including offices etc. Some people have contacted me to seek guidance on which is the best face covering to wear. There has perhaps been a lack of guidance from NPHET and the HSE on this issue. It is timely, as we prepare for the reopening of as many aspects of our society as possible next week, that NPHET and the HSE provide clear guidance on the wearing of visors as opposed to face masks. Irish people, by and large, like to do the best thing all the time and it is important that there is no confusion out there. If visors are not as effective in ensuring the safety of those wearing them and those around them, then clear advice should be given in that regard. I would be grateful if the Leader would ask the HSE and NPHET to give that clear guidance in view of the reopening of the country or, hopefully, as many parts of it as possible next week.

Senator Rónán Mullen: We have serial advisers in the present company.

Senator Róisín Garvey: I wish to raise in the House something that has come to my attention in the last few months. The fact is that we need to do more for our old people. They are probably suffering the most. I am receiving telephone calls from many old people who have major concerns. Some of them live in cold houses. They have been in contact with me since August about it, but nothing has been done. Some of them want home help, but they are not physically disabled. To get home help on mental grounds one has to be completely dishevelled, falling apart and not dressing or feeding oneself. The standard has to be very low and there does not appear to be any formula for getting home help to prevent somebody getting into that state.

The main cause of their problems is loneliness. We must start to recognise loneliness as a justified reason to provide home help if there are no family members and people receive no visitors. I believe some of the people are reaching out to me because they are lonely and not for any other reason. I do not know if my colleagues concur with me, but I believe a massive cohort of old people have been left on their own and are lonely. The concept of home help must be re-examined because mental health is as important as physical health. It can cost the State up to €3,000 per month to have an old person in a home. If one paid a home help worker €30 per hour, that would give the person 100 hours per month and 25 hours per week of home help. Many old people do not want to be in old folks' homes. They want to be at home and independent, but they need some home help. They might need it just for company or to do shopping and the like.

I would like the Minister of State with responsibility for old people to come to the Chamber so we can have a debate focused on our elders. Traditionally, old people were treated as the most revered and wisest people, but we are not doing that as a society. I feel very strongly about this. The run-up to Christmas has been a very difficult time for old people as well because they have been confined to their houses and are not allowed to move around. When the State provides a house for an elderly person because the person is on a State pension, the owner of the house gets a long-term lease and is paid for 20 years. That money is guaranteed for that

property owner, regardless of what he or she does to the house. It is not good enough that old people in their 80s are ringing me to tell me their houses are freezing and nobody is doing anything about it. The local authorities say it is not their fault, but the owner's fault. We must refocus and talk about old people more frequently in the Chamber.

Senator Seán Kyne: We saw the photographs yesterday from Kent when queues of trucks built up after the French started a trial of post-Brexit checks. Lorries seeking to cross the English Channel were forced to stop in long lines as they tried to approach the Eurotunnel entrance. There have been warnings of queues of up to 7,000 lorries post Brexit. The French were rehearsing post-Brexit immigration procedures. The UK is used as a land bridge and it is now clear that, deal or no deal, there will be queues and delays in places such as the Eurotunnel approach.

As we look at the use of alternative routes and ports, we must ensure there is adequate supply chain capacity post Brexit. My area of Galway is a centre for medical devices and IT. We need to know if the supply chains of raw materials inwards and finished goods outwards are in place. We must ensure there is sufficient capacity in our transport network. I ask for a debate with the Minister for Transport, the Minister for Enterprise, Trade and Employment or the Minister for Foreign Affairs on our ports, airports and the land bridge in the UK post Brexit. This is a crucial issue as we approach the final deadline. As I said, deal or no deal, I believe this will continue to be an issue. Some of those 7,000 lorries will be Irish, carrying Irish goods or importing raw materials for use in manufacturing in this country. Irish jobs are at stake. I realise the Government, the Departments and the various Ministers have done a great deal of work on this area, but I ask for a debate on this important subject in the coming weeks.

Senator Eugene Murphy: First, I join Senator Dolan in saying what a great day yesterday was for our region and the towns in the midlands. It is a significant amount of money. I spoke to many people yesterday and, like Senator Dolan, I was delighted to be involved in seeking those projects from Ballinasloe to Ballyforan to Lanesborough and throughout parts of Roscommon and east Galway and the adjoining counties. It is a sign of a Government delivering what it promised it would do, which is important for people. We need it there.

I support Senator McGreehan's call for a debate on the cost of insurance. Will the Leader also invite the Minister for Tourism, Culture, Arts, Gaeltacht, Sports and Media, Deputy Catherine Martin, to the House to discuss the arts and entertainment businesses? I constantly make the case that they will be the last in line to return to business because of the nature of their businesses. Whatever happens with vaccines, and we hope that will work out and we can get back to some form of normality as quickly as possible, the arts and entertainment sectors will be at the end of the line in terms of getting back to business. They have worries. Obviously, the €350 payment is very important, and they would like that to continue. These sectors also have great expense with regard to transport. If one is an engineer or in a band, or one is preparing a stand for a performance, one cannot have a vehicle that has a 03 D or 03 RN registration. It must be from 2018, 2019 or 2020. The cost of vehicles to these sectors is enormous. We must take another look at these sectors. I ask the Leader to invite the Minister to the House for a debate on how we could, perhaps, further improve any payments we make to them.

Senator Paddy Burke: I again raise the issue of the Public Health (Alcohol) Act 2018. This was debated at great length in the House a number of years ago. This month, a number of provisions of the Act were commenced in law. There was great division among Members and great debates when the Bill was going through the House. Ultimately, the Bill was passed. One

matter every Member agreed on was minimum unit pricing, but that is the one aspect of the Act that has not been commenced. This week, Tesco is selling cans of alcohol for 70 cent per can, which is €14 for a slab. I cannot understand why the provision dealing with minimum unit pricing in the Public Health (Alcohol) Act 2018 cannot be implemented at this stage, particularly when we have a lockdown and people cannot travel further than 5 km. For a long time, one could not travel from county to county. We were waiting for Northern Ireland and the South to agree on a date to introduce minimum unit pricing together. It has been a great success in Scotland, so for the life of me I cannot understand it. This was a contentious issue and one that, in every Member's view, would bring realism to the price of alcohol.

Why has it not been introduced at this stage? The Government should treat it as a priority, but obviously it is not a priority. It is also not a priority for Dr. Holohan, even though he said it was at the time. I ask that minimum unit pricing be introduced.

Senator Lynn Boylan: My request is that the Seanad receive an update on the status of the provision of universal period products. It is over a year since a cross-party motion was passed in the Dáil calling for the provision of free period products in all public buildings, including schools, universities, direct provision centres, hospitals and prisons. Yesterday, Scotland became the first country to provide universal access, and I hope Ireland will follow as soon as possible. Some measures have been taken at local authority level, in Dublin City Council and by my colleague, Deputy Ward, in South Dublin County Council when he was mayor.

Period poverty is very real. Yes, part of addressing period poverty is addressing the wider issue of poverty and deprivation in this country. Period poverty is also the outworking of our attitudes towards women and girls. Nobody bats an eye when they go into a bathroom and there is a toilet roll provided. In fact, people are very quick to point out if it is absent. However, despite the fact that periods are a normal bodily function, we have a situation whereby it is seen as shameful and something that should be hidden away. We see tampons slipped up the sleeve, discreet packaging and adverts that show blue ink to avoid embarrassment. The provision of period products in public buildings would help to break down the stigma, and it must go hand in hand with an education module in schools that is inclusive of all students. We have seen what happens when one separates students, as in the Carlow situation.

A study conducted by Plan International found that six out of ten young women reported feeling embarrassed about having their period and 50% find it difficult to afford the products. That situation has been exacerbated during the pandemic. I give credit to Homeless Period Ireland and its amazing volunteers who ensured that period products were still delivered to the direct provision centres, food banks and homeless shelters despite their drop-off points being closed during the restrictions. I request that we get an update on where the motion is going and when we will have universal period products for all of our women and girls.

Senator Micheál Carrigy: I concur with the comments made by Senators Dolan and Murphy about the significant funding that was received yesterday, in the midlands in particular, through the just transition fund. As much as €5 million was given to specific projects in my own county of Longford and multiple millions of euro was given to others that cross over the area.

I concur with the comments that Senator Burke made about minimum unit pricing of alcohol and the abundance of cheap alcohol that is available at a time when all of the pubs are closed. There is talk of reopening different parts of society. According to media reports in recent days,

public houses, which are regulated areas, will not reopen while we allow off-licence sales and, as the Senator Burke said, the sale and consumption of cheap alcohol in an unregulated area, which is causing problems. There is a huge difference between wet pubs in Dublin city centre and those in rural Longford where I am from. If we are not going to allow the pubs to open, which I believe we should, because they are regulated, they are licence holders, and it is up to them to enforce the restrictions that are put in place, none should open. We have seen what happened previously, and we drove alcohol consumption underground. We need to learn from that. I ask that that would be taken on board in the discussions over the next few days.

An Cathaoirleach: I know that colleagues will join with me in expressing sympathies to the Senator on the sad loss of his mother.

Senator Regina Doherty: I will first address the proposed amendment to the Order of Business and ask for the guidance of the Senator concerned. I can offer two choices. I cannot accept his amendment today only because I do not have a Minister available for a 45-minute debate. I can propose that No. 1 on the agenda be withdrawn and rescheduled for next Wednesday or I can ask the Senator to allow No. 1 to go ahead without debate and we schedule a wider debate on technological universities for next Wednesday, as has been requested by other Members.

Senator Rónán Mullen: I thank the Leader for the options and I am happy to withdraw my amendment on that basis.

An Cathaoirleach: Is that agreed? Agreed.

Senator Regina Doherty: I thank Senator Mullen. If the schedule that I will issue this afternoon does not have it listed, then I will make sure to add it on.

I thank colleagues for the number of issues that have been raised today. The Tusla report that was raised gives rise to concerns, particularly when the concerns themselves are being expressed and shared by Tusla. It would be very apt to invite in the Minister for a debate on Tusla, its operation, its planned progress and what issues that it might have, so I will request that today.

Based on what Senator Mullen raised, I will ask for a debate. From the number of responses that he has received, he can see that there are still very strong emotions on this debate. I do not think ignoring the facts does justice and service to people's views, so I will again ask the Minister for Health to schedule that debate in the coming weeks.

In response to Senators Ward and Craughwell, I rang their offices and apologise that I did not get them yesterday evening. Progress was only made at Cabinet yesterday morning to advance those talks. I know that information was leaked before the Cabinet made its decision yesterday morning, but all interested parties received an invitation yesterday evening to sit around the table. I am not sure whether people are starting from a different place than other interested agencies, but I do know that every representative body will be sitting around the table and I very much anticipate that they will express their views and the concerns of their members to the negotiators at the table. I genuinely wish them a successful outcome for all of our public services. I know people are coming and starting from different points from a wage, pay and terms of conditions perspective. I hope that they reach a good leap pad, as it were, for the end of it so that there is a good positive outcome for all of them.

In response to Senator Ruane, a number of colleagues raised the issue and the report in *The Irish Times* yesterday morning detailing the awful incidences. I wrote yesterday to the Minister

and there was a Commencement matter this morning where a Minister gave a response to the effect that the Minister is quite happy to have a debate. I expect to get a date sooner rather than later for a debate on prisoners' conditions, and as soon as I do I will let the Senator know.

Many colleagues - interestingly, mostly women - mentioned that today is the international day for ending discrimination and gender-based violence towards women. I am sometimes dismayed that we have to fight tooth and nail for every little step forward just to be equal in a world where there more of us than the people who seem to deprive us of the equality of opportunity. I will go straight to the end to Senator Boylan's request. I read with interest that Scotland yesterday was the first country, and indeed I hope it is not the last, to end period poverty. The fact is that we have to ask for paraphernalia to be put in a loo for something that happens naturally to women, and Senator Boylan is absolutely right that if anybody went into a loo and there was no toilet roll, there would be blue murder, so it is beyond me why we must fight for something that is so fundamental to our monthly lives. Enough nonsense and interjections that we are busy doing something else; this is a basic human right for a woman. It is not something that a woman can put off or can say it will not happen, although, thankfully, it stops at some point in a woman's life. However, for the vast majority of a woman's adult life, from about 12 or 13 years of age until she is in her 50s, it is something we have to deal with, so get over it and just put them in every public place, in every toilet, in every university and in every workplace. It should not have to be begged for.

I will ask the lads for their help. We stand up in this House as women and talk about the fact that we constantly have to fight arguments over body shaming, discrimination, gender-based equality, and access to healthcare, education and equality in the boardroom. The only way it is ever going to change is if we all want it to change and we have to stop begging for it. It is a basic human right to have equality of opportunity to access every level of service from the State, and it should be something that all men should want for their womenfolk and family members as much as women want for themselves. Help us out, please. That is definitely a debate. We started it yesterday and it is rescheduled with the other Minister the week after next. I invite the people who did not get access to speaking time yesterday to access that opportunity on the next occasion.

I will ask the Minister for Justice to come in after Christmas for a debate on the upgrade of the capital plan for the Garda. I will also schedule the debate for the technological universities next week.

Senator Hoey raised the issue of the safe return of third level education. That is something we can bring up when the Minister is in the House next week to debate higher education. What we need is consistency, and it is not just that sector that seeks consistency but all of us. We all just want to know what the plans are. I know we have to change plans in terms of how the virus reacts, but we would like to know where we will be in six weeks and six months. I think that will arise from our debate on Thursday, but also, obviously, from the announcement that Government will make arising from the NPHET meeting today. The just transition funding yesterday was very welcome. I wish some of it was coming to my own area, it has given such cheer. It is a real sign that Ireland is changing and we recognise that we need more than a passive engagement to result in the changes required. It was very important to receive that amount of money yesterday.

Others raised the EPA and its chairperson's interview earlier on "Morning Ireland". There is no doubt that this country has serious environmental challenges such as air and water pollu-

tion and the surges into our sea from leaks. It is nearly like Groundhog Day. The EPA gives the same report every year and we never seem to make any progress. It definitely needs a debate and I will look for one from the Minister today.

The House will debate reopening Ireland on Thursday. I do not know when either Professor Nolan or Dr. Holohan said that wearing visors was not safe. I will get the text of that. It might be worth reading it into the record here on Thursday, to note precisely when they did say that. It is timely given that we are all hopeful that hospitality and restaurants and pubs will reopen in some shape or form in what hopefully will be a jolly season between now and Christmas.

In response to Senator Garvey, I have mentioned the “L” word a few times in recent weeks over Covid. I do not think loneliness is just an issue that pertains to older people. It might be more prevalent to older people but loneliness and people’s well-being is something we need a debate on. I will write to the Minister of State, Deputy Feighan, who has responsibility for well-being and ask him to come to the House for a debate sooner rather than later. It is far more obvious under Covid but there are people who, even under normal circumstances, do not see one person from one Sunday to the next and only do so when they go to mass, perhaps with the exception of someone delivering meals on wheels. Some of our older people do not see anybody from one end of the week to the other and it is not fair. There are also many who are in the midst of lots of people who still experience loneliness. I will ask the Minister for a debate on well-being.

Several Members raised Brexit and its ill effects, including transport links. Next Tuesday lunchtime, the House will start a debate on Brexit. There is no time limit. Everyone can speak for as long as they like. Next Thursday, there will be seven hours to deal with Committee and Report Stages of the Brexit Bill. We will definitely have an update before then but everyone will have an opportunity to talk about the ill effects that are coming. We all hope there is a deal but even then we cannot get excited about that because that will have no positive outcome. No deal is less positive but there is no upside to Brexit. That debate will be significant.

On the Public Health (Alcohol) Act 2018, I do not know why Northern Ireland and the Republic have not done what they said they would, that is, to work together to provide all-island pricing in unison. We seem to be experiencing a number of difficulties working on an all-Ireland basis in recent months which is an awful pity. I will write to the Minister and send the Senator a written response when I hear back.

Senator Eugene Murphy: May I ask the Leader about the arts.

Senator Regina Doherty: I will ask them to come in and speak on the new pilot scheme for the universal payment to people in the arts industry. It would give the Minister a good opportunity to share her plans with us. I will write today.

Senator Eugene Murphy: I thank the Leader.

An Cathaoirleach: Senator Mullen has moved an amendment to the Order of Business, “That No. 1 be taken with a 45 minute debate.” He has indicated that he wishes to withdraw the amendment and the Leader has indicated that she will organise a debate next week on the issue. No. 1 will be taken today.

Order of Business agreed to.

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

Senator Regina Doherty: I move:

That Seanad Éireann approves the following Order in draft:

Technological Universities Act 2018(Section 36) (Appointed Day) Order 2020,
copies of which have been laid in draft form before Seanad Éireann on 28 October 2020.

Question put and agreed to.

Sitting suspended at 12.45 p.m. and resumed at 1 p.m.

Planning and Development Bill 2020: Order for Second Stage

Bill entitled an Act to amend section 11 of the Planning and Development Act 2000; to provide, in connection with the crisis occasioned by the spread of the disease known as Covid-19, for the disregard, during such period or periods as are specified by order or orders of the Government made in the public interest, of certain periods of time mentioned in the Planning and Development Act 2000 and certain other enactments; and to provide for matters connected therewith.

Senator Mary Fitzpatrick: I move: “That Second Stage be taken today.”

Question put and agreed to.

Planning and Development Bill 2020: Second Stage

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

Minister for Housing, Local Government and Heritage (Deputy Darragh O’Brien): I thank Senators for facilitating the introduction of the Planning and Development Bill 2020 and the urgent passage of this important legislation through the Houses of the Oireachtas. For this reason, I will be requesting, in due course, that this House considers a motion to enable the President to sign the Bill earlier than would be routine.

I am bringing forward the Planning and Development Bill 2020 as a matter of urgency in light of the present Covid-19 pandemic and to ensure that the necessary protections are in place to safeguard the operation of the planning and building control systems. The purpose of the Planning and Development Bill 2020 is twofold. Its first purpose is to amend section 11(3)(b) of the Planning and Development Act 2000 in respect of the mandatory requirement to hold public meetings with regard to proposed development plans. Its second purpose is to allow the Government to make orders, during the period of the Covid-19 pandemic, which would extend

certain statutory periods applying under the Planning and Development Acts and the Building Control Acts.

Before I address the rationale behind the Bill and specific details of it, I would like to address the matter of my request to an Ceann Comhairle, as Chair of the Dáil Business Committee, to waive the requirement for pre-legislative scrutiny of the general scheme of the proposed Planning and Development Bill 2020. I had sought this waiver due to the urgent nature of the proposed Bill, which I am bringing forward in response to the present Covid-19 pandemic. However, last Tuesday I was advised that I could secure an early time slot to commence the Bill's Second Stage today, Wednesday, 25 November, if I introduced the Bill through the Seanad. I was happy to do this, not only to progress the Bill as soon as possible, but also to allow me to fulfil a promise I made to Members of the Seanad just a few short weeks ago to initiate Bills in this Chamber.

The acceptance of an early time slot for this urgent Bill necessitated the publication of the Bill for the Seanad last Wednesday, which unfortunately rendered the potential for pre-legislative scrutiny by the Oireachtas Joint Committee on Housing, Local Government and Heritage unfeasible in these exceptional, time-sensitive circumstances. In acknowledgment of this, and in accordance with Seanad Standing Order 149(2)(i), I confirm that the reason that pre-legislative consideration did not take place under Seanad Standing Order 143 is the time-sensitive nature of this emergency Bill resulting from the pandemic's potential to negatively impact on the operation and integrity of the planning and building control systems, which required this exceptional accelerated approach.

Having regard to the above, I assure the House that the decision to commence the Bill in the Seanad was not intended in any way, shape or form to circumvent consultation with the joint committee, but rather was motivated by the desire to have this emergency Covid-19-related legislation enacted as soon as possible. However, I apologise to the Chair and to the members of the Oireachtas Joint Committee on Housing, Local Government and Heritage for any confusion caused by the urgency of this approach and for the resulting effects on pre-legislative scrutiny procedures. Today, I am asking Senators to pass the Planning and Development Bill 2020.

The Bill is being brought forward as a matter of urgency due to the Covid-19 pandemic to ensure that the necessary protections are in place to safeguard the operation of the planning and building control systems. In particular, this Bill will ensure that the integrity of the public participation elements and decision-making processes of these systems are protected. Local authorities play a critical role in facilitating construction activity, including housing construction, through a range of responsibilities, including granting permission under the Planning and Developments Acts and granting fire safety certificates and disability access certificates under the Building Control Acts. It is therefore essential for our economy and our collective aim of housing delivery that these services remain functioning and open. In this context, every effort is being made to ensure that the planning and building control systems can continue to remain open, with appropriate accommodations and taking into account public health advice.

Notwithstanding the present Covid-19 level 5 national restrictions on travel, it is important to note that the planning and building control systems remain open for business. In particular, the public participation elements of the planning system have been recognised as an essential service in SI 448 of 2020, introduced by the Minister for Health, Deputy Stephen Donnelly, which implements these level 5 restrictions. Attending the offices of a planning authority or An Bord Pleanála to engage in a statutory planning process, including inspecting the file, making an

observation or submission to a development plan process or inspecting a site notice, is deemed to be a reasonable excuse for travelling or moving during these level-5 travel restrictions.

My Department continues to work with the planning and building control authorities to ensure that these systems, which are vital to the delivery of housing and infrastructure, remain open. Local authority public offices and the offices of An Bord Pleanála are open to the greatest extent possible, subject to adherence to HSE guidelines on physical distancing and any local arrangements on managed access. Furthermore, systems including the building control management system, can be accessed remotely over the local authority network; while in the case of the planning system, established systems are in place that enable people to view planning applications and submissions online.

As a direct response to the potential for Covid-19-related restrictions to have an impact on public participation in the planning application processes, the planning and development regulations were amended in May with the introduction of SI 180, the Planning and Development Act 2000 (Section 38) Regulations 2020, to require all planning authorities to upload all planning application documentation online for public viewing within five days of receiving the material, save for exceptional circumstances. My Department and I will continue to keep matters related to planning and building control regimes under review, in consultation with planning authorities.

It is hoped that the safeguarding provisions in section 3 of this Bill are never used. However, if there is a critical deterioration in staffing levels due to infections in one or more planning or building control authority or in the event that the public at large or particular groups of the public may not generally be capable of engagement with the planning system due to the introduction of more restrictive measures that may prevent the public, for example, from seeing site notices or attending planning offices or meetings, it may be necessary to use the proposed measures in section 3 to ensure the integrity of the planning and building control system is maintained throughout the pandemic.

I will now outline the main provisions of the Bill. As stated earlier, the purpose of the Planning and Development Bill 2020 is twofold. First, the Bill proposes to amend section 11(3)(b) of the Planning and Development Act 2000 in respect of the mandatory requirement to hold public meetings concerning a proposed development plan. Second, it will allow the Government to make orders, during the period of the Covid-19 pandemic, which would extend certain statutory periods applying under the Planning and Development Acts and the Building Control Acts.

The Long Title of the Bill outlines the aims and policy context in which the proposed measures to safeguard the operation of the planning and building control systems are being introduced in light of the present Covid-19 pandemic and the associated restrictions required to contain the disease.

There are four sections in the Bill. Section 1 provides a definition for “principal Act”, which means the Planning and Development Act 2000. Section 2 amends section 11(3)(b) of the Planning and Development Act 2000 to replace the mandatory requirement to hold public meetings regarding a proposed development plan with a more flexible requirement for planning authorities to consult with members of the public in such a manner as it considers appropriate and to invite written submissions from members of the public regarding a proposed development plan. This may include the holding of a public meeting, newspaper notices, written submissions or

online communication or both.

The proposed amendment will allow the planning authority to take whatever steps it deems necessary to ensure the public are consulted in compliance with the principles of the Aarhus Convention, which include public participation in environmental decision making. This measure is required immediately to allow planning authorities to adapt public consultation procedures given the present restrictions on the holding of public gatherings during the pandemic. If this amendment is not made, such restrictions will delay the progression of development plans during the pandemic. The amendment is also in line with the modernisation agenda for the planning system to increase online activity and ensure continued flexibility in communicating details of draft development plans to the public and it will therefore be a permanent amendment.

Regarding the proposal in section 2 of the Bill, and following a submission from my colleague in government, the Minister, Deputy Eamon Ryan, and as raised by Deputy Matthews, Chairman of the Oireachtas Joint Committee on Housing, Local Government and Heritage, I wish to inform the House that I will be seeking to introduce a Government amendment to section 2 of the Bill on Committee Stage here in the Seanad on Monday to confirm that section 11(3)(b) of the Planning and Development Act 2000 will require the planning authority to hold either a public meeting or an online public meeting in respect of a proposed development plan. The Bill, as proposed, had required the planning authority to “consult with members of the public in such manner” as the planning authority considered appropriate, “which may include the holding of a public meeting”. The Government amendment will ensure, for the avoidance of any doubt, that there will always be some format of public meeting under section 11(3)(b) in respect of a proposed development plan, either by way of a public meeting attended by the public in person or an online public meeting. That amendment will be introduced on Committee Stage on Monday.

Section 3, regarding emergency periods, would allow the Government to make orders, during the Covid-19 pandemic, which would extend certain statutory periods applying under the Planning and Development Acts and the Building Control Acts. This contingency measure is also urgently required to provide an essential legislative safeguard, which can be invoked as necessary to ensure that public participation elements of the planning regime, as well as certain decision-making and enforcement systems of the building control regime, are not compromised if further waves of Covid-19 may necessitate a further period of stay-at-home travel restrictions or may critically impact on the operation of individual authorities.

A core principle of the planning and development system is that of public participation and the assurance that planning is conducted in a manner which affords a high level of confidence in the openness, fairness, professionalism and efficiency of the process. This requires people to have the opportunity to participate in decisions being made at the strategic plan-making and individual planning application levels. Public participation is also central to certain decision-making and enforcement systems of the building control regime.

In the absence of section 3 of this proposed Bill, if circumstances arose during the pandemic which impacted on the public participation elements and decision-making processes of the planning system, these circumstances could cause significant difficulties, including preventing compliance by authorities with requirements set out in law and raising the prospect of knock-on effects. The possible consequences which might arise from these difficulties include the inability to operate statutory consultation periods, the inability to progress the making of development plans and deemed decisions, where decisions have not been made by the appropriate authority.

They could also raise the prospect of financial penalties being applied against authorities for not making decisions within statutory time limits; judicial reviews of decisions where individuals contend that the process did not adhere to statute; where public offices close, the inability to view information and make submissions; where enforcement proceedings are about to be commenced or are ongoing, the time limits are a key issue; and undue benefit accruing to some people by automatic default or through the elapsing of observation, submission or enforcement timelines before an observer, respondent or indeed the authority has time to act.

The main provision in section 3 is modelled on the recently expended section 251A of the Planning and Development Act 2000. Section 251A, in turn, was modelled on the existing section 251 provision within the Planning and Development Act, which applies each year for the Christmas period, when public offices are closed, whereby, when calculating an appropriate period or other time limit referred to in the Planning Act or regulations, the period between 24 December and 1 January, both days inclusive, shall be disregarded. The recently expended section 251A of the Planning and Development Act 2000 introduced a similar disregard provision for statutory periods during the first lockdown earlier this year, in which case the Government order made under section 251A lasted for eight weeks, from the end of March up to 23 May 2020.

However, the proposed provision in the current Bill includes new flexibilities, which were not previously included. More than one extension period order may be made within the confined operative period for this Bill, which is linked to the operation of Part 3 of the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020, which now ends on 9 June 2021 following a resolution of both Houses of the Oireachtas. Extension period orders, if required, can be applied to specific administrative areas of the country, as opposed to applying to the entire country. The Government, at my request, may choose which statutory periods it requires to extend, rather than applying the extension to all periods under the planning Acts and the specified provisions of the Building Control Acts.

The proposed provisions in section 3 also introduce additional oversight of the Oireachtas, whereby any such order shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either House within the next 21 days on which that House sits after the order is laid before it, the order shall be annulled accordingly.

Similar to the provisions of the recently expended section 251A of the Planning and Development Act 2000, section 3 of the Bill requires that I, as Minister, shall consult the Minister for Health and request the consent of the Minister for Public Expenditure and Reform prior to making a request to the Government to make an order specifying the period for which the order shall apply.

In making an order under section 3, the Government is required to have regard to the following principles and policies: the nature and potential impact of Covid-19 on individuals, society and the State; the need to eliminate or reduce the threat to public health of Covid-19; the policies and objectives of the Government relating to the protection of the public from Covid-19; the need to mitigate the adverse economic effects resulting from the spread of Covid-19 or the measures adopted to prevent its spread; and the need to eliminate or reduce the impact of Covid-19 and the measures adopted to prevent its spread on the effective operation of relevant enactments and the effective performance of functions under those enactments.

In the case of sections 4(4), 6 and 17(6) of the Building Control Act 1990, or any instrument thereunder, which concern the operation of the building control regulations, the Government shall not make an order unless it is also satisfied that the making of such order is in the public interest having regard to the need to ensure the effective operation of that Act and protect the health, safety and welfare of occupants of buildings. In the case of the other enactments, which comprise the various Planning and Development Acts listed in section 3, the Government shall not make an order unless it is also satisfied that the making of such order is in the public interest having regard to the need to ensure the effective operation of such enactment and proper planning and sustainable development. These principles and policies, which the Government is required to consider before making an order, broadly mirror the principles and policies of the expended section 251A. Section 4 provides the Short Title and collective citations to the Bill.

In addition to my detailed comments on the Planning and Development Bill, which is currently before the House, I also wish to inform the House that I will need to introduce further Government amendments as the Bill makes its way through the legislative process in the Dáil. Yesterday, the Government approved at Cabinet the priority drafting of modifications to the operation of the Residential Tenancies and Valuation Act 2020, which are being worked on by my officials and the Office of the Attorney General. The aim is to continue but modify the operation of the temporary protections to tenants under the Act that we passed here in late July until 12 April 2021 while recognising and balancing the constitutionally protected rights of property owners. An amendment will also be tabled to extend from 10 January 2021 to 12 April 2021 the provision under the Act of 2020 that proceedings before a Residential Tenancies Board, RTB, tribunal need not be held in public during the Covid-19 emergency period, with the aim of continuing the protection of the health and safety of participants in the proceedings and of RTB staff.

It is recognised by me, and I have stated it in this House previously, that a cohort of tenants are experiencing Covid-related economic difficulties for a second time this year as a result of the current lockdown. A further cohort may face a negative financial impact for the first time on foot of Covid-19. Low-income tenants are disproportionately employed in sectors that are severely affected by Covid-19, for example, in the hospitality and retail sectors, and are likely to face continued and particular strain.

The State continues to provide immediate support to families and individuals in private rented accommodation under the Department of Social Protection's rent supplement scheme. The scheme provides short-term income support to eligible people living in private rented accommodation whose means are insufficient to meet their accommodation costs and who do not have accommodation available to them from any other source. The scheme ensures that renters experiencing a temporary loss of employment during the Covid-19 emergency can continue to meet their rental commitments. The Act of 2020 complements the provision of rent supplement and other State supports, such as the supplementary welfare allowance, the pandemic unemployment payment and the employment wage subsidy, by providing time and security for tenants while engaging with State services in a bid to resolve their financial difficulty and to meet their obligation to pay rent.

The temporary tenancy protections under Part 2 of the Act of 2020 for tenants in rent arrears due to Covid-19 and at risk of losing their tenancy are due to expire on 10 January 2021, hence the amendment that will be brought forward in the Dáil. The economic impacts on tenants in the residential rental sector of Covid-19 and successive restrictions on the movement of people continue to be felt and the early part of 2021 is likely to be financially challenging for tenants.

I have said that if I consider it necessary to bring in further protections for tenants, in particular in these difficult times during the Covid pandemic, I would do so. It was a Bill most Members of this House supported in July. It came into effect from 1 August. That Act has worked. This is effectively an extension of the provisions of that Act, coupled with the additional protections around the protection of tenants during the 5 km travel restriction, which we brought in a few weeks ago and which was passed unanimously in this House. This is a further protection that will be brought in and we will extend that out to April 2021. The amendment I mentioned is not quite ready and it will be introduced in the Dáil and added to this Bill.

Through these proposed amendments, the Government aims, as do I, to balance in a carefully calibrated manner the legitimate interests of both tenants and landlords. The proposed time-limited extension and modification of the provisions of the 2020 Act will apply only to those tenants who can demonstrate that, despite the significant State supports available, they have been negatively impacted by Covid-19. In concluding the introduction of this Bill to the House, I confirm to Senators that it is urgently needed to provide essential safeguards to ensure the continued operation of the planning and building control systems during this pandemic. The provisions in section 2 of the Bill to amend section 11(3)(b) of the Planning and Development Act are immediately required to allow planning authorities to adapt public consultation procedures in light of current restrictions on the holding of public gatherings during the pandemic. If this amendment is not made, such restrictions will delay the progression of statutory development plans during the pandemic. These amendment provisions are also in line with the modernisation agenda for the planning system to increase online activity and ensure continued flexibility in communicating details of draft development plans to the public and will, therefore, be a permanent amendment to the Planning and Development Act.

With respect to the safeguarding provisions in section 3 of the Bill, it is hoped that once enacted, they will never need to be used. However, these essential provisions are urgently needed to give the planning and building control systems the legislative flexibility and agility to react to more restrictive travel constraints, if issued by the Minister for Health, during the remainder of the pandemic, or in the event that significant infections among local authority staff critically impacts on the resourcing and operation of individual planning or building control authorities. This is all in order to ensure that the integrity of the planning and building control systems is maintained throughout the pandemic.

I look forward to our debate on the Bill's provisions and will seek to respond to any specific questions. I commend the Bill to the House.

Senator Mary Fitzpatrick: I wish to share time with Senator Byrne with six minutes for me and two minutes for the Senator.

An Cathaoirleach: Is that agreed? Agreed.

Senator Mary Fitzpatrick: I welcome the Minister to the House and thank him for bringing this legislation to the Senate first. I am a member of the Oireachtas Joint Committee on Housing, Local Government and Heritage and I appreciate that some members were confused as to the Minister's intentions. I accept the Minister's apology and accept that his intention in bringing forward this legislation is both to support the proper functioning of our local authorities and our planning, development and building control processes and to protect public participation in those processes. I welcome this debate and Fianna Fáil Senators will be supporting the Bill today.

The Bill as I read it is an updating of the Planning and Development Act 2000 to allow for public consultation processes which are used for consulting with the public on city and county development plans to be updated and for the continued operation of the planning and building control systems during emergency situations like Covid-19. I welcome the fact that the Minister is replacing the mandatory requirement on local authorities to hold public meetings with a requirement that they consult with the public. The amendment he mentioned, which will be brought forward on Monday, provides that local authorities will hold either physical or virtual public meetings. This is very welcome and we will be happy to support it. Allowing the Government to make orders during emergency periods like the pandemic to extend the statutory periods applying under the Planning and Development Act and the building controls is also to be welcomed and I hope the whole House will support that.

This legislation reflects a Government that is trying to modernise how we do our business. It is also reflective of a Government that is responding to the very real-life circumstances in which the country finds itself in terms of the pandemic. It aims to improve accessibility and inclusiveness in our statutory processes while at the same time upholding the very important values asserted in the Aarhus Convention regarding public participation in decision making when it comes to environmental matters. I am coming at this from the perspective of a former city councillor in Dublin. The Dublin city development plan is a really important document that sets out the statutory guidelines and objectives for the development of our city. The current development plan was drawn up in 2016 and will expire in 2022. In June of this year, city council officials and councillors commenced work on the new development plan. The plan has multiple stages, beginning with a pre-draft consultation, on which submissions are invited. Then there is a consideration of those submissions, following which a draft plan is put out for public consultation. More submissions will be received on that draft plan and then that will come back for consideration. Following this, a plan is actually made. The process takes 99 weeks or almost two years of work. It is a really important piece of work that requires significant resources, not just from officials but also from the elected representatives. In that context, I am not going to let the Minister leave the House without reminding him of the Government's commitment to local authority members to deliver on the Moorhead report. It is an outstanding action and one that I ask the Minister to provide an update to the House on, as all Members would appreciate that.

An Cathaoirleach: According to the rules of the House, Members are not supposed to raise issues that are not related to the Bill.

Senator Mary Fitzpatrick: I apologise to the House. I did not realise that was the case.

An Cathaoirleach: We appreciate the Senator's lobbying effort.

Senator Mary Fitzpatrick: I am speaking as a former city councillor and I genuinely understand the enormous time and effort that councillors put into the making of development plans. It is two years' work and requires significant effort on their part. They engage with their constituents, lobby groups and so on. I am not going to repeat my request to the Government; everyone here knows what I want to say, including the Minister.

This legislation is important and the Fianna Fáil group will support it. We will also support the amendment as outlined. I would encourage the Department to continue to work in this way and to continue to engage with this House. We have a number of requests which I will not repeat now because I will be accused of lobbying. We have a number of requests of the Department and this House really wants to engage on them. I would encourage the Minister to come

back to do that and we look forward to working with him.

Senator Malcolm Byrne: I endorse Senator Fitzpatrick's views entirely, including on those issues about which we should not be speaking. I support this legislation but I do not want to see emergency periods being used, effectively, as an excuse for things not to be done. I have a specific question, for example, regarding why extended periods might be allowed under derelict sites legislation. I have no problem with allowing for extensions to consultation periods, planning permission for developments and so on but where we are dealing with somebody who has been subject to a derelict sites levy or has been ordered to carry out the cleaning of an area, I seek an assurance that nothing in this legislation will prevent such work from happening. Somebody who has allowed an area of land to be derelict for a long period should not be able to use this legislation or any loophole within it to prevent necessary work from being done, particularly given that the construction industry can continue to operate under all levels of Covid-19 restrictions. It is important for the Minister to confirm that this Bill will not prevent work from taking place in the case of derelict sites or dangerous structures. My specific concern is in regard to the inclusion of the Derelict Sites 1990 Act.

Senator Mary Seery Kearney: For the information of Senators, a copy of the Minister's speech is available outside the Chamber. I was not aware of that until it was brought to my attention by a colleague. Copies of speeches are normally distributed in the Chamber. There are amendments being referenced that we may wish to address. It is beneficial to have the speech so all Members need to know that it is available outside.

An Cathaoirleach: In normal circumstances, copies of speeches are sometimes distributed in regard to Commencement matters, but because of Covid-19 it is not advisable to have people walking around the Chamber.

Senator Mary Seery Kearney: I appreciate that but we were not aware of it. We made the assumption we were not being given a copy of the speech but it is available outside. I thank the Cathaoirleach.

Senator Victor Boyhan: I welcome the Minister to the House. This is the first time we have been in this House together so I take this opportunity to congratulate him on his appointment. We soldiered together on the Oireachtas Joint Committee on Housing, Planning and Local Government. The Minister has been on all sides of this debate, brief and portfolio. I wish him well and every success in it.

On the Minister's apology and clarification in regard to the pre-legislative scrutiny, I fully accept his bona fides. On the Planning and Development Bill 2020, I have one major concern. In regard to Covid, I understand the significance and importance of people being safe, be they staff, members of the public or anybody else. That is really important. I see the necessity for emergency legislation. However, I have a difficulty with section 2 of the Bill. The Bill will be amended, as the Minister will know, but the briefing also says the amendment is in line with the modernisation agenda and that this change will be permanent. I have with me a letter I received from An Bord Pleanála which I will circulate to the Minister. The Minister will be aware of the ongoing engagement with An Bord Pleanála in regard to Rebuilding Ireland, modernisation and IP planning. The board has been telling us for four years that it is working on a pilot scheme. I made some inquiries today. It still has not got that up and running. The modernisation of IT and IP project is a wonderful one, but it does not exist.

I am aware of a local authority that cannot scan applications, drawings and montages in colour in regard to protected structures. That is the reality for most councils. Another local authority does not have a proper archive of protected structures. I have had to visit the Irish Architectural Archive in Merrion Square to look at drawings because they were not retained by local authorities. I intend to bring a proposal to this House and to the Department of Housing, Local Government and Heritage in the next few weeks in regard to a national archive of protected structures because these applications are lodged but not centrally retained. There is a gap there that needs to be closed.

My issue is in regard to inclusivity and respect for the elected members - city and county councillors - who do an enormous job. I was a member of Dún Laoghaire-Rathdown County Council which had thousands of people engaging in county development plans. That is the reality. There is great interest in planning. It is about the future planning and sustainable development of people's areas. Citizens have those rights. We talk about the Aarhus Convention. If we attempt to curtail public consultation in statutory format it will end up in the courts. There are a number of environmental groups and prescribed bodies under the Planning and Development Act, of which the Minister will be aware, which are engaged in this area. I salute them. They are watchdogs for planning. I also thank the public, who are our greatest watchdogs in regard to proper planning and sustainable development, as are elected members.

The Bill seeks to amend section 11(3)(b) of the Planning and Development Act 2000 to replace the mandatory requirement to hold public meetings in regard to the proposed development plan, with an obligation for planning authorities to consult members. Who are the planning authorities? There is always a conflict between the executive, which holds the executive function, and the elected members who hold the reserve function. That is a constant battle. As a former councillor, the Minister will know that. Is this decision to be made by the executive? Will such decisions be made by resolution of the council? Who will decide how this happens?

The briefing also states that the amendment is in line with the modernisation agenda for the planning system to improve accessibility and inclusiveness through increased online activity and assured continued flexibility in communicating details of draft development plans and will, therefore, be a permanent amendment. The Minister referred to this modernisation in his speech. This change is to be a permanent arrangement. I will not be supporting it. I had hoped that the Minister would reconsider that amendment. I can understand it in the Covid context but not outside of it. I see the need for a sunset clause in regard to this aspect. I do not believe it is right and appropriate to make this a permanent change. This is a matter of concern for me and I ask the Minister to provide for a review of it in a few months' time.

In some local authority offices elected members do not have access to the Internet. Under this proposal we may be excluding a generation of people over 55 or 60 who have a difficulty in terms of accessing IT. That is the reality. In many local authority offices in rural Ireland, members have not been able to engage in Teams meetings of authorities because there is no connectivity. There are many city and county councillors across the country. I have spoken to a number of them in the last few days. I have also engaged with all of the other stakeholders. They, too, have a concern. I do not see in any of the correspondence I have on this matter any reference to engagement with the Local Authority Members Association or the Association of Irish Local Government. I do see reference to Fianna Fáil Senators having raised this issue with them in correspondence. I have communicated it to them myself and invited feedback. That is their concern. As I said, I have serious concerns in regard to this change.

Did the Minister give consideration to extending the lifetime of county development plans by 12 months? It is an option. This could be done through legislation. I mentioned the principles of the Aarhus Convention and the right of citizens to engage. Many people that are outside of the technology and skills area like to visit a public town hall to see the plans and montages and to meet planners and benefit from doing so. I know this is not possible in the context of Covid. I have no difficulty supporting any other aspect of this Bill. My concern is the permanent little arrangement which the Minister references in the context of reform and modernisation of the planning process. The Minister also has a responsibility in terms of An Bord Pleanála. It cannot manage its own IT systems. It has failed to deliver on commitments, albeit it has been set back by Covid for the last nine months like everybody else in terms of access to information. That is important.

The Aarhus Convention references citizens' rights in regard to environmental and planning issues. Most Senators here are former councillors of city and county councils. We often talk about the right to subsidiarity, to decision-making on the ground and engagement with people. The Green Party has a strong record on this issue and organises meetings and rallies in its constituencies and communities to highlight issues about planning. I know all parties do that but to an extent the Green Party has been at the edge of this in terms of its engagement with communities and electorate and the principles of the Aarhus Convention. I took some time to look at the Green Party website today. It has a very strong record on that.

I propose to bring an amendment to the House. I will lobby in advance of doing so. I will ask local authority councillors to engage on it with all Senators in this House. Will the Minister give consideration to a sunset clause to end this permanent arrangement? We do not need a permanent arrangement, we need an arrangement in place for Covid but not to extend beyond that.

Senator Mary Seery Kearney: I thank the Minister for being here today and for initiating this legislation in the Seanad. I am also a member of the Oireachtas Joint Committee on Housing, Local Government and Heritage and I want to acknowledge the Minister's wholesome and fulsome letter to the committee and his apology for any slight that may have been experienced by some members who would doubt for a moment his bona fides in bringing this forward and understanding the emergency of the situation. I put that on the record of the meeting this week in defence of the Minister and the urgency of this legislation.

I fully support the legislation. I am getting to grips with the amendments proposed by the Minister and I will address them in a moment. To be honest they look sensible and embracing of the needs that are emerging in the context of Covid-19. I support this measure and we must recognise, in the context of Covid-19, that we cannot hold public meetings and it is ridiculous to run against public health advice. The planning process and the development plan process really need to proceed, despite current restrictions.

I am interested in the suggestion of extending the development plan period as it stands. However, I know in my area and South Dublin County Council, where I was a councillor, there is a need to press on with the amendments and changes so as not to lose a year. In that regard, although it is an eminently sensible suggestion, I would not be in favour of it. That is just in case the Minister is thinking about it.

I am glad that in his speech the Minister references "flexible" measures in looking at extension orders. I have a concern with how public consultation is handled in a pandemic. It is reasonable not to hold public meetings but the absence of public meetings must be dealt with

through a stepped up and amplified level of advertising of the fact that public consultations are ongoing. Everybody needs to be in the know. We do not have the normal recourse of being able to go to residents' associations and talk about these matters.

We need to provide finance for advertising that these processes are ongoing and not just on social media. We are still in a transition period between pre-digital and digital contact and connectivity, and we must respect that by looking at different ways of advertising. A planning notice or something small is not enough. This must be a big half-page advertisement in all the local newspapers indicating that a public consultation period is ongoing.

We also need longer public consultation periods. If we limit something to six weeks, local representatives are now obliged to contact residents' organisations and try to organise Zoom meetings while getting out leaflets or initiating contact to ensure everybody is adequately informed and support them in making submissions in that time. We need to extend the consultation period to allow for the fact that the process is not as easy as it was. We have WhatsApp groups and other tools but with the residents' association of which I am a member, many people are older and do not use WhatsApp. They must be called individually and this takes a greater amount of time. We need to consider this and the Minister should take it on board.

The Oireachtas Library and Research Service document we were given to inform us on the legislation quotes the Maastricht recommendations on promoting effective public participation in decision making. It states that online consultations can complement face-to-face public meetings and hearings but should not replace them. It also goes through criteria that should be considered, including scale of activity, potential impact, size of the affected population and the controversial or high profile nature of an activity. It gives a list of considerations. I urge that we have a statutory instrument that sets up criteria for deciding on the length of time and how the public consultation period is to be addressed or advised to the public. We should take that into account.

On a related matter, the process of the development plan was very eloquently described by my colleague. In it we really need to respect much work over much time by the public and their representatives that goes into arriving at a development plan with which we can all live. The decisions made for the period taken in by the development plan are guided by this work. In that context, and again in alignment with public consultation, it was very disturbing to me the extent to which An Bord Pleanála admitted to the Oireachtas joint committee that it does not really take on board the development plan. We are going to the trouble of changing how consultation is going in legislation and ensuring that the development plan process can go on, yet there are areas like Dublin 8 where the development plan has not been considered and there has been a proliferation of co-living and student accommodation.

I very much welcome the Minister's initiative on co-living this week. I have never been a great proponent of it, although it has a place in a very small niche. In such circumstances we must ensure the development plan really is absolutely adhered to, as we are going to all this trouble, and more than due regard should be given to it. It must be the guiding light in this. I ask the Minister to elevate this element and look at an amendment to the legislation to ensure the development plan must be adhered to and given respect. We should respect all the work done by the public and public representatives.

I welcome the amendments and I will comment more fully on them next time around. I broadly support the Bill.

Senator Rebecca Moynihan: I thank the Minister for coming to the House to propose the legislation. Before addressing the Bill, I welcome the decision he made this week on co-living. The decision should have been made sooner but when I read the report I realised the Minister had not taken on officials' advice to tinker but rather made a clear decision on banning co-living. I would have liked for this to apply retrospectively and particularly to current proposals going through the planning system. I hope An Bord Pleanála takes on board the Minister's indications on co-living and turns down such permission applications.

I read the circular the other day and the Minister also gives guidance on the changing of purpose-built student accommodation for short-term lets, as that has happened in five cases. Some of the other student accommodation providers are thinking about doing that in the long term.

I have no problem with the majority of the Bill but the section making a permanent change in the modernisation agenda is a sneaky change. Having a public meeting is really important and I will bring forward an amendment putting a sunset clause on that section. An older person who is not engaged online would see value in having a planner in front of him or her when speaking about complicated matters like site density, ratios and heights. It is important for planners to be able to explain these concepts. If local authorities get away with not having planners at public meetings, I see the process moving online. This is about a modernisation agenda in general but the change is being introduced for the long term so I would like to see a sunset clause attached.

It is quite ridiculous in 2020 that if I submit something to An Bord Pleanála, I must physically go to the building as it does not take payment online. A person would have to go to a post office and pay an additional charge in order to get a postal order otherwise. That is while we are talking about an online modernisation agenda. The first thing we can do is sort out the planning system so it is facilitating and flexible for people before we change it. We are submitting an amendment that will introduce a sunset clause.

The importance of development planning is acknowledged in this Bill but the Minister has other powers relating to heights and standards. There has certainly been a feeling that heights and standards have been undermined with the Minister's powers.

I would ask that the Minister would take similar action to that which he took on co-living and have a clear look at where his regulations are over-riding well-considered development plans. Senator Fitzpatrick and I were both members of Dublin City Council
2 o'clock and we spent nights and days until 12 a.m. or 2 a.m. debating and considering the heights and densities within our city and we reached compromises on it. It was never a NIMBY development plan and agenda. We fought with the planners and with each other and we had it out, but it was a really well-considered plan for our city. I imagine that other local authorities around the country do that as well.

There is a real feeling that there is an undermining of local democracy, not just in participation but also in decision-making, when it comes to the heights and standards in the ministerial guidelines. We do not want to go back to the mid 2000s, when we had developer-led planning. We have issues such as construction defects that we have to deal with now as a result of that. We want to make sure that local people are involved in the decision-making and planning process. The Minister should reconsider some of the heights and standards changes he has made. I am not a believer that height equals density. I will argue hard with residents for density and say that this is the best way to have a good planning system, but it is difficult to do that if, within a couple of years, we have an undermining of that and if we have heights that are completely

out of place.

I welcome the Minister's comments on the eviction ban and I welcome what he did last night. I ask that the Minister consider, and we have tabled amendments to this effect, that where there are restrictions in a county, the eviction ban will remain in place. Evictions are still happening for other reasons, and in the course of a pandemic we should not be balancing the rights of people. Public health has to take priority and anybody losing his or her home for reasons such as family members moving in or for substantial renovations should not be left in that position over the course of a public health emergency. I ask and plead that the Minister consider extending that to situations where there are county limits or restrictions on travel beyond 5 km.

I thank the Minister for coming into the House and I ask that he accept the amendments we have submitted when it comes to Committee Stage on Monday because it is important that we continue to have public meetings and that members of the public have access to professional advice and planners in the course of the development plan. I understand that we cannot have them in the course of a pandemic but there should be a sunset clause for that.

Senator Pauline O'Reilly: I welcome the Minister to the Chamber. As one of my Government colleagues said, I am never out the Chamber these days but it is good to be here to welcome the amendment that the Minister is putting forward on behalf of the Green Party and through the Government. That shows how the Government is working together on these issues and I am delighted to see that the Minister is amenable to that.

For clarity and for those who are not aware of the background to this, the 2000 Act had a provision that the planning authority shall hold public meetings and the amendment is thanks to Deputy Matthews, as the Minister said, who is the Chairman of the Joint Committee on Housing, Local Government and Heritage. He had a concern when looking at the draft Bill because it says: "shall consult with members of the public in such manner (which may include the holding of a public meeting)". It is the wording of "may include the holding of a public meeting" that caused concern. I have not seen the wording the Government is proposing and I look forward to seeing that and engaging on it on Monday, but as I understand it, the wording will be to the effect that the planning authority shall hold a public meeting, whether that is online or a physical public meeting. That provision is hugely important to all of us and I am sure it was inadvertent and accidental in the draft Bill.

Many of us, as has been stated, have come from the background of local government and our engagement with people on the ground is a form of public participation. If we lose that from planning, it basically means there is a top-down heavy Government approach to how planning is operated. That sense of public participation, grassroots ownership and involvement within our local communities is hugely important to us in the Green Party, and I know our councillors would have found this particular provision difficult, as the councillors within Fianna Fáil would, because I know they are dedicated to that public service as well.

An interesting and important point was raised by Senator Seery Kearney. When we are looking at public participation and the types of engagement involved, the most helpful kind of public participation is to look at local development plans, city and county development plans, and local area plans, interrogate those plans, either as councillors, other elected representatives or interested members of a political party, and see where planning does not align with a city or county development plan or with a local area plan. There is a valid concern around a lack of local area plans, and I would have such concerns in my constituency. We need to ensure we are

addressing that as a Government and I ask the Minister to look at that. We have few local area plans and we need to interrogate how we are carrying out public participation and how local councillors are able to engage with the kind of planning that is going on. They are the people who are best placed to know, not people up in Dublin. It is the people on the ground who are best placed to know what will work within their constituency.

I welcome that the Minister is bringing forward other amendments. I would like more clarity around those and around the RTB. If it is not being held in public, what kind of transparency is being proposed? I understand there is a sunset clause for that. If it is only until April, it is essential that we make sure tenants can bring forward issues to the RTB. I welcome this move overall. I do not fundamentally agree with the Labour Party's perspective on a sunset clause for these online or in-person meetings because it is important that we have some kind of continuity and we do not know when we will potentially be coming into and going out of the kinds of lockdowns that will not facilitate a large public meeting. Therefore, we have to plan for that and we cannot stop building and planning or stop the interrogation of the environmental aspects of planning. It is crucial from that perspective.

Overall, I welcome the Bill and most Members are welcoming the Bill and most of the provisions the Minister is addressing. I thank the Minister for that and I look forward to seeing the amendments when they come before us and when they go to the Dáil and come back to us.

Senator Fintan Warfield: I look forward to seeing those amendments and I welcome the Minister to the House. First, I would like to reference the Committee on Housing, Local Government and Heritage, which has been mentioned a number of times in this debate. The committee met on Tuesday last, 17 November and at that meeting, I understand that the Minister asked that pre-legislative scrutiny be waived for this Bill. A vote was taken and that proposal was defeated. However, using Seanad Standing Orders, the Minister was able to initiate this legislation in this House and, therefore, bypass the pre-legislative scrutiny altogether. Rather than a respect for this House that was outlined by the Minister, it was akin to a loophole.

Deputy Darragh O'Brien: On a point of order, I do not want to be argumentative in any way but I have outlined what happened clearly, in good faith and in a truthful manner. The Senator is trying to twist that. That did not happen so let us be honest about what happened.

Senator Fintan Warfield: I appreciate that these changes to the form and manner of public consultation are necessary to provide alternatives to face-to-face meetings during the pandemic. However, I would like to hear more detail on the Minister's plans to use a wide array of technologies to ensure the greatest possible outreach. Not everyone will have the experience, expertise or technical support to make a written submission. To achieve the highest possible level of participation, I therefore ask the Minister to examine a wide range of options, including holding meetings on platforms which are accessible to the public, such as Microsoft Teams.

I also ask the Department to examine how best to provide all the usual support and assistance to those with impairments or disabilities to enable them to participate fully in whatever form the consultation may take. While a public meeting may need only one or two individuals to provide an Irish Sign Language service, a bit more planning may be needed to ensure these essential aspects of accessibility can be delivered in whatever new format is adopted. The process of proper planning and development must be seen to be open and accountable at all times and not the exclusive preserve of those who already have access to and knowledge of the system.

The Department has said that these measures will also form part of the modernisation of the consultation process. Does this mean that if the format envisaged in the legislation proves to be a success, it may be kept on as a means of involving even more people? How will the Minister judge whether a particular format meets or exceeds the participation threshold of traditional face-to-face meetings? It is important that any benefit from new forms of outreach and participation in the planning and development process are consolidated. There must be a clear process for evaluating this.

The Minister has said he is committed to answering some questions. I have some specific queries. When does he intend to impose the emergency periods outlined in the legislation? Will these periods be time-specific or in line with public health advice, such as measures restricting travel to 5 km or within individual counties during localised lockdowns? Will the emergency periods apply throughout the State or only to specific local authorities at specific times? It appears that the Bill only refers to deadlines to do with planning and control. The Minister's Department deals with many other diverse areas, from quarry licensing to environmental protection. Are there plans to extend deadlines to other areas under the auspices of the Department?

We will absolutely support the legislation. Depending on clarification of the points I have raised, we may introduce amendments on a later Stage. I stress our willingness to co-operate with the Minister. The Minister of State, Deputy Noonan, has articulated the Minister's willingness to engage with us on Seanad reform, which I welcome.

Senator Alice-Mary Higgins: I welcome the Minister back to the House. Yet again we are discussing emergency legislation. The Minister has indicated that he intends to come before us to allow for more substantial debate. It would be very useful to know when that will be. As we have seen again and again, so many of the issues of concern in housing policy have been flagged but have not been engaged with at the most opportune moments, for example, in relation to co-living. It is welcome to see that there will be a move towards ending it, but a large number of planning permissions have already been issued in that area. It was an issue that was well flagged in advance. It is similar with strategic housing development where we now see that a very large number of planning permissions which were granted under that legislation when it was very much fast-tracked as an issue through the previous Oireachtas. At that time we warned of the danger of land hoarding and called for a use-it-or-lose-it clause, and now we are seeing that that may eventually come in years later after the exact consequences which were flagged have occurred.

There are several issues relating to planning and development, some of them I, with others, will be introducing on Committee Stage, while others will not be appropriate and I will not be able to bring them forward. They are, however, very important, especially when the Minister indicates that the Bill to amend the Residential Tenancies and Valuation Act 2020 is to be introduced in the Dáil. When can we expect both pieces of legislation to be opened for full and proper review and scrutiny? That is very important.

It should be borne in mind that an unfortunate scenario arose the last time emergency legislation came through the House, where due to the limited time available and the Minister's enthusiasm for giving substantial answers to every question put-----

Deputy Darragh O'Brien: I was trying to be helpful.

Senator Alice-Mary Higgins: Yes, indeed. It meant a very large number of very important

amendments relating substantially to the issue were not discussed at all. I am sure the Minister will want to assure us that there will be no guillotine on the Committee Stage debate on this legislation and that all amendments will be dealt with. That will be very important. While this may be emergency legislation or may relate to a particular crisis, it is important that it has full and proper scrutiny.

On the substantial issues, I have some caution and concern. I welcome the fact that there was a suspension of planning decisions during the first lockdown. That was a positive decision. I would have liked to have seen a similar action taken during the current level 5 lockdown, and I understand that section 3 of the legislation could facilitate such a measure if an emergency period is declared. That is positive. The Minister said he hopes to use it very rarely. I think he should use it if it is the situation that circumstances are getting in the way of people being able to participate fully in the planning process.

I have a concern that it seems to be that a very large volume of planning applications have been made during the Covid crisis. Perhaps between now and Committee Stage the Minister might provide us with this information because I think it would be useful. I can only go on partial figures that I might have and we do not have the option of asking parliamentary questions in the Seanad. I have spoken to people who encountered real difficulties in engaging with the process at that time. It would be useful to know how many applications have been made.

I know that many local authorities encourage those making or intending to make planning applications to engage with others who might do so, resulting in many cases in sets of planning applications being made. This is sometimes a co-ordinated activity at a time when individuals or individual households who may be impacted by planning and development decisions have not had the same freedom to engage with each other, not just simply giving their input into the process but engaging in a co-ordinated way around input into the process.

In that sense, I have a strong concern about the proposal to make some of the changes in this Bill permanent. While it is fine to modernise systems, if we do so in a way that leaves people out, if we change our consultation process to upgrade it but effectively leave out those who need to be consulted, that is not adequate. I am concerned by the changes to section 11 of the principal Act and the idea that could potentially lead to a scenario where all consultation takes place online. It is perhaps worth reminding ourselves that 55% of people in Ireland are not considered to have strong digital skills. We might be confused by seeing the high-rise buildings of the many digital platforms headquartered in Ireland, many of which are very familiar with navigating the planning process, but Ireland is 17th out of 24 countries in terms of digital literacy. Some 55% of the adult population between the ages of 18 to 65 are qualified as having low digital skills. It is not enough that there is consultation if it is not consultation that everyone can access.

Given that the Minister is amending the Bill anyway when it comes to Committee Stage, I urge him not to make that a permanent change in section 11. If he is bringing the Planning and Development Bill 2020 back to the Houses again, let us examine a roadmap towards making such permanent changes, if they be needed. If, however, the Minister is asking for a particular measure in response to Covid-19 while inserting a permanent change in policy, that requires a different level of scrutiny. I suggest that the Minister does one or the other. If these are measures around Covid-19 and responses to similar emergencies, so be it. If these changes relate to the Aarhus Convention, public consultation, and the right of every person, be they or be they not skilled in navigating digital platforms, to be heard, to exercise their rights and to have a say

in the environment in which they live, then that is a separate discussion. I urge the Minister to separate these issues and to remove the sections of this Bill that make those changes permanent. I will be challenging that on Committee Stage, although I would prefer if we were able to have a proper and more robust discussion. I recognise that the amendment the Minister intends to bring to the Dáil is a small step but it is not adequate. That amendment would require a public meeting but it could still be online. I look forward to further debate on these issues.

Senator John Cummins: I thank the Minister for bringing this important legislation before the House. He has been criticised in some quarters for expediting the Bill through the Seanad without pre-legislative scrutiny by the committee. As a member of that committee and as someone who was at the meeting referred to by Senator Warfield, it is disingenuous to try to twist the reality of how this Bill came before us. I accept fully the Minister's bona fides and the comprehensive letter he supplied to the committee explaining the urgency of bringing this Bill to the Seanad and why pre-legislative scrutiny could not happen. It is important that that is clarified, given what Senator Warfield said.

Senator Fintan Warfield: On a point of order, I understand that a vote was taken and the proposal was defeated.

Acting Chairman (Senator Shane Cassells): Please address the Chair. We are not engaging in a to-and-fro here.

Senator John Cummins: I accept that the measures in this Bill are immediately required to enable the planning authorities to proceed with their development plans. In many cases, especially in local authorities like my own in Waterford, as well as those in Limerick and Tipperary, which are amalgamated, their development plans should have lapsed in 2016, 2017, 2018 or 2019. They have been extended beyond their life as a result of the amalgamation and because the authorities are awaiting the national planning framework and the regional planning guidelines. It is important that, while we ensure consultation takes place, these development plans are not delayed any further. They are so important for the future development of our cities, towns and villages across this country.

I am sure the Minister will clarify what has been referred to as the permanent amendment and I certainly do not believe it is his intention to permanently replace in person public meetings. Rather, the amendment would be used as an option in circumstances such as those we face with at the moment in the Covid-19 pandemic. It will allow further enhanced consultation to take place in the future. While we have to look at our older generation and their ability to engage in the planning process, we equally have to accept that in order for our younger generation to engage with the planning process we must modernise it and engage them in ways that are not onerous and do not require travelling to a public meeting. I ask the Minister to clarify that in his response.

I also ask that his Department gives further clarity to local authorities regarding their process of engaging with their own members on the development plan process. Some of my former colleagues on Waterford City and County Council have criticised the fact that some of these meetings have been held online. While that is necessary at the moment, as we go further through the stages of the development plan process they should be held in person insofar as possible. We all know from our experience over the past number of months that although technology is fantastic, engaging in person is far more effective. I thank the Minister for bringing this Bill before the House and I look forward to his response.

Acting Chairman (Senator Shane Cassells): I call Senator Keogan.

Senator Sharon Keogan: I thank the Acting Chairman. It is great to see a Meath man in the Chair today.

Deputy Darragh O'Brien: It has been a tough week for them.

Acting Chairman (Senator Shane Cassells): Do not mind him.

Senator Sharon Keogan: I thank the Minister for coming to the House. Public meetings are the cornerstone of local government and are central to the participation of all citizens and members of the public in local democracy. This has been the way since the birth of western democracy. Some 2,500 years ago people would gather in the agora in ancient Athens for political, judicial, commercial, social and religious activity.

Section 11(3)(b) of the Planning and Development Act 2000 reads, “a planning authority shall hold public meetings and seek written submissions regarding all or any aspect of the proposed development plan and may invite oral submissions to be made to the planning authority regarding the plan.” This section refers to that fundamental and foundational aspect of democracy, the public meeting. The public meeting is an important vehicle where people can quite literally voice their opinions, ideas and concerns to those who govern and can listen to their response. The development plan of a local authority can have a significant and lasting impact on the physical surroundings, amenities and environment of a community and those who live in it. Therefore, it is of the utmost importance that the ability to meet physically in person is not limited in any way. The new section 11(3)(b), as proposed in section 2 of the Planning and Development Bill 2020, would read:

a planning authority—

(i) shall consult with members of the public in such manner ... as it considers appropriate, and invite submissions in writing from members of the public, in relation to a proposed development plan, and

(ii) may invite oral submissions from members of the public in relation to a proposed development plan.

This section would make the holding of a public meeting subject to the discretion of the planning authority. I am glad the Minister will be amending it. According to the current amendment, it would no longer be a legal obligation to hold a public meeting when a planning authority is reviewing a development plan. Rather, the authority would merely have to consult with members of the public as it considers appropriate. The manner in which the proposed consultation would take place would be determined completely by the planning authority. This amendment weakens the democratic process and weakens participatory democracy. Making a public meeting optional undermines a key cornerstone of local government, one that has existed since the dawn of democracy.

I have grave reservations about this amendment, based on my own experience of having previously served my community as a county councillor. Other forms of consultation are not optimal and if a meeting were to be held online via Zoom or some other app, it could be prejudiced against people who are not IT literate and those in rural areas who do not have reliable broadband. Certain demographics would be prejudiced and excluded from the democratic pro-

cess in 21st-century Ireland. There are 500,000 people in this country who cannot even read. Too many people are already being alienated and left behind. We should always seek to empower people and enhance the role of citizens in government and democracy, thereby respecting the subsidiarity principle of European Union law. While I acknowledge that the advice of the Attorney General has been sought in drafting the Bill and that the preservation of public participation was a consideration, I have doubts that this amendment achieves that or that it is in the true spirit of the principle of subsidiarity.

Notwithstanding the opinion I have expressed, if this amendment is to be passed, it should be accompanied by a sunset clause to ensure that the amended section 11(3)(b) would expire on 9 June 2021 along with all the other Covid-19 restrictions unless it is extended by means of a resolution passed by both Houses of the Oireachtas prior to this date.

Will this legislation affect the amendment stage of the development plan and, if so, how? Councillors in Meath will be in work every day until 15 December going through the development plan. It is a major task, particularly for new councillors who have not had the proper training on development plans and are obviously at a loss as a result. Someone mentioned that the development plans are really important. In 2014, across the country 17,000 ha were zoned to deliver 414,000 houses. Therefore, there is no hurry with development plans. I just wanted to put that out there.

I will always pat the Minister on the back when he does a great job. However, in the past 24 hours two homeless men in their 40s have died, one very close to this building. I ask the Minister to please tackle the homelessness issue in the country.

Senator Martin Conway: I believe this is my first opportunity to welcome my good friend and colleague, the Minister, Deputy Darragh O'Brien, to the House. He was the Leader of the Opposition in Seanad Éireann from 2011 to 2016 during which period he was constructive in the way he dealt with the role. His constructive approach will percolate right into his Ministry. We want to see problems resolved. Politicians are there to solve problems. If there were no problems, we would not be here. To get someone of his calibre to take responsibility for solving the problems in housing is a very good fit. He has a deep understanding of the challenges of housing, having been in politics for most of his adult life in this city.

Senator John Cummins: Hear, hear.

Senator Martin Conway: I very much look forward to what he will achieve. I know of his dogged determination and he will deliver.

I echo what Senator Cummins said about this legislation. It is essential to continue the important work of local government and the process of passing county development plans. The pandemic has changed how we do business in the country. The Bill enables local authorities who are going through the development plan process to continue holding their public engagements, which they are statutorily obliged to do while using modern technology. When the legislation that preceded this was introduced, everyone was able to hold public meetings; it was not an issue. Nobody envisaged a situation where we would not be able to hold public meetings, public consultation processes and so on for development plans.

Along with others, I really encourage the public to engage more with their county development plans. In my county, Clare, submissions for the latest county development plan closed on Monday. It is a plan that will follow through on a number of steps. I encourage people who are

watching today's debate to read the development plan and make their views known to the local authority and to their councillors. We need people to engage more in the process and share their views, experience and knowledge bearing in mind that many people living in County Clare, as in other counties, have travelled the world and seen good ideas abroad. We want to draw on those good ideas and suggestions to feed into what is the bible in planning and development for the coming years in our county, as it is in every other county.

On the principle of encouraging people to participate more in county development plans, the Minister should consider embracing modern technology. Sadly, in my view, social media is probably viewed more than local newspapers, and observed and listened to more than local radio stations. I do not know whether it is good for democracy, but it is not going to change, and we are where we are. As with other aspects of life, county development plans need to embrace that modern technology to try to reach a bigger audience and elicit the views of many more people. This legislation is important because it broadens the toolkit of local authorities to do that. It allows us to live with Covid - that awful phrase. It allows local authorities to continue with their development plans. It gives the Minister the flexibility to be flexible during this crisis.

I wish the Minister the very best of luck. I know he will initiate many Bills in this House because he knows the value of the House.

Senator Aisling Dolan: I welcome the Minister to the House. I am very happy to see this Bill introduced. It is important that we are providing ways for local authorities to come together. I know how difficult it is. Many Senators were recently local authority members. Galway County Council is trying to hold its plenary meetings by bringing 40 to 45 councillors together in large GAA halls at the moment.

The county development plan is very important, and this legislation is really about the county development plan. In my area in Ballinasloe we are looking at developing areas for residential use and for industrial use. We are crying out for office space. The local authorities have encouraged and received written submissions. If we are doing this in an online way, we need to ensure there is communication allowing people to join in. With so many online meetings, it is very hard to galvanise people to get involved in the process of submissions and consultations.

Before I became a councillor, I probably did not understand the impact a county development plan has on my local area for five years. It has enormous repercussions. This is a crucial period for all the towns and villages in Ireland to plan for the coming five years. It needs to be cross-departmental. As Senator Fitzpatrick said, it is an enormous process taking place over nearly two years. As I only became a councillor in 2019, I have not been through it previously, but I am seeing it now and looking at it from a little further away in this House. We need to find a way to incentivise people to participate in the consultative process. When we have these online consultation measures, local authorities should have targets for the minimum number taking part in these meetings or in representative groups.

Is it possible for me to share time? I forgot to mention it at the beginning. I wish to share time with Senator Ahearn.

Acting Chairman (Senator Shane Cassells): Senator Ahearn will have five minutes on his own.

Senator Aisling Dolan: My final comment is on timelines for planning developments. Again, I am very familiar with a local one. I refer to a permit, nothing to do with planning as

such, for the operation of a waste transfer station and I am involved in the campaign about the inappropriate location. The challenge we have is that there is no extension to the 25 working days for people to respond and make submissions. Especially with Covid, and we have just gone through a lockdown level 5, there is no way to galvanise or engage with the community. I have a huge concern that community groups are literally fighting. We have already gone to the High Court where we fought, under the habitats directive, to protect a piece of ground and challenged Galway County Council. I ask for consideration to be given to extending timelines for planning and permit applications if we engage in more level 5 lockdowns during the year ahead because the county council has not allowed an extension with the current level 5 lockdown. I thank the Minister for his time.

Senator Garret Ahearn: I probably will not need five minutes and I can accommodate Senator Burke if he is happy to share time.

Acting Chairman (Senator Shane Cassells): We can accommodate whatever.

Senator Garret Ahearn: I will only take two or three minutes so either way. If Senator Burke is next on the list, it is fine.

I welcome the Minister to the House and it is a pleasure to have him here. I congratulate him on his appointment and wish him well. He has hit the ground running. He will certainly have my support and that of Senators on this side for the work being done.

This legislation that has been brought forward today is very welcome and I support it. Obviously the function of the legislation is to support the local authorities going forward. In a time of Covid they are having an awful lot of difficulties. The legislation seeks to facilitate public consultation whether that is in person, which we cannot do at the moment but we will see where we are in the new year. If it is not possible to do that through public consultation or public meetings then it should be done online or using Zoom or Webex.

It is important that we promote public participation and I encourage people to participate as much as possible in county development plans. We have started the Tipperary county development plan 2022 to 2028. It is so important for the public to give their views on plans so I encourage people who want to see their town or county progress to use county development plans as an opportunity to get involved. I do not mind whether that is done through traditional public meetings or through another facilitation using Zoom so long as people give their views on how they want to see their constituency and county develop over the next number of years.

We need to focus on one planning issue. In my own county of Tipperary many people have applied for planning. As they want to live in rural areas they might seek to live just outside of a local town. I know that we encourage people to build and live in communities and not in what we would class in Tipperary as the middle of nowhere but we need to focus on areas that are very close to town centres but are classified as agricultural areas. There is a restriction so people who are not from a farming background or do not own 30 acres of land will be unable to live in the area. Albeit these people work in a town or give back an awful lot to the region in which they live, they still cannot build in the area. I am lucky that I live on my own farm that is quite a distance from town but not everyone has an opportunity to live in the area. People are trying to live much closer to towns than in the past but they are not getting planning permission because of provisions that were brought through six, seven or ten years ago. That situation needs to be looked at certainly from the perspective of Tipperary.

In terms of the legislation today, I fully support it. However, we need to promote and advertise it as much as possible so that people can engage and give their views. I again welcome the Minister and thank him.

Senator Paddy Burke: I welcome the Minister back to the House. I wish to share my time with Senator Currie unless she gets time herself.

Acting Chairman (Senator Shane Cassells): At this point only one person has offered to speak after the Senator. If Senator Currie is here then I can add her name to the list. There are eight minutes remaining to be shared between both Senators. There is also time for the Minister to come back in.

Senator Paddy Burke: The Minister has said that the Bill will not be a cost to the Exchequer. However, section 3 of the Bill states that he must do this in consultation with the Minister for Health and the Minister for Public Expenditure and Reform. Why, if the Bill will not be a cost to the Exchequer, must he consult the Minister for Public Expenditure and Reform? Is it just a case of the Department of Finance shoving its weight around the place? I would say that is probably the case.

I welcome the Bill and wish the Minister well with it. The legislation will put a lot of extra pressure on councillors because they will have further consultation with the public and, therefore, have an increased workload. I know that the Minister has the Moorhead report and should make a decision in relation to that.

Acting Chairman (Senator Shane Cassells): I urge the Senator to not stray into such territory.

Senator Paddy Burke: I am not. This Bill will place an extra workload on local authority members.

Deputy Darragh O'Brien: I know.

Senator Paddy Burke: The Minister knows what he must and should do. The Government has very ambitious renewable energy plans for up to 2030, particularly for the east coast from Wexford to County Louth where it is planned to generate 3.5 GW of electricity. As of now, we have only 25 MW generated by a very small offshore farm on the Arklow Bank. The Marine Planning and Development Management Bill will come before the House shortly but there is a crossover concerning An Bord Pleanála. Has An Bord Pleanála the expertise and resources to deal with the ambitious plans the Government has for renewable energy, which is massive compared with what we have? I like to think that the resources available to An Bord Pleanála will be taken into consideration and that whatever it requires will be dealt with, maybe not in this Bill, but somewhere because there is a crossover with the other Bill that will come forward.

As a result of today's Bill there will be a change in work practices because as more people work from home, less office space is required but garden offices will be required. In the last year or two an office space, back garden shed or whatever in Dublin was refused planning permission. Throughout the country there will be a sea change in work practices with people working from home. Will the Minister offer advice to local authorities and their members on changed work practices when they compile development plans going forward? With that, I wish the Minister well with his Bill.

Acting Chairman (Senator Shane Cassells): That completes all of the listed speakers with three minutes remaining. As Senators Currie and Davitt have not spoken, I ask them to take a minute and a half each before I bring in the Minister to reply. Is that agreed? Agreed.

Senator Emer Currie: I will be fast. When I was a councillor, the Minister's brother was mayor.

Deputy Darragh O'Brien: Was he okay?

Senator Emer Currie: Of course he was okay. I have one or two points to make. It would be a good idea to establish guidance on best practice for running public meetings online and for online consultations. I appreciate the speed at which things have changed but how things have been handled has varied dramatically between different local authorities and the National Transport Authority, NTA. We have had some experience with Iarnród Éireann in this regard. It is important that a review of what has worked and what has not be carried out urgently so that we can establish what is best practice from the start. People were trying to cope and, in some cases, it did not work out very well. In the case of Iarnród Éireann's consultation, it was left to communities to figure out some very technical information for themselves in the middle of level 3 restrictions. That caused a great amount of stress. If public meetings are held on matters that really affect a community, there will be hundreds of people on the call. A consultative interactive process in which people feel like they are getting answers to their questions is required. This is really important. With regard to the Minister's modernisation agenda, a hybrid model is preferable if we are to ensure universal access.

I welcomed the Minister's announcement last week with regard to co-living. A suburban cul-de-sac in Castleknock was never the place for co-living. That application is with An Bord Pleanála. I hope the board listens to its inspector and the Fingal County Council planners in that regard.

Acting Chairman (Senator Shane Cassells): There are actually an extra couple of minutes available if the Senator would like two minutes more.

Senator Emer Currie: No, I have finished. I thank the Acting Chairman.

Acting Chairman (Senator Shane Cassells): The Senator was working with the good O'Brien.

Senator Aidan Davitt: Before the Minister winds up, I will compliment him on all the good work he has done in this Department. He has shown great initiative. He has been bounced around by bad luck, as has everyone else, as a result of the pandemic. It certainly has not helped the Minister to fulfil some of his expectations but I know he is working hard to maximise output in the housing industry. This legislation is forward-thinking, as are the bits and pieces that Senator Currie just mentioned on which the Minister has given promises.

I will raise one issue of which the Minister might take cognisance in the future. I refer to the national planning framework and Project Ireland 2040. We have a crisis in housing, which the Minister is certainly doing his best to work on. In Westmeath and Meath, the process of drawing up county development plans is ongoing but constraints on numbers in certain hubs and areas are causing serious complications in counties such as Westmeath, Meath and Longford. When a lot of this was put together, we were in a different place. There was a downturn in housing and an economic crisis. Much of this forward planning was carried out at that stage.

As the Minister knows, it really only came to fruition in 2019 but a lot of work had gone into it over the previous five or six years. The Minister is new to his Department. This planning was done before he came into his position. I sincerely feel that Project Ireland 2040 should be reviewed and that a lot of it should be put on ice for now.

I see this all over the country in my interactions with different councillors who tell me about the complications in their own areas. In Westmeath, there are logical places to zone for development in towns like Castlepollard, Kinnegad and Rochfortbridge. I refer to infill sites, for example. I have been made aware of one particular example in Castlepollard, although I will not mention any names, in which a builder had built a certain number of houses and had given the 20% allocation to the council. We were delighted to get some housing on the back of the development. He had another 4 acres which had been dezoned under the previous development plan which he sought to have rezoned. It had all the services. He wished to build more houses which would have allowed for more social housing and housing for the general public. This application was refused as a result of the constraints under which Westmeath County Council finds itself as a result of new development plan guidelines.

This is blatantly wrong. It does not make any sense. There are crunches because of the numbers involved. The main thrust of the development plan was aimed at bigger hubs such as Athlone or Mullingar. Towns like Kinnegad, Castlepollard, Rochfortbridge and so on will suffer on the back of this. If we are serious about the divide between rural areas and the cities, we must support well-established towns in rural areas. If we do not, we will face serious problems. That is a fundamental result of the Project Ireland 2040 plan and no one will tell me otherwise because it is there to be seen. It is laid bare in all of the county development plans being drawn up across the country at present.

I know this is not totally within the terms of the debate for which the Minister is here today and I sincerely appreciate all the good work he is doing. He has been thinking outside of the box, which I hope bears fruit for him. I sincerely ask, however, that he look again at the Project Ireland 2040 plan because it is causing an untold number of problems throughout the country.

Acting Chairman (Senator Shane Cassells): I thank the Senators. This debate has shown their depth of knowledge regarding the issues pertaining to this particular Bill. Many Members have worked on county development plans in their previous lives. Today's debate has shown their appreciation of the nuances involved and their consciousness of the realities of the process and the importance of public engagement. As there are no other Senators offering, I will now call on the Minister to conclude.

Minister for Housing, Local Government and Heritage (Deputy Darragh O'Brien): I thank Members for their contributions and for the points they have raised, all of which I have taken note of and some of which I will do my best to respond to today. We can come back to some of the others on Monday, but all of the points have been taken on board.

At the outset, I will mention an issue which was raised by a Senator today. I refer to a very tragic death in the vicinity of this House. I am loath to comment on specific cases, as the Senator may understand, because each case is a tragedy for the family of the person involved and for his or her case worker if he or she had been engaging with emergency services. I feel it acutely when people die in such tragic circumstances. We discussed aspects of this matter in this House last night as well. It is important that people know that this specific tragedy is unrelated to emergency services and emergency bed facilities. There is emergency bed capac-

ity in every city in this country. There was spare capacity last night. We have made sure that our winter plan is in place. My priority, above planning processes, development plans, Covid and all else, is to eradicate homelessness and to keep our most vulnerable people safe during the pandemic. I commend all of those workers who are on the front line every single day of the week in our local authorities. I meet many of them in the Dublin authorities regularly. I have a homelessness task force including all homelessness partners which convenes weekly. I want to put that on the record of this House but I will say no more about it to respect the privacy of that individual and his family.

With regard to the points that have been raised, there has been a lot of discussion around our plans *vis-à-vis* public consultation, whether in person or online. Perhaps I was not as clear as I might have been, although I thought I was, but meetings under section 11(3)(b) relate to issues at the consultation stage of development plans. This is the preliminary, pre-draft stage which involves very little consultation, if any.

In my view, this would improve that further. Obviously, Members will have the course of the week to look at that, but it will be open to authorities to hold online or in-person meetings, or both, into the future, and that is why I think it is a good thing. I have seen that consultation work very well.

The Senator rightly discussed, as did Senator Cummins, bringing in newer generations and people who do not necessarily tend to engage with these types of process, and I see Senator Dolan and others agreeing. We want to get more people involved, increase access and have more transparent meetings. Many council meetings are streamed live, for example, my own local authority in Fingal and that of Senator Currie has been streaming both area and full committee meetings for years, and that is a good thing. It does not exclude anyone, and I would not be so presumptuous or ageist to say that just because people are older, they will not be able to access meetings or will not have the ability to do so. I think that is incorrect. Some have alluded to the idea of where there is an older population, they may not be able to access online meetings, but I disagree. My own father is 85 years of age and is more than capable of accessing many different things, including meetings. The point is that this concerns the pre-draft stage, and it relates to development plans only, but what it might do is help in other consultations, and I have seen it in practice.

3 o'clock

Senator Currie has made a very fair point about other consultations and how they are managed and following good procedure within them. It is not just a case of putting all the information online and leaving it to people. It requires us to do more, and that is why I signed an order, and went further and issued draft standing orders from my Department to every single local authority to permit them to hold their meetings remotely, in person or using a combination of both, if they wish. It is up to each local authority to adopt these orders, to bring in their own standing orders, and they can even decide vote remotely. There were some criticisms initially, with people claiming that this was a diminution of local government, and I cannot understand why anyone would say that. If anything, it makes it safer for people, potentially, but it leaves it up to the local authorities themselves to decide how they want to do it.

Many points have been raised and I will speak on a few items. On the issue of construction and all its ancillary services, I was slightly concerned when a few Senators spoke of their desire to pause the planning process. We fought very hard to have construction and ancillary services remain open during level 5 restrictions, and there is a reason for that. The initial shutdown earlier this year has actually meant that our housing delivery will be substantially behind what we

need, with somewhere in the region of 16,000 to 18,000 housing completions being delivered in total by the end of the year when we need to be building and delivering about 33,000 per annum, based on the ESRI research that my own Department commissioned. We are living with this pandemic at the moment and there is light at the end of the tunnel, thankfully, and there is good news in respect of vaccines, but we are going to be living in this type of scenario right into next year. I think it was Senator Higgins who raised the point of pausing planning right now, but I think that would be an absolutely retrograde step. There is nothing to be feared from what is being brought in today. If anything, it creates a more transparent system and, as has been mentioned by Senator Dolan, a hybrid type system, which is what I would encourage people to do to allow more people to be involved.

Senator Boyhan raised a number of points in respect of a sunset clause, as did a number of other Senators, including Senator Moynihan. I do not believe we need a sunset clause. It relates to section 11(3)(b), which is the pre-draft stage, so maybe they want to consider that, but I have taken the points raised by the Senators. From our perspective, we do need these measures brought in quite urgently, and I explained at the outset the issue with pre-legislative scrutiny. I cannot have a situation whereby, if there was an outbreak of Covid, and we hope that does not happen, in a particular planning authority or in An Bord Pleanála and staff are affected, the planning or building control system and the operation of it would be put at risk. That is why we need these measures to be put in place.

The RTB data amendment contained in the Bill simply allows those hearings to be carried out online to allow them continue. It is obviously not the optimum as we move through the pandemic, but it is to allow it.

In advance of Monday, just so Members are clear on the amendment that will be tabled, a draft of which I have with me, although I am not moving it now, obviously, as we are on Second Stage, it clearly states that a local authority shall consult with members of the public in such a manner which shall include the holding of a public meeting or an online public meeting, so it is one or the other, as it considers appropriate. Obviously members of local authorities will have an input into that. It also states that a local authority can invite submissions in writing from members of the public in relation to a proposed development plan, so it is at the pre-development stage, not when the draft is published, although I would expect and think it would be appropriate at that stage as well. The vast bulk, if not all, of our local authority meetings at the draft stage, when members are actually engaging with the development plan, are open to the public to see what is happening, or they are open to submissions. We want to see that.

Senator Burke raised the issue of resources for An Bord Pleanála and other pieces. The marine planning and development Bill is well advanced, but that issue is outside the remit of this debate. I will talk to him separately about it.

I thank the Senators for their time because they have been most accommodating and constructive in respect of two important pieces of legislation that have been passed recently. I do intend to continue to initiate legislation here because the debate here really informs what we can do in the Dáil and how we may move and tweak pieces of legislation. With the co-operation of the Senators, I will certainly be doing that again. A Senator mentioned the potential use of the guillotine procedure on Monday. The Order of Business of this House is a matter for this House itself, and it has nothing to do with me. I get a sense that the vast bulk of Members here today support the thrust of this legislation and understand the urgent need for it to be passed. I therefore thank them for their co-operation today. I have noted all the points that have been

raised, even though I have not been able to cover all of them, but I will respond to other points on Monday.

Question put and agreed to.

Acting Chairman (Senator Shane Cassells): When is it proposed to take Committee Stage?

Senator Mary Fitzpatrick: Next Monday.

Acting Chairman (Senator Shane Cassells): Is that agreed? Agreed.

Committee Stage ordered for Monday, 30 November 2020.

Sitting suspended at 3.07 p.m. and resumed at 3.22 p.m.

Horse and Greyhound Racing Fund Regulations 2020: Motion

Senator Eugene Murphy: I move:

That Seanad Éireann approves the following Regulations in draft:

Horse and Greyhound Racing Fund Regulations 2020,

copies of which were laid in draft form before Seanad Éireann on 13th November 2020.

Minister for Agriculture, Food and the Marine (Deputy Charlie McConalogue): I am glad to be here today to discuss this issue. An important pillar of Government policy is to ensure the horse and greyhound racing industries have achieved their maximum potential and, in doing so, contribute to economic and social development across a wide geographic swathe of the country. Those industries make a valuable contribution to our economy. It is estimated the thoroughbred industry has an annual economic impact of €1.9 billion, with direct and indirect employment of 9,000 people, and the greyhound sector provides an estimated 12,000 people with economic benefit. The thoroughbred industry, in particular, brings a high level of international investment into Ireland.

Government funding, in addition to supporting these key industries, presents an excellent opportunity to yield a high return for its investment leading to a flow of income right through the economy, thereby providing widespread benefits to our society.

The Irish equine breeding and racing industry is extremely competitive, as the Members will know, at a global level. We are the third biggest producers of thoroughbred foals in the world and estimates place Ireland only behind the United States in being the biggest seller of bloodstock by public auction globally. Time and again, successive Governments have acknowledged the importance of these industries and have supported them through legislation and policy initiatives. The support provided by public funds through investment in these industries has enabled Ireland to develop a world-class reputation for excellence in horse racing and greyhound racing and in breeding.

The current Covid-19 pandemic poses particular challenges for Horse Racing Ireland, HRI,

Rásaíocht Con Éireann, RCÉ, and the industries as a whole. The Government's plan, Resilience and Recovery 2020-2021: Plan for Living with Covid-19, does not provide at any of the levels for a return to full commercial operations. This will impact significantly on the finances of HRI and RCÉ both this year and up to the end of the timespan of the plan in June 2021. It is essential in these circumstances therefore that additional Covid-related supports are made available to HRI and RCÉ, reflecting costs incurred and changes to the trading environment.

These industries receive financial support from the State through the Horse and Greyhound Racing Fund, under section 12 of the Horse and Greyhound Racing Act 2001. My Department makes payments from the Horse and Greyhound Racing Fund to HRI and RCÉ. In the period 2001 to date, a total of €1.36 billion has been paid from the fund to the horse and greyhound racing industries in accordance with the provisions of the Act. The cumulative upper limit on payments from the fund, provided for under the relevant regulations has therefore been reached.

Exchequer funding provided from the fund is crucial to the survival and continued development of the horse and greyhound racing industries. In order to give effect to the provisions of budget 2021, this cumulative upper limit must be increased by regulation. The Estimates for my Department, passed by both Houses as part of budget 2021, include an allocation of €96 million for the Horse and Greyhound Racing Fund. This will be distributed in accordance with section 12(6) of the Horse and Greyhound Racing Act 2001, with 80% or just over €76 million going to the HRI and 20% or €19.2 million going to RCÉ.

In order to allow my Department to provide the moneys allocated in budget 2021, it is necessary to comply with the technical requirement under section 12(13) of the Horse and Greyhound Racing Act to increase the cumulative limit on the amount payable from the Horse and Greyhound Racing Fund by €96 million to some €1.46 billion. This is achieved by way of the regulations submitted to this House today. The aggregate limit on the Horse and Greyhound Racing Fund has been increased in this manner in 2004 and in 2009 to 2020, inclusive.

Regarding the horse racing industry, the 2017 Deloitte report into the economic impact of Irish breeding and racing, commissioned by HRI, indicates that the total direct and stimulated expenditure of the Irish breeding and racing industry was estimated at €1.84 billion in 2016. In addition, it is estimated that there are 15,200 jobs at the core of the racing and breeding industry or in directly related industries.

Horse racing generates a very significant return to the rural economy in Ireland and a positive international profile for our country. Behind all the facts and figures are the thousands of men and women who, directly and indirectly, make the Irish racing and breeding industry what it is today.

The HRI 2019 annual report indicated another successful year for the Irish racing and breeding industries. The focus on ownership leads to a further increase in the number of horses in training and to more horses competing. There was also an increase of more than 3% in attendance figures for 2019 and an increased demand for Irish horses at the sales, which was welcome, particularly given the uncertainty as a result of Brexit.

As proven in 2020, albeit mostly behind closed doors due to Covid-19, Irish owners, trainers, jockeys and horses are setting high standards globally and their stellar achievements and enduring influence underscore Ireland's international prominence. The Irish equine breeding and racing industry is extremely competitive at a global level, despite other major racing na-

tions having much larger populations and economies.

It is worth noting that Government funding, in addition to supporting this key industry, also presents an excellent opportunity to yield a high return for its investment leading to a flow of income right throughout the economy. Support for certain strategic industries is important for future economic growth and can provide widespread benefits for society, as well as for the wider economy.

HRI has engaged extensively with my Department and other key stakeholders on the significant risks to the industry as a result of Covid-19. It has reviewed a number of scenarios and financial forecasts that have taken appropriate measures to mitigate the financial impact to the organisation and the wider industry. The significant threat posed by Brexit to the current ease of movement of horses between Britain and France, in addition to the global nature of major breeding operations, illustrate that while Ireland arguably now has leadership position within Europe, our pre-eminence is not guaranteed.

On the greyhound racing industry, according to the 2017 Power report, the industry provides and supports considerable employment both directly and indirectly across the Irish economy. It is estimated that in 2016, the industry supported over 5,058 full-time and part-time jobs in the economy. In addition, there are over 7,000 active greyhound owners. The total number of people deriving economic benefit from the sector is estimated at over 12,371. The funding being provided to the greyhound racing sector helps sustain a long-standing tradition as the industry is part of the social fabric of our country. This funding underpins economic activity in what are, in many instances, less affluent regions of the country.

The future of the industry is dependent on a strong governance platform and on the industry having the highest standards of integrity and welfare, founded on a strong regulatory system. Provisions in the Greyhound Racing Act 2019, which came into effect in May 2019, will make a real difference. This legislation strengthens the legal basis for the industry, with a view to fortifying the integrity of the greyhound racing sector and improving provision for greyhound traceability. The new Act will improve the governance of *Rásaíocht Con Éireann*, strengthen regulatory controls in the industry, modernise sanctions and improve integrity within the sector. It provides the industry with real tools with which it can effect fundamental change and reform. The sections of the Act commenced on 1 October 2020 signal a new era for the greyhound racing sector. They facilitate the board in focusing on its priority objective of achieving the highest standards of care and welfare of greyhounds. The Greyhound Racing Act 2019, when fully implemented, will enable *Rásaíocht Con Éireann* to ensure the important heritage associated with greyhound racing in Ireland can continue under the appropriate rules and regulations.

The greyhound industry is predominantly a rural industry with a strong urban support base. The Covid-19 crisis has, similar to other sectors of the economy, resulted in a collapse of commercial activity in greyhound racing and a significant reduction of activity generally. Recovery of the industry will require ongoing support to aid restoration of normal levels of activity and to adequately manage the welfare issues that arise. The betting tax was increased from 1% to 2% in budget 2019 and contributes €95 million to the Exchequer as of the 2019 figures.

Given the wide geographic distribution of these two industries, they are fundamental to the achievement of a more balanced regional economic growth. Relieving the burden on our major urban centres and nurturing rural economies is a key priority for the Government. In this context, these industries should be given recognition for the considerable contribution they

make to rural economic activity and employment. The welfare of horses and greyhounds is a cornerstone of both industries and I am assured that HRI and RCÉ are striving to ensure the highest standards for the sport and its participants, on and away from the racecourse. The horse and greyhound racing fund has played a key role in providing this investment and has been instrumental in shaping the destiny of these industries.

Brexit poses an array of substantial threats to the Irish economy, and coupled with the fact that we are a small and open economy that is naturally prone to volatility, it is difficult to predict what the future holds. It is therefore crucial that we support these important industries that are facing the perils of Covid-19 and of Brexit as we enter into 2021. Accordingly, I am seeking the support of the House to ensure that Horse Racing Ireland and Rásaíocht Con Éireann receive the funding provided for in budget 2021 and that the important role played by these industries, and the economic activity generated by them, are sustained into the future. I commend the motion to the House, and I look forward to discussing any matters arising.

Senator Garret Ahearn: I thank the Minister for his statement and I welcome him to the House on the first time I have had the opportunity to do so. Senator Lombard would have liked to have been here but he could not do so and he wanted it put on the record of the House and to let the Minister know that the Minister has the Senator's full support on this motion.

The horse and greyhound racing fund was established for the specific purpose of giving support to the horse and greyhound racing industries. It enables the State bodies to develop and provide economic support to the industries in their entirety and helps stimulate economic activity in areas with few employment opportunities. It is estimated that there are 15,200 jobs at the core of the racing and breeding industry or in directly related industries. The 2019 annual report for HRI indicated another successful year for the Irish racing and breeding industries and that the focus on ownership led to a further increase in the number of horses in training and in more horses competing. In 2019, there was also an increase of over 3% in attendance figures and there was an increased demand for Irish horses at sales, which was welcome, given the uncertainty of Brexit.

Successive Governments have acknowledged the importance of these industries and have supported them. The support provided by public funds through investment in these industries has enabled Ireland to develop a world class reputation for excellence in horse racing, greyhound racing and breeding. The horse and greyhound racing industries make a huge contribution to our economy, especially in rural Ireland in counties like my county of Tipperary. It is estimated that the thoroughbred industry has an annual economic impact of €1.9 billion, with direct and indirect employment of 29,000 people. The greyhound sector provides an estimated 12,000 people with an economic benefit. As the Minister said in his statement, these are the people and communities behind the 29,000 people who I mentioned. These are people in small communities like my community in Tipperary.

We are fortunate in my county to have a brand such as Coolmore that employs so many people directly and indirectly in Fethard and in the wider Tipperary region. It is good to our community and it gives back an awful lot in terms of both racing and in the community in general. I am sure the Minister is aware that Coolmore has been productive in trying to support Fethard as a community. It worked together with the Department of Rural and Community Development to start the new Fethard town park. A combination of 27 communities around the area have come together to build a new park, bringing sports clubs and organisations and communities together to provide a space for that area. That was done because of the commitment

and support from Coolmore.

It is not just about supporting organisations. Every parish in Tipperary, and every parish in rural Ireland I am sure, has small stud farms, horse owners or greyhound owners, and it is about supporting them. We have made decisions in the Government to support so many sectors of society in the last six months, whether it is the retail sector, businesses or multinationals. It is all about trying to help sectors of society that are financially struggling through Covid-19. The horse racing and greyhound racing sectors are no different and they need support, especially at this time. I commend the horse racing industry. Since racing returned in June when a decision of the Government allowed racing again behind closed doors, it has given an awful lot of joy to people.

As the Minister knows, people who own animals, including horses and greyhounds, are animal lovers and they treat their animals with huge respect. I know that from the Department's perspective, animal welfare issues and related issues are important. When the Minister replies, could he develop on how the Department will monitor how much is being spent by RCÉ on welfare? That is central to this. Could the Minister expand on the traceability system and what it will provide for? Will there be a traceability system for all greyhounds?

Regarding greyhound tracks, will the restaurant facilities at the stadia be operating in accordance with Covid-19 protocols? I believe the restaurant arrangements should operate as a single operation within the stadia, as was the case last July and August.

My final question relates to a local issue in Clonmel. What is the position regarding the private racetracks? There are six of them throughout the country, in Lifford, Longford, Thurles, Enniscorthy, Kilkenny and Dundalk. There is one in Clonmel as well. There have been ongoing issues with Clonmel racetrack and the Davis Road Greyhound Stadium PLC. They have had engagement to try to arrive at a resolution. The new stadium was built in the early 2000s. It is important from the perspective of the people who were part of that consortium and put in a great deal of effort over the past number of years to try to keep the stadium afloat. Does the Minister agree with me that the importance of greyhound tracks such as Clonmel must be protected and supported, and that there must be engagement between both sides to ensure there is a resolution and that Clonmel Greyhound Stadium can be supported into the future?

I thank the Minister.

Senator Victor Boyhan: I welcome the Minister. We met yesterday evening at the Oireachtas Joint Committee on Agriculture and the Marine and discussed this issue at length. I will not repeat some of the issues I raised there. I have an interest in racing and am a regular attendee at Punchestown, The Curragh and Naas in County Kildare and, of course, Leopardstown which is quite close to where I live. I wish to put that on the record. I am a supporter of the industry and wish to use my time to discuss horse racing and the work of Horse Racing Ireland.

Horse racing and horse breeding are an integral part of agriculture, rural life, rural development and the rural economy. They are massively connected, both directly and indirectly, with rural employment. More than 90% of all owners of brood mares in this country are farmers who have fewer than four animals. That is extraordinary. The issue is that farmers across this country are keeping brood mares. There are very successful breeding programmes. It does not suggest that breeding and the keeping of brood mares are centralised by ten or 15 studs. Of course, they contribute enormously to it, but 95% of people keep fewer than four brood mares

on their farms. That is particularly important.

The export of horses and inward investment are enormous. International owners choose to avail of this country for their equestrian and horse activity in terms of breeding. Yes, there are attractive tax regimes in place for that, but one must put that up against the success in terms of income and particularly employment in rural communities, where it is quite difficult to get employment. There is the issue of online betting and the revenue it produces. It has been suggested that revenue from betting is well in excess of €100 million, so there is an income from betting in the industry.

I said something yesterday and I will put it to the Minister again. This morning, I looked at the report from Indecon Economic Consultants. These consultants produced extensive reports on both Irish racing and HRI as well as the greyhound industry. There are issues in that regard that need to be revisited. I do not suggest we need another report on horses or greyhounds. We should dust down the Indecon Economic Consultants reports on both sectors. In addition, Deloitte produced an extensive report and made numerous recommendations relating to Horse Racing Ireland, which I believe should be examined.

We cannot discuss this sector without mentioning animal welfare. We are providing a substantial €96 million, which has been approved in the budget. The provision in the 2001 Act is that it gets the approval of both Houses of the Oireachtas. We are doing that today. There should be some conditionality and expectation, some way of measuring animal welfare issues in respect of funding. That is very important.

I note from the draft copy of the statutory instrument we are discussing, which the Minister and the Ministers, Deputies Donohoe and Michael McGrath, will sign, that the cumulative aggregate effect of all this money will be €1.46 billion for racing and dogs on an 80% to 20% break. That is a huge amount of money, and I do not have a difficulty with it in terms of the sport, the breeding, the economy and the benefits of it. However, it is an enormous amount of public money so, therefore, the conditionality in this regard is something I ask the Minister to examine again. Some €96 million has been approved by the Dáil to be provided in the budget.

A number of people have suggested to me that there are issues with governance in both organisations. I have looked at the most recent report of the Comptroller and Auditor General, which I understand is waiting on the Minister's desk to be signed, and I am satisfied with regard to the audited financial statements for Horse Racing Ireland and the greyhound industry. Having read them thoroughly, I am happy with the protections, guidance and reassurances the Comptroller and Auditor General has given us. It is a comfort to be able to say that. The Comptroller and Auditor General has looked at these accounts and issued his reports. There are strong, healthy recommendations in the reports, which are worth having.

Horse Racing Ireland has an amazing strategic plan, and those who do not have it should get it. It is important that we look at it and keep it to the fore. I give a commitment that I will continue to keep this issue to the fore in the Oireachtas committee, as I know my other colleagues will.

Finally, there is an issue with the Tripartite Agreement relating to the movement of blood-stock. Currently, it is approximately 25,000 per year between Ireland, the UK and France. That is a significant transport route in terms of both racing and breeding and the to-ing and fro-ing of animals coming through Europe, but mainly from France. The tripartite arrangement exists

between France, the UK and Ireland, but things will change from 1 January with Brexit. There are already discussions about this and people in the sector are seriously concerned. Will the Minister share how those talks are going and how we are going to find a resolution to the movement of bloodstock across this country, into the UK and to France by ship and road? That is a critical question and I hope the Minister will give attention to it.

I thank him for coming to the House and for his comprehensive speech on these matters.

Senator Eugene Murphy: I welcome the Minister and thank him for coming to the House to discuss an issue that can cause passion and on which there will be different views. As always in this House, there will be a respectful debate from every side and, hopefully, we will reach a consensus.

Most people would agree that the horse and greyhound racing industries have a special place in Irish life and a fundamental position in Irish sport. They are crucial to our economy, intrinsic to our identity and are landmarks in our social and cultural heritage. There is an undeniable passion and enthusiasm for these sports across the country. It has been the long-standing policy of successive Governments to enable these industries to realise their maximum potential and, in doing so, to play a part in the economic and social development of our nation. I remind Members that those were Fianna Fáil Governments, Fine Gael and Labour Party Governments, the Fine Gael, Labour Party and Democratic Left Government, Fianna Fáil and the Progressive Democrats Governments and the current Government of Fianna Fáil, Fine Gael and the Green Party. Under all Governments in this country there has been support for the industry.

Given the wide geographical dispersal of the two industries, they are important to the achievement of more balanced regional growth. In this context, the considerable contribution the industries make to rural economic activity and employment must be acknowledged. I offer the example of the racing scene in Roscommon, Sligo, Ballinrobe in Mayo, Kilbeggan in Westmeath, Limerick, Navan in County Meath, Wexford and Thurles in Tipperary. There are race meetings all around the country, without counting the Dublin venues in that. The Curragh in Kildare is another. One must remember that the volume of economic activity created by those events is very important to our economy. Between the horse and greyhound industries and associated jobs, we are talking about in excess of 30,000 jobs if everything is taken into account. I have done my own calculations on that.

I understand the passion of some people around animal welfare. I think we all accept that in some areas animal welfare was an issue but there are 14 greyhound stadiums around the country in places such as Mullingar and Galway, Tipperary, Cork and here in Dublin; I think the Longford one is gone. Those meetings throughout the year generate a great deal of economic activity in those areas and a considerable number of jobs.

It is important that we look at Covid and what it has done to the business, as the Minister said. Like every other part of Irish society, Covid will have a significant impact. It is important when we talk about increased funding in the area, that we realise the great dent in the amount generated in that business.

Before I conclude, I wish to address animal welfare. I acknowledge the Minister's remarks here that, given all the moneys granted to those boards, animal welfare must be a serious consideration. We must take into account that there has been a lot of progress in animal welfare. I will give a few examples. The Greyhound Racing Act 2019 has a traceability model to enable

tracing of racing greyhounds throughout their lives. The board tendered for the establishment of a traceability system for racing greyhounds in early 2020 and it is expected that the traceability system will be delivered to RCÉ, probably very shortly. Incentivising and rehoming of greyhounds in Ireland through additional supports through the Irish Retired Greyhound Trust is established and operated by RCÉ. With the establishment of a separate greyhound care fund and the opening of care centres for retired greyhounds while they await rehoming, the welfare of greyhounds remains a priority for RCÉ and was a key consideration during the suspension of racing activity. Between 24 March and 8 June 2020, RCÉ implemented a Covid-19 greyhound care payment scheme of €2 per day in respect of each active greyhound. The Department of Agriculture, Food and the Marine has received assurances that the board remains committed to the protection of the integrity of the greyhound industry and to promoting the welfare of greyhounds. The Department is also assured that all necessary resources are being committed to those ends. Greyhound Racing Ireland has been implementing an ambitious care and welfare programme through the setting up of a care fund in 2019; notwithstanding the collapse in commercial revenues arising from the impact of Covid-19 and resulting impact on care fund income, greyhound racing is committed to increasing the spend on care and welfare as part of its overall programme. There are many other issues I could mention.

The people of Ireland, and the people of rural Ireland, love their animals. I was brought up on a farm with a love of animals, of cattle, sheep and one's dog or horse. Who would have a horse on their land? All small farmers from humble backgrounds had. I think that Irish people are the same today. I am totally in favour of the welfare of animals and improving that but we must be resolute in supporting the horse and greyhound industry. There are a lot of jobs at stake but we must also be very serious about the welfare issue.

Senator Annie Hoey: Every time I stand up here, it seems like “Annie's confessions” and what anecdote I can bring to the House that is informing my political views. My views on animal rights are no secret, and that is what I will focus on. Like many in this House, I abhor animal cruelty. We have a long way to go towards living in harmony with our furry, scaly and winged friends.

We are a country of animal lovers but we are also a country that, at times, has had a poor track record in accountability for animal cruelty. There are no circumstances, personal or commercial, where it should be permissible to excuse or overlook animal cruelty. We have relatively decent pro-animal legislation here but there is sometimes woefully poor enforcement. Every so often, an image appears online of some dreadful, heinous animal cruelty such as a poor mare with its hooves overgrown. People pile on and exclaim how awful it is, and ask “whatever can we do about it?” but it is rare that the perpetrators are held to account. There is a variety of reasons for that, including tracing, but we do not hold the perpetrators of animal cruelty to account the way that we could and should do. One reason is because it takes money to do that effectively.

The Health and Welfare Act 2013 was a significant step forward for animal welfare in Ireland. The ISPCA and DSPCA inspectors are authorised officers under the Act. They can instigate investigations into cruelty. However, these charities - and they are charities - only have enough funding for a small team of inspectors making it impossible to enforce the law effectively across the country. All welfare charities have to share approximately €3 million, with the rest done on goodwill, volunteers and fundraising. My family fundraises regularly for Drogheda Animal Rescue, a small organisation in desperate need of funding to help the animals in its care. I must confess when I hear some of the eye-watering figures mentioned today in

relation to the industry we are discussing, I find myself reeling, thinking of my poor mother standing on West Street in Drogheda for a flag day trying to raise money so we can feed some animals in the rescue's care. A lot of money has been invested in this industry and I posit that perhaps we need to consider how much money we are investing into animal welfare. If we compare the billions to the couple of million for animal welfare for some of the charities, it is an enormous gap. Animal welfare charities often do this work off their own bat, on the goodwill of volunteers and not a lot of State support.

We do not do nearly enough about animal welfare in Ireland, which is the Minister's responsibility. There are other things in this area we need to look at such as the microchipping of dogs. Local authorities spend a great deal of time having to chase up where dogs come from. There are issues around pounds and proper resourcing for staff in the Department of Agriculture, Food and the Marine and local authorities are key to the full enforcement of the Animal Health and Welfare Act, the Dog Breeding Establishments Act and equine legislation. We do not need a nanny state where we chase after every animal owner - the vast majority of animal owners are good, kind people. People have spoken about animal lovers involved in the industry but better resourcing and support is needed in the sector. The people who flout the law must be held to account and I do not think that anyone would disagree with that. I am sure it is very frustrating to see people give animal lovers a very bad name. We have heard the discourse on this over the last week. Unfortunately, really serious incidents of cruelty and the abhorrent treatment of animals have come to the fore, and those people seem to get away with it. That is something that drives people's personal convictions around that.

I am aware that I have gone somewhat off track but I wanted to focus on the animal welfare issue. There needs to be tougher sentencing for those found guilty of animal cruelty. There should be higher fines and jail sentences, and, in the most serious cases, life bans on keeping animals to stop those found guilty of animal abuse from reoffending.

Many have spoken of the people behind the industry. I wanted to take a moment to reflect on the animals behind the industry for whom the Minister also has responsibility. I suggest things such as funding of the charities that are responsibility for the animal welfare that sometimes get left to deal with the knock-on consequences of this industry should be examined.

We need to look at how we can fund this better to support those people who are doing really important work around animal welfare and charities. This can be quite a divisive issue and people are on both sides of it, but people who come to this with a genuine love and care for animal welfare would really appreciate seeing the Department and the Minister, Deputy McConalogue, taking that very seriously, putting animal welfare to the fore and that we are a nation of animal lovers, and that as a Government we are willing to put our money where our mouth is to ensure there is adequate funding to ensure all animals are taken care of.

Senator Lynn Boylan: I, too, wish to raise the matter of greyhound welfare as discussed at the Joint Committee on Agriculture and the Marine yesterday. I will address the matter of animal welfare, especially in the greyhound sector. I speak in opposition to the increase in funding of €2.4 million to the greyhound industry, which brings to €19.2 million the amount of public funds they will receive. I understand the importance of the greyhound sector to the local economy, and in particular for rural jobs, and there are members here today who rightly speak about that. It cannot be denied, however, that the attendance levels at greyhound race meetings have dropped by 55% since 2008. I am no expert but any industry that is faced with this type

of decline in interest surely has to stop and ask what is going on and why are people turning off from what it has to offer.

I am no fan of greyhound racing. Personally it is not my bag. I do not like rugby either but at least rugby players get a choice in the matter of participating. I know a lot of people who love greyhound racing and I know many people who have attended racetracks as part of their work outings and social gatherings. One thing that continues to come up as to why those types of social gatherings are becoming less popular in workplaces and for communion, confirmation and birthday parties is that people are being turned off by the issues of animal welfare.

I am sure that the majority of greyhound owners treat their animals very well, but we cannot ignore that we have very serious issues around animal welfare in this country, and particularly in this industry. In 2009, on the back of a disgusted greyhound breeder who turned whistleblower, *The Irish Sun* ran a story about unwanted retired greyhounds being shot with bolt guns for as little as €10. In 2019, RTÉ broadcast an exposé called “Greyhounds Running for Their Lives” that showed very little had improved in the situation during the intervening ten years. Despite protestations by the Irish Greyhound Board about that programme, the Broadcasting Authority of Ireland dismissed the complaints and found that the programme was fair, impartial and balanced. It is now one year later. Yes, RCÉ, will say the situation has improved since that show, that it is ring-fencing funding for animal welfare, that it is implementing a traceability system, and that it is setting up care centres and working with animal welfare organisations to rehome the retired greyhounds. However, there are still concerns regarding that industry.

With any public funding that goes to an industry the public has a right to know that it comes with full transparency, accountability and the highest possible standard of animal welfare. The 10% care fund that we keep hearing about from RCÉ includes the cost of setting up and managing the traceability system. Anyone in industry will say that if traceability is a requirement of an industry, it is an operating cost. That is not an animal welfare cost and it should not be coming from the animal welfare budget. It is also vital that when this public traceability system goes up, it is completely publicly accessible and that the greyhound will be followed from birth to retirement to death. There needs to be an independent and rigorous inspection system of all greyhound breeders with regular reporting in a timely manner, again on a publicly accessible database.

While I would much rather the RCÉ code of conduct was put on a statutory basis, the bare minimum that we should expect is that any individuals who are involved in the receipt or distribution of money that comes from the care fund, which is public money, should be in full compliance with the RCÉ code of conduct. If evidence emerges, and I would recommend that people do a bit of googling, to show that there are people who are not in compliance with the code of conduct, they should be removed from any role involving the management or receipt of the animal welfare fund. That includes breaching the code of conduct on the sale or export of greyhounds to countries that do not have similar or higher standards of animal welfare to Ireland.

It is ridiculous that we give public money to an industry that deliberately overbreeds and then praises itself for using the same public money to address the consequences of the overbreeding. It is completely inappropriate that thousands of greyhounds are bred every year only to be then sent to shelters for rehoming, including transporting them across the Atlantic to the US, and what that might do for carbon footprints. Greyhound breeders are repeatedly given permission for their bitches to breed in excess of what is recommended and set out in law under

the Welfare of Greyhounds Act. There absolutely has to be a cap on the number of greyhounds being bred. It is simply unsustainable to produce 6,000 dogs every year and then expect to find homes for them. These animals live for 14 years. Where are all these dogs going? Where are we rehoming them to? Yes, we all know that greyhounds make great pets and they are beautiful animals, but they are sighthounds and they have particular needs and requirements.

I put it to the Minister that the greyhound industry has a choice. It can clean up its act, implement a humane breeding policy, and can have full traceability and accountability, or it can continue with this business as usual approach. In that case, all that will happen is more and more people will get turned off from the industry. People are turning away in their droves because of the animal welfare issues. I get it that people have said it is important for rural jobs, but they need to clean up their act and address the animal welfare issues. That is the only way this will be sustainable. Public money cannot come without standards and, without the evidence to date, I cannot justify any increase in funding to the industry.

I agree with Senator Hoey that there are animal welfare organisations doing incredible work on a pittance.

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

Senator Lynn Boylan: Others spoke for longer than I did. Those organisations could do with the €2.4 million.

An Leas-Chathaoirleach: I understand Senator O'Reilly is sharing time with Senator Martin.

Senator Pauline O'Reilly: I am sure that people are quite anxious to hear the views of the Green Party today. Having listened to Senator Boylan, one could be forgiven for thinking that she was almost arguing against the greyhound industry when in fact her own party is in favour of the greyhound industry, as are the Labour Party, Fianna Fáil and Fine Gael. We are in a situation where we do not have the political will to ban an industry that the Green Party would like to see the end of. We have very different views on horse racing, and I will let my party colleague speak about that. I fundamentally do not understand the argument that one would support an industry and support funding to an industry but not support workers in the time of Covid. That is the first thing I will say.

I want to talk about animal welfare because it is really close to my heart, and close to the Green Party's heart. We argued and fought our corner in the programme for Government negotiations, and we have the biggest support for animal welfare in this programme for Government. Many here have mentioned the welfare organisations who are struggling, with which I completely concur. In the programme for Government there is a doubling of funding for animal welfare organisations within two years. That has never happened before in a programme for Government. There will also be the phasing out of fur farming, the ending of badger culling and many other measures, including the enforcement of laws, as referred to by Senator Hoey. The laws are there but they are not actually enforced. This is what we need to address.

We also want to see new policies and new laws put into place, and part of this is to develop an urban horse welfare programme. Many of the Members who may have been on city councils will be aware that we have an issue with horse welfare in our cities and towns.

I believe the Minister when he says he is going to address the issue of the welfare of dogs

within the industry, because it is fundamental to the Green Party. We believe that under this Government we will see an end to the kind of cruelty that was on display in the RTÉ programme last year and that was mentioned by many. We can see rehoming programmes, homes for retired dogs and an end to the killing of animals we all love, have in our homes and profess to care for.

Without any further mention of that, I will leave it to my colleague to speak about horse racing.

An Leas-Chathaoirleach: I thank the Senator for her impeccable timing.

Senator Vincent P. Martin: I am sure the Minister is aware that the very fine Kildare equine tradition is second to none, not just in Ireland but in the world. Its potential is probably still unfulfilled. Kildare should be the world leader and headquarters of the equine industry. If one were to put together what the Crucible Theatre in Sheffield means to snooker, what Alexandra Palace means to darts and what Wembley Stadium means to the FA Cup Final, one would still not fully appreciate the love and care for horses in Kildare and also the economic dividend they provide. Horse Sport Ireland is working very hard, as the Minister knows, under the able stewardship of Joe Reynolds and many others such as Avalon Everett and John Moran. They are doing great work in Covid times. Horse Sport Ireland has about 25 affiliates, including horse breeding. It would like that put on a statutory, regulatory footing. Its activity generates 14,000 jobs and €816 million in income each year. Three separate teams have qualified for the Olympics next year, from dressage to showjumping, eventing and paralympic dressage. Over €1 billion is generated from Horse Sport Ireland's spiritual cousins in horse racing, with over 28,000 direct and indirect secondary jobs provided, 1.3 million attendees at Irish racing events and €1.84 billion in total direct and indirect stimulus for the Irish economy. Off-course expenditure by racegoers is estimated to be €145 million.

I have one appeal today. Horse Sport Ireland in Naas is doing great work but it has a temporary home. I would not like to see Horse Sport Ireland leave the county. We need a collaborative approach. I appreciate that this will be a cross-departmental approach, from tourism to sport to agriculture. The Minister of State, Deputy Heydon, in my neighbouring constituency of Kildare South, is very enthusiastic about this and always was. Horse Sport Ireland is like Croke Park and Semple Stadium. They are the spiritual home of the GAA. The spiritual home of the horse is Kildare. We do not want to see it fragmented. We do not want to see Horse Sport Ireland relocate its HQ outside the county. I live very close to Punchestown. They do great work there. They are very generous to the public in allowing them to use the grounds for walking, and share the grounds and so many other amenities with local communities. Under David Mongey and so many of his predecessors, Punchestown has been put on the map. They have lots of space and huge potential in a collaborative approach, from mounted games to pony clubs and disabled riders. They have a HQ, only on a far bigger scale than Abbotstown. They have lots of land and huge potential. We could bring tourism from throughout the world to Punchestown if we could sit down with the Minister and make sure we do not miss this opportunity.

I forgot to congratulate the Leas-Chathaoirleach. I know he is a passionate Cavan man. He had a brilliant week, as had Tipperary. I commiserate with the Minister from Donegal.

An Leas-Chathaoirleach: That is very gallant and sporting of the Senator. I thank him. Senator Ruane is next. I understand she wishes to share time with Senator Higgins. Is that agreed? Agreed?

Senator Lynn Ruane: I thank the Minister for being in the Seanad. I welcome the fact that we have been given the opportunity to debate the motion, an opportunity unfortunately denied to our colleagues in the Dáil. I imagine that the denial of such an opportunity was the impetus for the motion on the greyhound racing industry brought before the Dáil this morning by Deputy Cairns and the Social Democrats, an extremely important and worthwhile initiative that I wholeheartedly support. The motion before us is straightforward. It authorises almost €1.5 billion to the horse and greyhound racing fund under the Horse and Greyhound Racing Act 2001. What has not been provided to us in any real way, however, is an adequate justification from the Government for forcing the decision to continue to provide such substantial State financial support to a loss-making industry with a long structural record of cruelty to animals and to increase that allocation to the industry by over €2.5 million compared with 2019.

We have all seen and spoken about the “RTÉ Investigates” documentary from last year which detailed the truly appalling and unspeakable acts of violence committed against animals as part of this industry. It is an industry that kills over 6,000 dogs a year simply for not running fast enough. I cannot comprehend how an industry that has been proved so conclusively to be using such widespread cruel practices would be rewarded with increased funding. It is just unfathomable. If the RTÉ programme has not been deemed sufficient grounds for radical reform, I wonder what it would take. What additional cruelty would have to be revealed before the Government would consider reviewing State funding to such an industry? This is an industry that received over six times more State money than the total State funding allocated to animal welfare organisations combined. If the level of abuse and mistreatment revealed on the “RTÉ Investigates” programme does not give pause for pursuing a State policy of continuing and increasing funding to the greyhound industry, what would it take? Even if we set aside the decision to increase funding and only consider the extraordinary level of State support given to the industry, I am strongly of the view that public funds have to be used in a way that promotes the public good. What public good is served in this case?

In Fergus Finlay’s article in the *Irish Examiner* yesterday, he states that the average attendance at a race meeting in one year was 288 people per race. This comes after a decade of sharp declines in attendance that leaves Ireland as only one of a handful of countries in the world that allows dog racing. This industry is failing and we are choosing to prop it up, and for what purpose?

I recognise that the industry employs many people across the country, particularly in rural Ireland, the vast majority of whom likely have a great love and affection for animals. However, the revelations over recent years show that the fundamental structure of the industry is ultimately built on exploitation of, and cruelty towards, the animals at its very centre. We would fully be able to gradually unwind State support for the overall industry while also providing alternative employment and educational opportunities for the industry’s workers, much as has been done for those affected by the Bord na Móna closures. This would be doable if the political will were there and if the Government was willing to act. In the previous Oireachtas we passed the Greyhound Racing Act 2019. The Seanad played a leading role in strengthening and improving that legislation, and improving the provisions relating to dog welfare. We proposed a ban on the export of greyhounds to countries with terrible welfare records and this was rejected by the Government. I urge the Government to use the opportunity provided by this new national debate to reconsider such a ban, easily justifiable under EU trade law through the Article 36 exemptions to unitary trade action by a member state explicitly on animal welfare grounds.

Senator Alice-Mary Higgins: We have heard about the improvements to welfare in the

industry. It is really important to be clear: any of these improvements have not come about by goodwill or a sudden revelation, or even simply because a documentary exposed the horror of the current practices within the greyhound industry. The changes to greyhound welfare have happened because the industry was made to change. Senator Ruane talked about the fact that we pushed for a ban on exports of greyhounds when the Greyhound Racing Bill was going through the previous Oireachtas. We did not succeed in getting that ban into the Bill at the time, but Senator Ruane and I did succeed, with the support of others, in passing a requirement for a vet to be on the board of the Greyhound Racing Ireland and a requirement for retirement and rehoming planning. That is the reason there is a rehoming strategy now for Bord na gCon. It is because it was required to produce such a strategy. That is why we need a firmer and stronger regulatory approach to these issues. We have heard about the rural and community aspect of racing. Let us be clear that this is an industrial-scale activity, and not a community activity, when 6,000 dogs are being bred each year for execution because they are not fast enough. There is perhaps a role for the continuation of this industry, but only if it completely changes. I support the proposals Deputy Cairns put before the Dáil because they were intended to transition this sector, scale it down and make it something which can be defended at some stage. It cannot be now.

I also note that at a time when there is great need in the animal welfare area, and other areas, as has been mentioned, the State is subsidising this sector. The betting levy has gone down from 10% in 1999 to 2% now. Ladbrokes Coral made a profit of €720 million this year. If there is to be additional funding for this sector, let it come from those who profit from the suffering of the greyhounds, namely, the betting industry and not from the Exchequer.

Senator Paul Daly: I declare an interest in this sector, as I am the acting voluntary chairman of Kilbeggan racecourse. I would fit into Senator Boyhan's category of horse breeder, being the owner of one brood mare and her offspring, which I could call very slow horses.

An Leas-Chathaoirleach: I should point out that it is now four minutes for each speech.

Senator Paul Daly: I have a serious interest in this sector, and I take exception to some of the remarks that have been made. I know they were made in good faith and with the best of intentions for the sector, but all those remarks seem to relate to the animal welfare side and to emanate from the famous "RTÉ Investigates" programme. While I cannot, and would not, justify anything that was seen on that programme, that was a rogue element. Some 99.9% of animal owners, including horse and greyhound owners, have more time for animals than for humans, spend more money on animals than on humans and treat animals better than humans. I stand accused of this in my own house, and I am not alone in that regard. It is unfair that good animal owners, animal trainers and animal lovers are tarred with the one brush.

I compliment Senator O'Reilly and I can see exactly where she is coming from. She is an eminent spokesperson, but we will not agree on this issue politically. There will not be the breadth of a cigarette paper between us when it comes to dealing with animal welfare issues during the term of this Government. On the back of the famous television programme which keeps being quoted, we had numerous meetings and inquiries. The Minister was on the agriculture committee with me during the last term, when the Greyhound Racing Act 2019 was introduced. It must be given a chance to come to fruition. Representatives from what was then Bord na gCon and is now RCÉ appeared before the committee. The governance of that organisation has been changed, as has how it deals with animal welfare. A traceability system is being introduced, which is long overdue and probably should have been there before. It is coming

now, however, and it will be comparable to the bovine traceability system, which works 100%. It is possible to trace a calf from birth, through its life and to death.

I will not recite again the number of jobs in the industry, because those are facts and without them Ireland would be dead. Two groups have not been mentioned here today - the horses and greyhounds. They are natural racers, jumpers and runners. What do we do if we do not continue with and support these industries? What do we do if we do not love, mind and train these animals to do what they were born to do and what is in their natural DNA? Putting a greyhound in a pen behind a house or running around the garden is not enough. When a greyhound is born, it is in his or her nature to run, race and hunt. Horses are the same. If we stand these animals in a field and look at them, we can see that it is in their DNA to run, race and jump. Once they are minded and the husbandry is correct, which as I said is the case with 99.9% of the people who have these animals, that is what the horses and greyhounds also want to do.

I support the funding. I have two questions for the Minister. The additional funding is Covid-related. It is vitally important that the Minister works with HRI and RCÉ to ensure this money filters down to the people who suffered most during the pandemic. I refer to the small breeders, owners and trainers. The breeders cannot sell their horses now because the sales have moved to England as that is the market. The second question concerns Brexit and animal welfare in that context. There was mention of the tripartite arrangement. I hope it will still stand after Brexit has been negotiated, but we are hearing that regardless of the outcome of Brexit we are going to have long queues at our ports. I refer to the transportation of horses, and thoroughbreds in particular. They are very finicky animals when out of their usual environment. We must try to evolve a slip lane for the transportation of livestock and bloodstock through our ports, if we do witness the predicted delays.

An Leas-Chathaoirleach: We will get everybody in if we are very strict on adherence to time. I call Senator Buttimer.

Senator Jerry Buttimer: I welcome the Minister to the House and I support this motion. As we have heard, horse and greyhound funding is controversial. I understand and appreciate the sentiments of some of my colleagues. It is important, however, to put this debate in context. Sport Ireland has allocated €85 million for sport in our country, which all of us herald, promote and support. We are announcing funding today for the greyhound and horse industry which provides jobs, support and enjoyment. Many of us have an interest in this area, and I was the part owner of a greyhound several times. Senator Paul Daly is right. Those of us who own or have owned animals are concerned about their welfare during and after racing.

I would like if in the debate we would not divide and conquer but base this on real facts. In some parts, we are basing this debate on a programme which revealed activities which none of us would condone. A rogue element, a minority, was involved and we condemn it out of hand. I agree with Senator Paul Daly regarding the points made by Senator O'Reilly. They were well made. Let us, however, ensure that we recognise the 50% increase which the Government has included in budget 2021 for animal welfare, allied to the work of Greyhound Racing Ireland on traceability and animal welfare to support the industry.

Senator Boylan is correct that there is a fundamental difficulty, and that is why the Indecon report was published. If we read that report, it states that in Great Britain, New Zealand, Western Australia and New South Wales over the past decade there has been a decline in greyhound racing. The Senator is correct about that and I completely concur with her in this regard.

The issue of animal welfare is one which we, universally, must tackle. We should not, however, demonise the industry in respect of the actions of rogue elements. That is the fundamental point. I also commend councillors Eileen Lynch and David McManus for their work on greyhound welfare.

I ask members of the House to stand on the Curragh on Derby day, go to Cheltenham on Gold Cup day or over to Melbourne or Kentucky and look at the acclaim which the Irish horse receives in those places. I refer to breeding, competitiveness and winning, and our jockeys with them. Are we saying, to an element, that we want to get rid of all that? I hope we do not. The Indecon report on the greyhound industry recommended root and branch reform. I am speaking in the context of the Cork and Youghal tracks. I hope it will be part of the Minister's remit to allow us to look at how we can transform, in a post-Covid world, or a new world with Covid, the use of those tracks in Cork and Youghal. I refer to promoting them and using them for conferences in order that they can become income and revenue generators for the greyhound industry.

I will finish by saying to those who have said there has been no change that they need to look at the whole issue around animal welfare. There is the halfway house scheme, the rehoming programme, the financial incentive for the rehoming of greyhounds, the foster-to-adopt scheme, the track financial support scheme, the confidential phone line that people can use regarding welfare issues and the injury at tracks support scheme. An education allowance is being given and there is a code of practice for the care and welfare of greyhounds. All these are being implemented, and as Senator Daly mentioned, the traceability element must be pursued to its finish.

I invite all Members in the House who are opposed to this motion to go to Coolmore to speak with the owners of horses, and to speak with the owners of greyhounds, to see what it really means to us all. Please do that and let us not demonise one another. This is a very important industry that our country requires. We will make changes and we have made changes.

Senator Sharon Keogan: I welcome the Minister, Deputy McConalogue, to the House as it is the first time we have had the opportunity to address him. I wish him every success in his ministerial post.

I welcome the opportunity to speak in favour of this motion to provide State funding to Horse Racing Ireland and Greyhound Racing Ireland in 2021. Horse racing, the thoroughbred industry and greyhound racing are vibrant and important parts of the culture and economy of this country, particularly the rural economy and rural life. We have a long and proud tradition of horse racing in Ireland and the steeple chase began in Cork in 1752. Horse racing in Bellewstown in County Meath, where I am a volunteer member of the committee, took place in 1726. The money we get from Horse Racing Ireland every year is constantly improving facilities there for animal welfare. We welcome that.

Horse racing provides direct and indirect employment of 29,000 people, generating €1.9 billion annually for the economy. Ireland is the third-biggest producer of thoroughbred foals in the world and we attract significant interest and investment globally as a result of our high standing in the sector. Significant employment and economic benefit is derived from greyhound racing too.

The Green Party might be more appropriately called the grey party as it seems to be hell-bent on draining rural life from every bit of colour and human vibrancy. It tried to kill off the

hunt in this country and now it seems to want to kill greyhound racing. What is next on the list? Are we going to be banned from fishing in our lakes and rivers?

Nobody supports cruelty to animals and I support any reasonable measures to ensure animal welfare. It is interesting to hear some Members today speaking about animal cruelty and welfare, referencing the 6,000 dogs killed each year, and yet they show no compassion or remorse for the 6,600 babies killed each year, helped by funding from the HSE.

Senator Lynn Boylan: Stick to this debate.

Senator Sharon Keogan: I did not interrupt Senator Boylan and it is very unfair of her to do it to me. I find astonishing these Members support such measures. I am really astonished by that. Not only are some Members of this House trying to depopulate us with abortion but they also want to target breeders by curtailing how many pups they can breed.

At the same time as supporting any reasonable measure to guarantee animal welfare, it is important to acknowledge the fact that the overwhelming majority of farmers, horse and dog breeders love their animals and care for them properly. It is right to support these important industries, which are part of our culture and history. They provide entertainment, employment and economic benefit, so I am quite happy to support today's measure.

An Leas-Chathaoirleach: My sincere apologies to colleagues but by the order of the House, the debate must end presently. I did not make the order.

Senator Paddy Burke: The Leas-Chathaoirleach might name those of us who did not have the time to contribute to the debate.

An Leas-Chathaoirleach: The Senators who will not have time to speak are Senators John Cummins, Paddy Burke and Seery Kearney.

Senator Mary Seery Kearney: It is really important to note that our colleague, Councillor David McManus, was called a liar in the Dáil today and the record must be corrected. The figures given by the Minister are correct and our colleague indicated those exact figures on employment.

Minister for Agriculture, Food and the Marine (Deputy Charlie McConalogue): I thank everybody who contributed to the debate in the House this afternoon. It was important to have the debate and to provide oversight of the spending of the horse and greyhound fund. Between yesterday and next Tuesday I will have appeared on four occasions in one week in the Houses of the Oireachtas to discuss the horse and greyhound fund. Senator Ruane mentioned earlier that it would not be debated in the Dáil but it will be next Tuesday. It was discussed at length before the agriculture committee yesterday and in the Dáil this morning as part of a Private Members' motion. It is being discussed in the Seanad now and it will be discussed in the Dáil next Tuesday. We could not be accused of not properly teasing out these matters.

Technically, it is a requirement every year that we seek the approval of both Houses for additional allocations in the fund. As I outlined in my opening statement and many Members mentioned in the Chamber, there is value in both the horse and greyhound racing industries to the country, those who participate in them and the economy and employment. It is important that we, as a Government, support those economic activities and recognise them as an important part of rural traditions and heritage, as well as urban heritage. In the greyhound sector in

particular there is a strong urban heritage for the sport.

Many of the contributions indicated the importance attached to welfare and I absolutely concur with that. It is crucial. Both Horse Racing Ireland and Rásaíocht Con Éireann are clear in ensuring the best welfare measures are implemented and that practices continue to improve. There has been particular comment on the greyhound sector in recent years and it is something Rásaíocht Con Éireann has taken very seriously. It is committing a minimum of 10% of funding it received towards continuing to increase animal welfare measures and supports that are in place.

I know many contributions referred to the traceability system that is currently being put in place and that is really important. Some of the funding is going to that. There is also rehoming support and care homes, and the funding will help continue those in the year ahead. State funding is dependent on those high standards being followed and implemented.

I ask for the support of the House with this funding. The increase particularly relates to Covid-19 as for much of the year, neither industry has been able to hold races nor have they had racing behind closed doors, thereby losing much revenue. I know there is not unanimous support for this and some people are clearly not in favour of spending public funds in this regard. The majority are in favour of it and recognise the value and importance of the industries. Some Members are very much in the middle of the road, and one of the benefits of speaking to this on up to four occasions in the course of a week is that I can see the various different approaches even within parties. I note Sinn Féin in particular in this regard, and the views depend on which Member I speak to. Over the past two or three years the view of those Members very much depended on who they were talking to as well. In 2016, 2017 and 2018, the party opposed the horse and greyhound racing fund.

Last year Deputy Brian Stanley said after the debate that Fianna Fáil, Fine Gael and the Labour Party should be ashamed for passing the motion and the obscene levels of funding. The party's spokesperson, Deputy Carthy, one year on was very much in favour of the level of funding passed last year but he does not want the increases for this year. We are seeing that Sinn Féin seems to be very much in favour of the industry but is just one year behind the curve. The party now supports the levels it saw as "obscene" and shameful last year. We look forward to seeing what will be the position of the party next year or even next week. I commend the motion to the House.

Question put:

The Seanad divided: Tá, 32; Níl, 10.	
Tá	Níl
Ahearn, Garret.	Bacik, Ivana.
Blaney, Niall.	Black, Frances.
Burke, Paddy.	Boylan, Lynn.
Buttimer, Jerry.	Gavan, Paul.
Byrne, Malcolm.	Higgins, Alice-Mary.
Carrigy, Micheál.	Hoey, Annie.
Casey, Pat.	Moynihan, Rebecca.
Cassells, Shane.	Ó Donnghaile, Niall.

Chambers, Lisa.	Sherlock, Marie.
Clifford-Lee, Lorraine.	Warfield, Fintan.
Conway, Martin.	
Crowe, Ollie.	
Cummins, John.	
Currie, Emer.	
Daly, Paul.	
Davitt, Aidan.	
Dolan, Aisling.	
Dooley, Timmy.	
Fitzpatrick, Mary.	
Gallagher, Robbie.	
Garvey, Róisín.	
Hackett, Pippa.	
Keogan, Sharon.	
Kyne, Seán.	
Martin, Vincent P.	
McGahon, John.	
McGreehan, Erin.	
Murphy, Eugene.	
O'Reilly, Joe.	
O'Reilly, Pauline.	
Seery Kearney, Mary.	
Ward, Barry.	

Tellers: Tá, Senators Robbie Gallagher and Seán Kyne; Níl, Senators Alice-Mary Higgins and Lynn Boylan.

Question declared carried.

Sitting suspended at 5 p.m. and resumed at 5.20 p.m.

Criminal Justice (Theft and Fraud Offences) (Amendment) Bill 2020: Committee and Remaining Stages

Sections 1 to 4, inclusive, agreed to.

SECTION 5

Acting Chairman (Senator Eugene Murphy): Amendments Nos. 1 and 2 are related, and may be discussed together by agreement.

Government amendment No. 1:

In page 5, between lines 30 and 31, to insert the following:

“(6)A person guilty of an offence under subsection (1) is liable on conviction on indictment to a fine.”

Minister of State at the Department of Justice (Deputy James Browne): The purpose of amendment No. 1 is to include a penalty provision in respect of section 5(1). This penalty is an unlimited fine on the basis that only a body corporate can commit the offence, a reference to a penalty of imprisonment would not be appropriate. Amendment No. 2 is a renumbering amendment which arises from the insertion of the subsection.

Amendment agreed to.

Government amendment No. 2:

In page 5, line 31, to delete “(6) In” and substitute “(7) In”.

Amendment agreed to.

Section 5, as amended, agreed to.

SECTION 6

Government amendment No. 3:

In page 6, lines 6 to 13, to delete all words from and including “Section” in line 6 down to and including line 13 and substitute the following:

“Section 45 of the Principal Act is amended—

(a) by the substitution of the following subsection for subsection (1):

“(1) An Irish citizen who engages in conduct in a place outside the State that, if engaged in in the State, would constitute an offence under section 42, 42A or 42B, or would constitute an offence of inciting, aiding and abetting, or attempting the commission of such an offence, shall be guilty of an offence.”,

(b) by the insertion of the following subsection:

“(1A) A—

(a) company formed and registered under the Companies Act 2014, an existing company within the meaning of that Act, or any other body corporate established under the law of the State, or

(b) person who has had his or her principal residence in the State for the period of 12 months immediately preceding the doing of the act concerned,

who engages in conduct in a place outside the State that, if done in the State, would constitute—

(i) an offence under section 42, 42A or 42B, or

(ii) an offence of inciting, aiding and abetting, or attempting the commission of an offence referred to in paragraph (i),

shall be guilty of an offence.”,

and

(c) by the substitution of the following subsection for subsection (3):

“(3) A person guilty of an offence under this section is liable on conviction to the penalty to which the person would have been liable had the person engaged in the conduct that constitutes the offence in the State.”.

Amendment agreed to.

Section 6, as amended, agreed to.

Sections 7 to 9, inclusive, agreed to.

NEW SECTIONS

Acting Chairman (Senator Eugene Murphy): Amendments Nos. 4 and 5 are related and will be discussed together by agreement.

Government amendment No. 4:

In page 6, between lines 26 and 27, to insert the following:

“Amendment of Criminal Justice Act 2011

10. The Criminal Justice Act 2011 is amended, in paragraph 23 of Schedule 1, by the insertion of “42A,” after “42,”.

Amendment agreed to.

Government amendment No. 5:

In page 6, between lines 26 and 27, to insert the following:

“Amendment of European Union (Passenger Name Record Data) Regulations 2018

11. The European Union (Passenger Name Record Data) Regulations 2018 (S.I. No. 177 of 2018) are amended, in paragraph 7 of Schedule 2, by the insertion of “42A,” after “42,” in the list of sections of the Principal Act.”.

Amendment agreed to.

SECTION 10

Acting Chairman (Senator Eugene Murphy): Amendments Nos. 6 and 7 are related and may be discussed together by agreement.

25 November 2020

Government amendment No. 6:

In page 6, line 31, to delete “and”.

Amendment agreed to.

Section 10, as amended, agreed to.

SECTION 11

Government amendment No. 7:

In page 7, lines 6 and 7, to delete “and Equality”.

Amendment agreed to.

Section 11, as amended, agreed to.

Schedule agreed to.

TITLE

Government amendment No. 8:

In page 3, line 9, to delete “the Criminal Justice Act 1994” and substitute “other enactments”.

Amendment agreed to.

Title, as amended, agreed to.

Bill reported with amendments.

Acting Chairman (Senator Eugene Murphy): When is it proposed to take Report Stage?

Senator Robbie Gallagher: Now.

Acting Chairman (Senator Eugene Murphy): Is that agreed? Agreed.

Bill, as amended, received for final consideration.

Acting Chairman (Senator Eugene Murphy): When is it proposed to take Fifth Stage?

Senator Robbie Gallagher: Now.

Acting Chairman (Senator Eugene Murphy): Is that agreed? Agreed.

Question, “That the Bill do now pass”, put and agreed to.

Sitting suspended at 5.27 p.m. and resumed at 6 p.m.

Inquiry into the Murder of Mr. Patrick Finucane: Motion

Senator Niall Ó Donnghaile: I move:

That Seanad Éireann:

- recalls the brutal murder of solicitor, Patrick Finucane, at his home in Belfast on 12th February, 1989;

- notes the evidence of collusion between loyalist paramilitaries, the British Army and the Royal Ulster Constabulary in the murder of Mr. Finucane;

- recalls the commitments made at the Weston Park talks in July, 2001, by the British Government to hold a public inquiry into the Finucane case, if so recommended by the Honourable Judge Peter Cory, it being clearly understood that such an inquiry would be consistent with the principles governing the Tribunals of Inquiry (Evidence) Act 1921;

- notes that Judge Cory found sufficient evidence of collusion to warrant a public inquiry into the case and recommended that such an inquiry take place without delay;

- recalls that, in his conclusions, Judge Cory set out the necessity and importance of a public inquiry in this case and that the failure to hold a public inquiry as quickly as possible could be seen as a denial of the agreement at Weston Park;

- deeply regrets the British Government's failure to honour its commitment to implement Judge Cory's recommendation in full and welcomes the sustained support of successive Irish Governments and all political parties for the Finucane family over the past decade in their efforts to find the truth behind the murder;

- notes the judgment of the European Court of Human Rights (ECHR) in Strasbourg in October, 2003, that proceedings following the death of Patrick Finucane failed to provide a prompt and effective investigation into the allegations of collusion by security forces' personnel in the murder;

- notes that in the 2012 review of the circumstances surrounding the murder of Patrick Finucane, Sir Desmond De Silva, QC, concluded firmly that British State Agents were involved in the targeting of Patrick Finucane and further that he was 'in significant doubt as to whether Patrick Finucane would have been murdered ... in February, 1989, had it not been for the different strands of involvement by elements of the [British] State';

- notes the judgment of the UK Supreme Court in February, 2019, that the British State has, to date, failed to conduct a proper public inquiry into the murder of Patrick Finucane that complies with its legal obligations under Article 2 of the ECHR;

- welcomes the commitment and efforts of An Taoiseach and the Minister for Foreign Affairs in pursuing the Patrick Finucane case with the Secretary of State for Northern Ireland and British Prime Minister Boris Johnson;

- endorses the Government's ongoing international efforts at highlighting the case at the Council of Europe in Strasbourg and at the United Nations;

- calls on the British Government to consider its position on the Finucane case to take full account of the judgments of the UK Supreme Court and the ECHR, as well as the inescapable significance of the murder of Pat Finucane to the people of Ireland, North and South, and the wider international community of democratic nations; and

- calls for the immediate establishment of a full, independent, public judicial inquiry into the murder of Pat Finucane, as recommended by Judge Cory, which would enjoy the full co-operation of the Finucane family and command the respect and confidence of all of the people on the island of Ireland and all persons committed to democracy, human rights and the rule of law worldwide.

I thank and welcome the Minister for Foreign Affairs, Deputy Coveney, here for tonight's debate. I also thank Pat Finucane's family for giving me and us the opportunity to raise Pat's case in the Seanad. I particularly want to welcome Mr. John Finucane, Pat's son, who is here with us for tonight's debate. It is ahead of a similar motion which will be debated at the Good Friday Agreement committee tomorrow, of which John is a member as the MP for North Belfast.

I did not know Pat. I was just four-years old when he was murdered. The community of the Short Strand, where I grew up and which I represented on Belfast City Council before being elected to the Seanad, knew Pat well. He was known well in communities across the North for exactly the same reasons as he was known in my homeplace. They knew him as a person to go to to protect them, their champion, defending their human and civil rights. They knew him as an intellectual powerhouse with a consummate legal brain, honed to perfection in one of Ireland's foremost institutions of learning, Trinity College Dublin. They watched him as he used his keen legal mind to protect people in the various courtrooms in the North on the receiving end of a justice system twisted beyond recognition from the jurisprudence that Pat studied as a young law student at Trinity. They knew that when Pat Finucane entered a courtroom, injustice, however it was presented, doctored or emasculated, shrivelled in the face of his rigorous interrogation and dismantling of it.

It was Pat Finucane's legal mind that those who killed him feared, effused as it was with a human rights ethos with his legal files, characteristically and firmly under his arm, as he rushed from one court building to another to defend a person in need and his advocacy for those who did not have the means to protect themselves from an overwhelming, omnipotent and murderous state. Pat Finucane was murdered because he knew the potency of the law, of truth and of justice. Those who killed him, from the loyalists who pulled the trigger that fateful Sunday afternoon to their masters in Downing Street, where the legal paper trail has taken the civilised world of lawyers and others, made a fundamental mistake. They underestimated Pat Finucane's legacy, human and legal. Their assassination plan did not account for the determination of Geraldine, his wife, and their children Michael, Katherine and John. It did not take into account the legal minds of Michael and John, honed like their father's mind, to navigate a carefully constructed maze of deceit and delay, manufactured by those covering up the truth and denying the family justice, namely the British Government. It did not take into account the determination of Pat's faithful and loyal friend, colleague and legal partner, Peter Madden.

In preparing for tonight's debate, I have been speaking with Pat's son John. John followed his father, as did his brother Michael, into the legal profession. He is also the Sinn Féin MP for North Belfast. I appreciate we have political business here tonight. However, I would also like Members to take a moment to think of Pat's family, Geraldine, his wife, and their three children,

Michael, Katherine and John, as well as Pat's and Geraldine's grandchildren, alongside Pat's siblings and extended family circle, and the difficult life they have had since that awful day, 12 February 1989, when Pat was murdered at the family dinner table. Geraldine was also injured in the attack while their three children looked on.

Sunday, 12 February 1989, was just like any Sunday in a normal family home. The family were sharing it together. As so often happens with busy parents, Sunday is a time for parents and children to share a day together. The highlight that day for the Finucane clan was the Sunday dinner. The family sitting and eating together, a time to catch up, relax and enjoy each other's company. As we know, however, outside the family's home, beyond the family's loving dinner table, sinister forces were planning to invade this tranquil and normal scene and obliterate it in a fusillade of deadly gunfire. The two loyalist armed assassins smashed into the Finucane home using a sledge hammer to break down the front door. In front of Pat's three children and Geraldine, seated around the dinner table, the gunmen shot Pat 14 times as he lay on the ground mortally wounded. In a matter of seconds, the gunmen escaped leaving behind a scene of utter devastation. As the Minister knows from having heard many times given his many engagements in the North, that is the stark reality of what collusion means to those on the receiving end of it, those like the Finucane family and so many others. Ken Barrett, convicted of murder, was a police agent. William Stobie, an Ulster Defence Association, UDA, quartermaster and police agent, was subsequently murdered, having backed calls for an inquiry into Pat Finucane's killing. Brian Nelson was a British military intelligence agent who was in charge of the UDA's intelligence and provided the killers that afternoon with the intelligence on Pat Finucane. Brian Nelson was run as an agent by the force research unit. These and others are links in a chain. There is no doubting that there was collusion in the murder of Pat Finucane but as Geraldine Finucane has said, the purpose of an inquiry is not to find out who pulled the trigger, rather it is to find out who was pulling the strings. Who set in motion the events that resulted in Pat Finucane, a human rights lawyer and an officer of the court, being shot 14 times in front of his wife and children?

As we debate this proposal, I would also like us to bear in mind the many thousands of relatives from all backgrounds, North and South, who carry a similar burden of grief to that carried by the Finucane family as a result of the conflict and the loss of a loved one. I would also like to thank my colleagues across the Seanad from all political groups and none who are supporting this motion. I am aware the Dáil voted in 2002 on a similar motion in support of the family's campaign for truth and justice. I know the Finucane clann drew great strength from that support and the support of successive Irish Governments over the years for their campaign. Some 18 years on from the Dáil motion, the family thought it appropriate to ask the Seanad, through this cross-party supported motion, to once again demonstrate that support through this Chamber from all political parties and Independents.

The Minister and my colleagues have heard me say many times in this House on a range of issues that the Oireachtas is at its finest when it is united and speaking with one voice. It is particularly important to Geraldine and her family that the Seanad is united in its support tonight. It is equally important for relatives of all those who lost their lives in the conflict, irrespective of their background, that the Seanad is united in its support for truth and justice for the Finucane family. In supporting this motion, the Seanad is sending a crucial and powerful message to all grieving relatives across our society and Ireland, and to the organisations that support them, North and South. The message says that this is their home and that here is where they will find the support they need to help themselves and their families in pursuit of truth and justice.

I would especially like to pay tribute to Geraldine, Pat's wife, for her composure, dignity and grace in the face of such a loss and for the calm, resolute and determined manner in which she has campaigned for truth and justice for Pat and her family for over 30 years. Geraldine is not just an inspirational figure for her children and grandchildren. She is also an inspirational figure for the many relatives and organisations that are campaigning for truth for a loved one lost in the conflict. I will refrain from naming all of the organisations in case I would unintentionally, but inevitably, leave one out. These groups provide a first class service, which meets the psychological needs of hurt and grieving relatives in many ways and which supports the relatives in their pursuit of truth. The organisations are an indispensable network of people, motivated by the highest ideals in assisting the most vulnerable and hurt communities affected by the conflict. In their work, they help to rebuild lives that have been shattered, give people a sense of purpose again, lift them out of the morass of grief which often paralyses them and place them on a purposeful and meaningful path in their lives once more. An important part of rebuilding shattered lives is the opportunity the pursuit of truth and justice gives to relatives, and these organisations bring the necessary skills to those relatives in their truth campaigns. The Finucane family has said many times over the years that its campaign for truth and justice is a campaign for all those relatives who lost loved ones and who are demanding truth and justice.

Pat Finucane was one of the most high profile human rights lawyers in Ireland. His killing was national and international news and for the last 31 years, the pursuit of the truth about who killed Pat and why has been national and international news as well. A few weeks before Pat's killing, the scene was not only set for it but the direct involvement in the killing by the British Government was also set, both unintentionally revealed in comments by Douglas Hogg, a junior minister in the Tory Government. He told the British House of Commons that certain solicitors were, "unduly sympathetic to the cause of the IRA". John Finucane told me that his parents spoke about their concerns arising from Hogg's remarks but they did not have time to do anything about it because Pat was killed just a few short weeks later. Douglas Hogg was briefed by the most senior levels of the RUC in advance of his statement in the House of Commons, a statement which paved the way for murder. Since Hogg's comments, the family have carried out, with the British Supreme Court, what has been described in praise of the family as a relentless campaign in pursuit of a public independent inquiry into Pat's killing.

This sustained pressure from the family has resulted in investigations into collusion in Pat's killing by Judge Peter Cory, Lord John Stevens, the former head of the Metropolitan Police Service, and the barrister, Sir Desmond de Silva, QC. In 2004, Judge Peter Cory, who was appointed by the Irish and British Governments to investigate Pat's killing, confirmed collusion in the killing and called on the British Government to hold a public inquiry. In 2007, Lord Stevens, who was appointed by the British Government, said that there was collusion in the killing and that the killing could have been avoided. In December 2012, responding to the de Silva investigation into the killing, the then British Prime Minister, David Cameron, said there were, "shocking levels of collusion". In February 2019, the British Supreme Court unanimously agreed with the Finucane family that the British Government had failed to uphold Article 2 of the European Convention on Human Rights, that is, the right to life, in regard to Pat's killing. A few weeks ago in a court in Belfast, Judge McAlinden heavily censured the British Government for adding insult to injury for the Finucane family in its failure to hold an inquiry.

In addition to these irrefutable examples of state collusion in the killing of Pat Finucane, the former British Prime Minister, David Cameron, met the Finucane family in Downing Street, said there was collusion and privately apologised to them for that. He also said there were

people in those buildings who do not want to give the Finucane family this, in reference to his decision to have De Silva review the papers into the killing. A short time later, the then British Secretary of State for Northern Ireland, Owen Paterson, issued a public apology for the collusion. The investigations into the murder of Pat Finucane, perhaps more than any other killing, have undeniably proven the existence of the British Government's policy of collusion. It has fixed the British Government in the dock of world opinion for this policy, one which amounts to the British Government and its agencies participating in the killing and injuring of its own citizens, to whom it had a duty of care as a Government.

Arising out of the all-party Weston Park Agreement in 2011, it was agreed that six inquiries would be held into controversial killings. The only inquiry not carried out by the British Government was that into Pat's killing. The family's campaign has received support from the Dáil, the US House of Representatives, Amnesty International and the British Labour Party, among many others. Just this weekend, four of the North's political parties, including Sinn Féin, the Social Democratic and Labour Party, SDLP, the Alliance Party of Northern Ireland and the Green Party Northern Ireland wrote a letter of support to the British Secretary of State for Northern Ireland, Brandon Lewis, urging him to act in the public interest by holding a public inquiry. The family also received support from An Taoiseach at a meeting earlier this week.

Now is the time to add the voice of the Seanad to the widespread national and international support for the Finucane clann and to their call for a full, public and independent inquiry into a killing that sent shock waves across this country and beyond and after 31 years, leaves people in utter disbelief that the British Government continues to block the truth about its murder, through collusion, of Pat Finucane and of many hundreds more in its secret dirty war in the North of Ireland. I commend the motion to the Seanad.

Senator Fintan Warfield: I wish to share time with Senator Gavan.

An Cathaoirleach: Is that agreed? Agreed.

Senator Fintan Warfield: I welcome the Minister to the House and I welcome John Finucane MP, who is also present here this evening. I commend the family of Pat Finucane, who thought on many occasions in the recent past that they were one stop closer to truth, only for the process of truth recovery to be unnecessarily lengthened. This journey for truth began with the Weston Park Agreement in 2001, when six controversial killings, including Pat's murder, were recommended for review by Judge Cory. In 2004, he recommended a full public inquiry into Pat's murder and then in 2011, for the first time, Geraldine Finucane was personally invited by a British Prime Minister to 10 Downing Street. The hope of that day was dashed when David Cameron told her there would be no public inquiry. The sheer hurt and sense of betrayal felt by Geraldine that day on the steps of 10 Downing Street was, I am told, heartbreaking to witness. She later remarked:

My family and I were lured to Downing Street under false pretences. We thought we were going there to be given the inquiry that was promised.

We are all familiar with the phrase "justice delayed is justice denied" but for the Finucane family, not only has justice been delayed but there have been many false dawns. I have been a Member of this Chamber since 2016 and I know many debates and issues here are enhanced by activist lawyers in the same mould as Pat Finucane. Nearly all of us here regularly speak to advocates who are at the coalface of pertinent issues in their society.

Their assistance is invaluable to our work.

Pat Finucane also used his voice and intellect to speak up for those who had no voice, whether through endemic discrimination or regressive censorship. Too often in this House and other Chambers, the lack of political progress in the North has been brushed off with lazy narratives of each side being as bad as the other. Tonight's motion makes absolutely clear that commitments agreed to in the past have been broken by the British Government. The motion before us calls on the British Government to fulfil these commitments. I hope that cross-party agreement on the motion would merit the Government coming back to us in the Seanad to set out what actions it has taken to maintain pressure on the British Government to act. Perhaps the Minister will outline how he will report on progress to the parties agreeing the motion tonight. I know the Finucane family's struggle to get to the truth is also on behalf of all of those awaiting a genuine truth recovery system on this island. I hope that when the British Government finally commits to a public inquiry, it will also reflect on the unrealised commitments in the Stormont House and Fresh Start agreements. The talking and negotiating has been done already on these issues and we need concrete implementation.

Senator Paul Gavan: I acknowledge our colleague, John Finucane, and all of the Finucane family for their courage and resilience. It is good to see the Minister and he is very welcome here.

So much has been written and spoken about this issue. In terms of reflecting what we know, we know Pat Finucane was a fine lawyer. We know he successfully challenged the British Government at the European Court of Human Rights over its incarceration policies in the mid-1970s. He was instrumental in galvanising opposition to the provisions of the Prevention of Terrorism Act, which was facing a barrage of international criticism. We know he had been threatened several times by members of the RUC. We know, crucially, that four senior RUC men went to Douglas Hogg and specifically complained about Pat. Then, we had the infamous speech by Hogg in the Commons where he said he had to state as a fact but with great regret that there were a number of solicitors who were unduly sympathetic to the cause of the IRA. There were huge protests about that statement and Hogg went on to clarify that he had not been speaking of the legal profession in the North as a whole, which he had not been, but of course that was entirely the point. He was green lighting the assassination of one particular lawyer. As we know, less than four weeks later, two gunmen were striding down the Finucane's hallway opening fire.

We know Pat was shot dead by a loyalist gang that included at least four agents working for the special branch and MI5. Why was Pat murdered? Geraldine put it best. She said Pat was killed because he used the legal system for people who previously had no one to do that for them. People who are repressed generally do not have any representation but Pat was educated. He decided to become a lawyer and he wanted to give something back to his community. People who previously had no representation suddenly had someone to represent them.

When we think about the scale of what has happened and the refusal of the British State to acknowledge what has happened, it is important to reflect on the experiences of key personnel. John Stevens has already been mentioned and he made a key quote about his time in the North investigating collusion. He said in almost 30 years as a policeman he had never found himself caught up in such an entanglement of lies and treachery. It is shocking to think that of the 210 people arrested through his inquiry, all but three were employed by the British state, either in the army, the RUC, MI5, MI6 or indeed a combination of these. This points to the true story

which still is largely hidden. It points to the constant refusal of the British Government to have this public inquiry and the shocking quote we have heard with regard to David Cameron. It begs the question: When a state force acts to murder an officer of its courts, how can it call itself a legitimate institutional democracy?

I have to say it is heartening to see unity on this issue from the Irish Government. I pay tribute to successive governments on the support they have given. Of course, the world is watching the British Government, including Amnesty International and the US Congress. As far back as 1999, Param Cumaraswamy, the then UN special rapporteur on the independence of judges and lawyers, stated “an inquiry could finally lay to rest the lingering doubts about this brutal murder, which has had a chilling effect on the independence of the legal profession in Northern Ireland”. All that is being sought is the truth. If the British state fears or flinches from this, then its own people should fear it and its ability to administer justice into the future. Please, let us all unite here this evening to demand the full truth of this man’s murder and the full extent of the collusion of the British state. A public inquiry must be the just demand of every Member of the Seanad.

Senator Robbie Gallagher: The Minister is very welcome to the House and I thank him for taking time out of his hugely busy schedule to be here. It speaks volumes for the topic we are discussing. From a Fianna Fáil point of view, we believe there must be a full public inquiry into the murder of Pat Finucane. Such a public inquiry was provided for in an agreement reached between the Irish and British Governments in Weston Park in 2001, which is more than 19 years ago.

Pat Finucane was a husband, father, brother and son. He was also a highly successful lawyer. On 12 February 1989, while he was having supper with his wife and three children on a Sunday evening, gunmen burst into their north Belfast home and shot him no fewer than 14 times in an attack found to have involved state collusion.

This is an important week for the Finucane family. The Secretary of State for Northern Ireland, Brandon Lewis, has committed to taking a decision on whether to order a public inquiry before the end of this month. On Monday, the Taoiseach, Micheál Martin, sat down with Pat’s wife, Geraldine, and her son, John, and made it very clear to them they would have the full weight of the Taoiseach’s office and the entire Government behind their endeavours. Yesterday in the Dáil, the Taoiseach also highlighted how in September the Council of Europe’s committee of ministers expressed its deep concern that a decision has still not been made by the United Kingdom authorities on how to respond to the UK Supreme Court judgment of 2019. The Taoiseach went on to say:

There is a very important aspect to this also. Where sovereign governments enter into agreements, they should be adhered to and followed through. The Irish Government at the time entered into its commitments and it established the Smithwick inquiry, irrespective of where it would land and without fear or favour. The same should apply to the UK Government.

It should apply to any government, for that matter. The Taoiseach has pledged to engage with the British Prime Minister on this issue, making it very clear the consistent view of successive Irish governments that there should and must be a full public inquiry into the murder of Pat Finucane.

It was also constructive that, last weekend, four of the parties in Northern Ireland called on the British Government to hold a public inquiry into the murder of Pat Finucane. Sinn Féin, the SDLP, the Alliance Party and the Green Party have sent a joint letter to the Northern Ireland Secretary of State, Brandon Lewis, urging him to act in the public interest by holding a public inquiry. It is signed by Stormont deputy First Minister and Sinn Féin party leader in Northern Ireland, Michelle O'Neill, SDLP leader, Colum Eastwood, Alliance Party MP, Stephen Farry, and the leader of the Green Party in the North, Claire Bailey. In October, the British Labour Party urged the Prime Minister, Boris Johnson, to act without delay and order a public inquiry into the murder of solicitor Pat Finucane. Shadow Northern Ireland secretary of state, Louise Haigh, has also written to Mr. Johnson pressing him to call a public inquiry.

For more than 30 years, Geraldine Finucane and her family have campaigned tirelessly to get to the truth of what happened to Pat. It has been a long journey and they have conducted it with great dignity and determination. The Irish Government has walked with them on that journey and we will continue to do so until the commitments entered into at Weston Park are honoured. That is our sincere commitment.

No one should ever try to hold back or cloud over the truth. Many families in Northern Ireland strive to this day to find out what happened to their loved ones and to lift the stone so that the truth will be exposed for all to see. I am thinking this evening of the many families from across the political divide. I am thinking of my county of Monaghan, where the search continues for Columba McVeigh on Bragan Mountain. Every family is entitled to the truth so that they can move on and try to get on with their lives.

Senator Erin McGreehan: I thank the Minister for coming into the House this evening. John Finucane is very welcome also. This is a very important week for the Finucane family, Anglo-Irish relations and, in my opinion, for justice. I absolutely support this motion. I think of the Finucane family sitting at their dinner table and such normality of a Sunday evening and then to have their father and husband brutally and viciously murdered, their lives destroyed and their futures changed forever. For 30 years, Geraldine Finucane and her family have campaigned tirelessly, with great dignity and incredible determination.

How many times do citizens of this country and Members of this Oireachtas have to stand up in one of these Houses and ask the UK Government to act with integrity and decency towards Ireland and its citizens? It seems relentless. I am sick of the UK Government not adhering to agreements with Irish Governments. For my entire life I have been acutely aware of the British Government treating Irish citizens with disdain. We are our own people. We have our own sovereignty. Are they not ashamed of themselves at this stage? They purport to uphold the law but when it comes to Ireland we see that time and again they do not consider us as sovereign people and do not believe they should have to uphold basic international agreements. The Secretary of State for Northern Ireland, Brandon Lewis, has committed to take a decision on a public inquiry before the end of November. He should not be making that decision. They already agreed to it.

We are coming to a time in our history where we need to start healing. There have been centuries of hurt, betrayal, lies and secrets. Last weekend, we commemorated Bloody Sunday in 1920. Tears rolled down the faces of many people, mine included, looking at the commemoration in Croke Park. My sons were devastated to think that the British Army could do something like that. They were horrified that children were murdered. One of them said, "Mammy, those wee boys did not get to grow up".

Over the past 100 years, many people in this country had to grow up and grow old without their husband, wife, parent, brother, sister, aunts or uncles. There is no hierarchy of pain or heartache. There is no hierarchy of justice or truth. No one person's truth is worth more than another's. There are secrets and hurt around many corners in this country. Violence has caused hurt. The secrets behind that violence cause endless hurt, bitterness and an inability to move or even grieve properly. The families need the truth. They deserve the truth and that truth needs to come from every side.

Being from Cooley, in north Louth, I am constantly reminded of Jean McConville. I played on the beach on which she was buried. Did I play on top of her unmarked grave? Did I play and build sand castles on top of the hopes, dreams and futures of her children from whom she was so viciously stolen? Somebody somewhere can give answers to the McConville family and yet they do not. Somebody somewhere can give answers to the Oliver family on the murder of Tom Oliver and yet they do not. Somebody somewhere can give the answers to the families of all the Disappeared and yet they do not. Somebody somewhere can give answers to the family of murdered Paul Quinn and yet they do not. The list goes on.

The British Government can provide truth and give answers and yet it keeps refusing to do so. We need the truth from everyone. We need the truth about the victims of violence on every side. We will never heal on this island with the gaping wounds of betrayal, distrust and heartache if these secrets are left open

An Cathaoirleach: Before I call the Minister, on behalf of all Members I want to welcome John Finucane to the Chamber. We are honoured to have him here for this debate. I want to pay tribute to him and his family, in particular his mother on her resilience and courage and everyone else on their the relentless pursuit of justice on behalf of his father. I am sure he would be delighted with his achievements and, who knows, some day he might be a Deputy representing North Belfast in this Chamber.

Minister for Foreign Affairs (Deputy Simon Coveney): I would also like to welcome John Finucane, MP, and his family, in particular his mother, who I know are watching remotely.

I welcome this opportunity on behalf of the Government to speak in support of this motion. As Minister for Foreign Affairs, I have had the opportunity to meet with Geraldine and the Finucane family to discuss their campaign to secure justice for Pat. Most recently, I spoke with them at the beginning of this month. On each occasion I have seen the Finucane family's strength, determination and dignity as they seek to uncover the full truth about Pat's murder. I am sure that the passing of time since that terrible act has done little to dull the pain that they must continue to feel. That pain has been exacerbated by the long wait and the necessity of their long campaign over more than 30 years asking for the full truth of that day to be brought to light.

Almost two decades ago, in 2001, at Weston Park, the Irish and British Governments agreed to hold inquiries into a number of cases where security force collusion was alleged. Former Canadian Supreme Court judge, Justice Peter Cory, was appointed in May 2002 to conduct an investigation of allegations of collusion by the security forces in six cases, including the murder of Pat Finucane. Judge Cory's subsequent report, which found that there was strong evidence that collusive acts were committed, included a recommendation for the establishment of a public inquiry. In 2004, a measure of justice was found for the family when Ken Barrett was convicted of Pat's murder. However, that, unfortunately, did not end their campaign for the full truth and justice.

Since that time, we have also seen the de Silva review, which was published in December 2012. This did not meet the standard of a public inquiry as set out at Weston Park or that recommended by Judge Cory in his independent report. Nevertheless, despite those limitations, the de Silva report found that there was state collusion in the case and that a “series of positive actions by employees of the state actively furthered and facilitated [Pat Finucane’s] murder and that, in the aftermath [of the murder] there was a relentless attempt to defeat the ends of justice”.

In his statement to the House of Commons on 12 December 2012, Prime Minister Cameron accepted the report’s findings of shocking levels of state collusion and repeated his apology to the Finucane family. In the Dáil, following publication of the de Silva report, the then Taoiseach and Tánaiste reiterated the Government’s consistent position on the need for an independent public inquiry into Pat Finucane’s murder in accordance with the Weston Park Agreement. We have continued this call in the years since publication of the de Silva review and do so again at this critical moment in the long-running campaign for truth and justice for Pat.

As today’s motion sets out, the UK Supreme Court confirmed last year that there has not yet been an inquiry into the murder of Pat Finucane that meets the standards and obligations of Article 2 of the European Convention on Human Rights, ECHR. In particular, the judgment found that the inquiry by Sir Desmond de Silva could not comply with the ECHR because of a number of specific limitations. He had lacked the power to compel the attendance of witnesses. Those who met him were not subject to testing as to the veracity and accuracy of their evidence, and a potentially critical witness was excused attendance. The review, even when taken together with earlier inquiries, could therefore not be sufficient to fulfil those legal obligations.

The Secretary of State for Northern Ireland, Brandon Lewis, has now committed to make a decision by 30 November on how to respond to those findings of the UK Supreme Court. I have written to the Secretary of State and spoken to him, most recently on Monday of this week, to underline directly the Irish Government’s strong and consistent position that a public inquiry is the right decision in line with the Weston Park Agreement and that it is the only outcome that will see those obligations met. The Taoiseach met Geraldine and John Finucane this week to reiterate our unwavering support. We will be engaging with Prime Minister Johnson on foot of that meeting. In fact, the Taoiseach has already written to him directly.

In Strasbourg in September, the Committee of Ministers of the Council of Europe expressed deep concern that the UK Government had yet to make a decision regarding how to act on the Supreme Court judgment and meet its Article 2 obligations. The committee will meet again next week to discuss this case, among others, and it, too, awaits the decision of the Secretary of State. We will be engaged at the Council of Europe next week, as we have been at every session at which the McKerr group of cases, including the Finucane case, has been considered. We will continue to stay in close touch with the family in that regard.

A decision by the UK Government to establish a full independent inquiry into this case under the UK Inquiries Act 2005 would not only be the right answer for the Finucanes’ long campaign for justice for their family but it would also be a powerful demonstration of the commitment of the UK Government to truth, recovery and the rule of law, even in the most difficult of cases. In a case such as the murder of Pat Finucane, where it has been acknowledged by former Prime Minister Cameron that there were shocking levels of collusion, there is an undeniable onus on the state to ensure an inquiry takes place that fully meets relevant international standards and obligations. That is not to say that the pain of the Finucane family is worse than that of others bereaved by the conflict in Northern Ireland, regardless of the perpetrator. All

families deserve to be supported in the pursuit of justice and information on what happened to their loved ones. That is why, in 2014, the political parties and the two Governments reached a collective agreement, the Stormont House Agreement, which set out a framework to deal fairly and comprehensively with the legacy of the Troubles in a way that responds to the needs of all victims and survivors. That agreement provided for investigations into standing cases, truth recovery overseen by an independent international body, an oral history archive and the promotion of societal reconciliation. The Irish Government will have its role to play under that framework, and obligations to fulfil. We stand ready to play that role fully. It is vital now that we make progress to see this framework realised and implemented for the families, victims and survivors who have waited for far too long.

While the statement by the UK Government in March setting out proposals for significant changes to the framework are a cause for concern, the Irish Government remains ready to engage and work with the UK Government and the parties to the Northern Ireland Executive in partnership on this important issue in the period immediately ahead with a view to reaffirming a collective approach that is consistent with the Stormont House Agreement. I have communicated this to the Secretary of State. The path forward has been agreed. It remains for us to take it now. There are so many families across this island, from all communities, who have, like the Finucane family, walked too long a road to seek truth and justice for their loved ones and who have spent decades campaigning to be heard. For every one of those families and for society as a whole, we must address the painful legacy of the past fully and truthfully.

The motion before the Seanad today comes at a critical juncture in the Finucane case, and for Geraldine Finucane and her family, but it has implications far beyond its impact for one family. A decision by the Secretary of State to order a full public inquiry has the potential not only to establish the truth about that awful night in north Belfast in February 1989 but also to show determination to face difficult truths more widely. By doing so, it will act to promote full, shared confidence in the rule of law. It will be part of achieving full information recovery for all families and it will be a significant contribution to the wider collective task of reconciliation and healing the wounds of conflict. The Government's clear position is that it is necessary and urgent that such a public inquiry now be established. We will continue to pursue all avenues open to us in the days ahead to press for that outcome.

Senator Joe O'Reilly: I wish to share my time with my colleague, Senator Currie.

I welcome the Minister. As has been alluded to, his presence is indicative of the seriousness with which the Government regards, and should regard, this matter. I strongly welcome to the Gallery Mr. John Finucane, MP. In the company of Senator Ó Donnghaile, I had the privilege of meeting Mr. Finucane in Belfast. We had a very good meeting on that occasion. Mr. Finucane was then Lord Mayor of Belfast. It is a great pleasure to have him in the Oireachtas tonight. With others, I acknowledge the trauma, pain and suffering that the Finucane family have gone through for the 30 years since the murder of their father. It has been a horror story for Geraldine and the family. That merits acknowledgement at the very outset.

As a member of the Parliamentary Assembly of the Council of Europe, I am happy to acknowledge the involvement of the Council of Ministers of the Council of Europe and its commitment to this case. Senator Gavan is also a member of the assembly. We will be reinforcing the council's involvement at any available opportunity.

Collusion has already been established by the authors of the de Silva report, and it is widely

acknowledged. In fact, former Prime Minister Cameron apologised. That is on the record. It is a shocking story, however, and it should not have gone on for so long.

The Irish Government has a long-standing record of supporting the Finucane family. Clearly, we are in favour of an independent public inquiry. It is provided for under the Weston Park Agreement reached between the UK and Irish Governments in line with the European Court of Human Rights obligation. That agreement was reached in 2001. As the Minister said, we responded with our Smithwick inquiry. It is a shame that the same sense of honour was not reciprocated by the other side. Let us hope that will be altered before the month's end.

Our Minister for Foreign Affairs met the Finucane family on 4 November, and the Taoiseach met them on 23 November. In February 2019, the UK Supreme Court found that Mr. Finucane's widow, Geraldine, had a legitimate expectation that an independent inquiry into her husband's murder would be held. The Supreme Court found that the de Silva inquiry had not been compliant with Article 2 of the European Convention on Human Rights because it could not compel or investigate witnesses, or cross-question them properly, to investigate the veracity of what they had been saying. There was a critical witness excluded from the inquiry.

In January 2020, Ms Geraldine Finucane was granted leave by the Belfast High Court to seek a judicial review. In the course of that review, proceedings of 12 October 2020, the legal counsel for the Secretary of State for Northern Ireland, Mr. Brandon Lewis, said he had a commitment to reach a decision on or before 30 November. Let us hope that will be honoured. He actually offered an apology to Ms Finucane for the delay and admitted to the collusion. Mr. John Finucane, MP, who is present this evening, has acknowledged publicly the Government's support. What is a very sinister aspect of this is the blackening of and various smears on the name of Pat Finucane to add to the pain of his family since his murder. It is relevant to say publicly that four parties in the North are united to have the matter resolved, namely, Sinn Féin, the SDLP, the Alliance Party and the Green Party. We will shortly have a spokesperson for the Green Party here. That is a very relevant and significant level of support.

In conclusion, all one can say is that the murder of an eminent civil rights lawyer in front of his family was an unspeakable horror that at least merits an independent public inquiry now to give the family some truth and consolation. I am very proud that it has the support of all the parties. My party will be supporting this motion tonight and I commend the movers of the motion.

Senator Emer Currie: I am firmly in support of this motion and thank my Seanad colleagues for bringing it forward. I thank the Minister and Taoiseach for their support, and appreciate the cross-party support North and South. I want to recognise John Finucane, MP as well. I cannot see him but know that he is there.

Pat Finucane was murdered by the UDA on 12 February 1989 in front of his family and three children. I was ten years old at the time. His murder fits into the backdrop of my childhood and other senseless loss of life that would bring heartache to a loving family. No-one should deny the Finucane family or any family the justice or truth that they seek. I recognise the Finucane family's dignity in the face of endless and unjustifiable delay.

A full independent public inquiry is the only credible and only acceptable answer. Commitments were made at Weston Park close to 20 years ago and the then Prime Minister, David Cameron, confirmed that there were shocking levels of collusion. In February 2019, the Su-

preme Court ruled that the British Government had failed to deliver on Article 2 on the European Convention on Human Rights into the murder of Mr. Finucane. Lord Stevens, who was appointed in 1989 to investigate collusion between the British State and loyalists, told the BBC as recently as October 2019 that there is more intelligence and documentation that he was never told about that may well take this story further. If it does then that needs to be exposed. The longer this issue goes on, the more the truth needs to come out, not just for the Finucane family but for all victims.

I wish to repeat my dismay and disappointment at the unilateral move by the British Government to renege on the commitments to legacy and reconciliation in the Stormont House Agreement. These commitments were only reconfirmed in the New Decade, New Approach agreement reached last year. The principles that underpinned the Stormont House Agreement must be protected, and I welcome what the Minister said about that tonight. The written ministerial statement in March of this year is not about victims first and reconciliation, which has become a phrase that we are all too familiar with. All agreements should be honoured.

I wish to recognise what Senator Gallagher said about Columba McVeigh, who came from the village that I am from in County Tyrone. Columba's mother died not knowing what happened to her son and he remains one of the disappeared. The pain of the McVeigh family, the Finucane family and too many other families is all of our pain until the truth comes out.

Senator Victor Boyhan: I welcome the Minister for Foreign Affairs to the House. I thank him for his words and do not doubt his commitment. It is important that we acknowledge, together with that of the Taoiseach, his consistency of approach and engagement with the Patrick Finucane case with the Secretary of State for Northern Ireland and the British Prime Minister. The very fact that the Minister is here is a strong signal and indication of support.

Senator Joe O'Reilly: Hear, hear.

Senator Victor Boyhan: I acknowledge that in a Minister who is extremely busy and has an awful lot of pressing things going on.

I also acknowledge and commend the proposers of and signatories to the motion. When people were asked to sign up they signed up and there was no doubt about it. I commend the speakers so far. More importantly, I want to acknowledge the presence of John Finucane, MP and his brave and honourable quest for justice and truth.

Before I came in here, I was thinking that if we are true advocates of justice who are committed to human rights and democracy, it does not matter who one is, where one is, where one has come from or what one has done. If justice and truth are there and have to be fought for, then we should have a consistent approach. In that respect, I picked up on some of the contributions that have been made here. If we are going to be advocates for justice and truth then we must advocate for justice and truth for everybody. We must confront the pain, horror and stories that have divided our people on the island of Ireland and further afield. We must be truthful, conscientious and determined to assist anybody and everybody who seeks to unravel the past and bring some sort of closure, justice and support for their families. It is important that we do not have one rule for one and another rule for someone else.

In terms of the motion, Patrick Finucane was an Irish lawyer. Earlier it was mentioned, and I did not know it, that he was a former Trinity College student. He was famous for successful challenges against the British Government on several important human rights cases during the

1980s. He was shot and killed in his home in Belfast on 12 February 1989 and it is hard to believe that this has gone on for so long. Talks occurred, to which many Senators referred, in Weston Park in July 2001 between officials, loyalists and the republicans regarding the event. The British Government committed to holding a public inquiry into the matter if Judge Peter Cory recommended it. Judge Cory found sufficient evidence of collusion between the UDA, and the Royal Ulster Constabulary to warrant a public inquiry into the case. The European Court of Human Rights in Strasbourg in October 2003 called for a public inquiry. No public inquiry took place until 2012, when Sir Desmond de Silva made one at the behest of the British Government. His report acknowledged that the case entailed “a wilful and abject failure by successive Governments”. At the time, the Finucane family did not think the report was sufficient and, indeed, called it a sham.

The UK Supreme Court, in February 2019, stated that the British State has, to date, failed to conduct a proper public inquiry that complies with its legal obligations under Article 2 of the European Court of Human Rights. Earlier Senator Ó Donnghaile said: “Pat Finucane was murdered because he knew the potency of the law, of truth and of justice”, which is a strong line that stood out. Clearly, Patrick knew the potency of the law, the potency of truth and ultimately lost his life.

The motion endorses the Government’s ongoing international efforts to highlight this matter, which I share. The motion also calls on the British Government to consider its position on the Finucane case to take full account of the judgments of the UK Supreme Court and the European Court of Human Rights, as well as the inescapable significance of the murder of Pat Finucane. Proper issues have been highlighted in the motion so I am committed to it as I think we all are. One of the great things about Seanad Éireann is that when we come together, when we stand in solidarity together and when we advocate strongly for justice and truth, we will be heard. It is good that we are here today, having set aside our political difference, and recognise there is a story to be unravelled and that somebody knows the real truth so people must come forward and the British Government must honour its commitment and have justice.

In closing, I thank the initiators of this very important Private Members’ business. Again, I thank the Minister for his time and absolute commitment that he has given to this case, because that is not in doubt, and we thank him again for being with us tonight.

Senator Ivana Bacik: I commend Senator Ó Donnghaile and his Sinn Féin colleagues on putting forward this important motion which I am delighted to co-sponsor and co-sign on behalf of my Labour Party colleagues and the Labour Party group in the Seanad.

I welcome the Minister, Deputy Coveney, and thank him for his fine words. We were emailed a copy of his speech which I was just rereading. He pointed clearly to the urgent need for the establishment of this inquiry. It is welcome to see such strong support for the motion and calls for the inquiry on all sides of the House.

I welcome John Finucane MP to the House and express my condolences to him, his mother Geraldine, his brother, Michael, and sister, Katherine. Rereading the account of what happened on that night in February 1989 is utterly chilling. One can only imagine the horror of that for him and his family.

I am glad also to support the motion as a representative of Trinity College graduates and

a Dublin University Senator. Others have spoken of the connections to Trinity. Pat Finucane studied law there, as did Michael. He was a very fine student of mine in the law school. I subsequently worked with him on cases in the Special Criminal Court when he was a solicitor and I was a barrister. This motion has a particular poignancy for any of us who have worked in law, have connections to Trinity College or are conscious of the great work that Pat Finucane and his practice did over many years in representing people through the Troubles and since.

When one reflects that it has been 31 years since the murder in February 1989, what a different place Ireland is today and how much has changed across the island, it is extraordinary that we still have to debate this motion. That is the disappointment. While it is welcome to see such consensus across the House and building consensus elsewhere on the need for an inquiry, nonetheless 31 years is a long time for the family and everyone else to have waited.

When one thinks back 31 years, one reflects also on the many other victims and families who were bereaved at that time and over the years when the conflict was evident. It is welcome, then, that we are in changed circumstances, yet we still await this public inquiry.

The Minister, Senator Ó Donnghaile and others have rehearsed the stages, different processes, the agreement in Weston Park in 2001, the recommendations of Judge Cory, the raising of the murder of Pat Finucane at the UN General Assembly, the decision in the European Court of Human Rights, pressure in Europe, the ruling just last year from the UK Supreme Court, and numerous calls from human rights groups. All of these have over a long period made clear the case for an inquiry. There is welcome consensus in the House, as well as a growing consensus elsewhere. Our sister party in Britain, the British Labour Party, urged the British Prime Minister Boris Johnson last month to order a public inquiry.

As others have said, in the North, Sinn Féin, the SDLP, the Alliance Party and the Green Party joined together to issue a letter to the Secretary of State for Northern Ireland, Brandon Lewis, calling for a public inquiry. There is a good deal of political pressure coming on the British Government.

As the Minister said, this is a critical juncture because Brandon Lewis has now indicated that a decision will be made before the end of this month, which is next Monday. We are all conscious of the timing of this motion and the imminent decision we face. It is crucial that we see the decision made in favour of the inquiry, not just for the Finucane family but for all of those families who are bereaved and seek justice, truth and reconciliation.

I was struck in particular by the Minister's statement that the ordering of an inquiry would make a contribution not just to seeking justice for one family but a contribution to the wider collective task of reconciliation and the wider collective need to ensure the facing of difficult truths and that there is confidence in the rule of law. That is a fitting way to end when we remember the legacy of a lawyer who worked so hard to represent people in court and used the law as a vehicle to achieve justice. It is fitting that we might reflect that this call for a public inquiry is really a call to respect the rule of law and ensure that this contribution is made to the wider collective task of reconciliation. I am glad to support the motion. I very glad that it will not be voted on and we will all support it together.

Senator Vincent P. Martin: I welcome the Minister for Foreign Affairs and John Finucane, MP for Belfast North, to the Chamber. I was delighted to sign and co-sponsor this motion on behalf of the Green Party presence in the Republic of Ireland. The Green Party leader in

Northern Ireland, Clare Bailey MLA, signed the equivalent motion in Northern Ireland along with the three other party leaders.

I agree with Senator Bacik that, while my heart goes out to the immediate family, this debate is especially poignant for me as a fellow lawyer. The term “human rights lawyer” is sometimes overused, but it can certainly be applied to Pat Finucane. The gunning down of a lawyer is a despicable act and a threat to the democratic system and rule of law.

This motion is about Pat Finucane, but I would also like to mention another lawyer, Rosemary Nelson. A decade later the culture had not changed. It was found that the security forces did not adequately protect her, assaulted and verbally abused her and, in a sense, made her a legitimate target. My heart also goes out to Rosemary Nelson, the human rights lawyer from Lurgan, and her children.

It would seem compelling that a sworn public inquiry should follow the different findings, from those of Judge Cory right through. The British Supreme Court, the highest court in the land, and the Belfast courts have spoken on this. It is so compelling that it is axiomatic. There was a finding of collusion. A public sworn inquiry ought to follow.

Only yesterday a constituent of mine, who is a well-known respected businessman in County Kildare and a native of Belfast, told me that he was stopped by a checkpoint 20 minutes before the fatal bullets were fired. He went back to his home as a neighbour and heard the ring of fire. With a finding of collusion, we cannot help but have a full inquiry. What was that checkpoint doing there on that evening? Who issued the command to set up a checkpoint so close to Fortwilliam where this happened? The person to whom I refer is not a Sinn Féin supporter, but he will happily co-operate with any public sworn inquiry. What I love about the motion is that we are all united.

I will not go through ground which has been so well and articulately covered, but I will not let this debate pass without expressing disappointment that the leaders of the two parties of unionism in this country did not sign the document signed by the Alliance Party, the SDLP, Sinn Féin and the Green Party. That is disappointing and tells me that while we have peace in this country, we certainly do not have normality.

We need healing and truth. The biblical phrase, “The truth shall set you free”, applies, and it is only through truth and healing that we will truly have reconciliation. The Seanad was a divided House last week. It was quite hot and heavy at times, but today we are united. It is the little things in life that create difficulties and divisions. It is in the big things of life that we, Fianna Fáil, Fine Gael and whoever, are one. We should use our might as a respected country that boxes way above its weight to insist on a sworn public inquiry. I am not without hope as we look for reconciliation. I know that when the camera was not on people, Dr. Ian Paisley was very good to nationalist Catholic members of his constituency. I know that members of the RUC, when it came to a doctor or a lawyer, often went to one with a nationalist background. That is why what happened is so appalling. As a barrister, the cab rank rule applies and one is obliged to represent whoever comes in the door. In fact, it is a compliment if one is on one side of the argument one day and, the next day, someone who one thought would never ask to brief one makes such a request. That is the ultimate satisfying moment for a lawyer. We are objective and an objective man was gunned down that evening.

If there is one hero, one scintilla of comfort and one inspiring moment I take from all of

this, it concerns someone I have never had the pleasure of meeting, namely, Mrs. Geraldine Finucane, who was injured on the night. The way she has conducted herself with dignity is inspiring, as is her resilience.

I am not without hope. We cheered on Northern Ireland in 1982 and 1986, with Gerry Armstrong and Billy Hamilton in the World Cup. Our unionist brothers and sisters came down to Croke Park and Lansdowne Road and they are welcomed. There are complexities in the relationship and those complexities should be cleared up on the island of Ireland and with Britain, as well. Our former rugby captain, Brian O'Driscoll, used the Lambeg drum once. That was symbolic and he got a lot of criticism for what he did.

Britain is not too big to fail. Britain is a proud nation which did the right thing for the Birmingham Six and the Guildford Four. It can do the right thing again. It will be stronger as a result of this. They have nothing to lose and all to gain. No one should fear the truth, which will set people free and start reconciliation between North and South and between east and west. It is never too late to do it. Britain should realise that the Finucane family are going nowhere and, after the Finucanes, there will be hundreds of Finucanes who will insist on a public sworn inquiry. We will bang that drum until it happens.

Senator Frances Black: I would like to share time with Senator Higgins.

An Cathaoirleach: Is that agreed? Agreed.

Senator Frances Black: The Minister is welcome to the House and it is good to see him here. I also extend a warm welcome to John Finucane. I commend Senator Ó Donnghaile's motion calling for a public inquiry into the assassination of solicitor Pat Finucane in 1989, which I am delighted to have signed. It is great to see such cross-party co-operation.

As people have rightly said today, Geraldine Finucane is an inspiring, powerful and dignified woman. Geraldine and her family have been campaigning for over 30 years to obtain the full truth behind the brutal murder that took place in their home. It is important that we all support the family in their long campaign for an independent, open public inquiry.

The case for such an inquiry hardly needs to be restated. Suffice it to say that the agreement at Weston Park in 2001 between the British and Irish Governments and political parties in the North, the recommendations of Judge Peter Cory in 2003, the raising of the matter at the UN General Assembly and the repeated calls of human rights groups have together made the need for as open an inquiry as possible absolutely compelling.

I commend the Taoiseach for committing to engage with the British Prime Minister and for his support for a full inquiry. I welcome the letter from the four parties in the North supporting the holding of this inquiry but I am disappointed, like others, at the refusal of the DUP and the UUP to support this call. It is essential that a public inquiry is held to establish the full facts around the killing and it is only through such an inquiry that the level of state collusion can be established.

The reluctance of the British to allow this inquiry is understandable as the use of murder gangs is a well-known counter-insurgency tactic. The knowledge of this collusion is believed to have gone to the very top of the British Government and, according to Judge Cory, this was known to the then Prime Minister, Margaret Thatcher. There needs to be full disclosure of all the collusion between paramilitaries and the security forces in killings. Only when this is done

will there be any hope of restoring confidence in the rule of law and the administration of justice. As the author Anne Cadwallader said: “Collusion does not resolve conflict - it fuels it.” She outlines in her book, *Lethal Allies*, how over 120 people were killed in counties Armagh and Tyrone and that it is accepted that there was also collusion between the security forces and the UVF in the Dublin and Monaghan bombings.

The families who lost loved ones deserve to know if the state could have saved their lives. A 1994 Amnesty International report concluded:

Such collusion has existed at the level of the security forces and services, made possible by the apparent complacency, and complicity in this, of government officials.

The report also accuses the state in its reference to “the failure of the authorities to take effective measures to stop collusion [or] to bring appropriate sanctions against people who colluded”. We must all do everything we can to ensure the truth is known about the actions of governments that claim to uphold the rule of law but are prepared to use murder and collusion to maintain their rule.

This motion calls for:

... the immediate establishment of a full, independent, public judicial inquiry into the murder of [well-known solicitor] Pat Finucane, as recommended by Judge Cory, which would enjoy the full co-operation of the Finucane family and command the respect and confidence of all of the people on the island of Ireland and all persons committed to democracy, human rights and the rule of law worldwide.

Only by the establishment of a public inquiry will we learn the truth about the state’s involvement in this brutal murder.

Senator Alice-Mary Higgins: I welcome the Minister to the House and I welcome the depth of his commitment on this issue. I commend those who brought the motion. I am glad to have co-signed it with many others and to have such support across this House and from many parties in Northern Ireland, which is important.

We have heard that collusion has been acknowledged and admitted. We have heard of the court rulings from Judge Cory, the European Court of Human Rights and the UK Supreme Court in 2019. The case has been clearly made. The Finucane family have been waiting for justice and truth since 1989. Justice delayed is not only justice denied; it is injustice sustained. This is the moment for the UK Government to free itself from that injustice, and from its part in it, by taking the actions to ensure that Northern Ireland Secretary of State, Brandon Lewis, orders what is required, namely, a full and proper public inquiry fulfilling the commitment made in Weston Park in 2001.

It is important that this happens because we need to see justice delivered in terms of the brutal killing of Pat Finucane so we can move on to recognising not only his death but also his life and the incredible contribution he made. I was reading again through the kinds of cases he took, such as human rights and civil rights cases, and the work he did in championing the idea of a law that worked for all in Northern Ireland. That is important and I know that work has continued through the Pat Finucane Centre and through the work of Geraldine and John Finucane.

I was fortunate enough to be part of a cross-party delegation which visited Belfast City Hall

when John Finucane was Lord Mayor of Belfast. There is a tradition in Belfast City Hall where each Lord Mayor places different objects, pictures and images on the walls. John Finucane placed the UN Convention on Human Rights as his choice when he was Lord Mayor because, as he said, the convention belongs to all. That is a core principle here. This public inquiry for the Finucane family is essential because we send the message that human rights matter. Front-line human rights defenders, which Ireland has always championed at the United Nations level in terms of our support for civil society, must be protected so all can have faith in the power of law to deliver change and be an instrument for justice for all at every level of society. Again, this is a key moment. It is important because human rights are a core part of the pillar of the Good Friday Agreement and of that which builds peace and reconciliation. It sends the signal that we can have a shared world and, indeed, a shared island and we can share in the shaping of the future in Northern Ireland. I welcome John Finucane to the House, and I hope we will see a positive step forward on 30 November.

Senator Malcolm Byrne: I welcome the Minister. In his speech, he very much showed his personal commitment, as well as that of the Government, to reach a resolution on this issue. He has seen the unity in this House around this issue, but I believe the fact he is here tonight reiterates the strength of the Government's view. It is important.

Like others, I welcome John Finucane to this Chamber and his family and others who are viewing the debate tonight. It always strikes me when I speak to young people in youth groups and in schools that they sometimes ask why a person should get involved in politics. They ask why politics makes a difference or if I can give them an example of where something makes a difference. One of the things I often talk about is the peace process. That is something where politics really succeeded with the Good Friday Agreement. Many young people say they read about that in history. One of the big achievements on these islands in recent years has been about how so much of the past has been consigned to history. We have a long way to go and much progress to make in terms of bringing communities together, but we have gone much of the way.

I am sure many families, however, including the Finucane family, welcome what has happened. Certain aspects of that history are still all too real. I echo Senator Higgins's comments about freedom fighters and so on, and I know Senators Bacik and Martin and others referred to this. This man was a lawyer and a friend of the court. The obligation on the part of a solicitor or a barrister is to defend his or her clients. In any society, it is absolutely essential that we stand up for the rule of law and for the rights of lawyers to be able to do that, and particularly a human rights lawyer. It says much that the British Government has not kept its word. As Members have said, this has been agreed already and we should not be looking for something. It is a real act of bad faith that when one agrees to something one tries to renege on it, and particularly when it is Governments that have agreed to something.

I believe that we have achieved something. We have moved on enormously in these times. I strongly support the motion before the House. More important, however, the Troubles is a euphemistic word, in many ways, because behind it are so many families and victims. Their stories deserve to be heard, but more important, they deserve to know the truth. I have full faith that the Minister will continue to argue that case and argue for truth, and that the Finucane family can finally close that chapter.

Senator Eugene Murphy: Like many others, I commend the Minister, a senior official with many problems on his hands at the moment, for coming in here this evening. I thank him,

the Taoiseach and the Minister, Deputy Ryan, for being so strong on this issue. I fully support the motion and compliment those who brought it before the House this evening. I welcome John to the House. Geraldine and the Finucane family have suffered so much.

We should remember every tragedy in Northern Ireland, but certain ones stand out, including the Miami Showband, people who went missing, such as Ms Jean McConville, events in Enniskillen and Pat Finucane. I wish to say to John that everybody still remembers Pat Finucane's story. People at that time who can remember the killing remember the story. Throughout this country, people still talk about the brutal killing of Pat Finucane.

I listened to Senator Currie earlier when she spoke about the dignity of that family in their fight for justice. The dignity of the Finucane family as they tried to fight for justice is always something that struck me down through the years. It is only right and proper that we all support this motion and, as many speakers have said, a sworn published inquiry. It must and should happen. We must sort out many of those problems, like the brutal killing of Pat Finucane, if we are to end once and for all what happened in our country and move forward. I am quite humbled to be able to stand here this evening and give my few words of support. I wish the Finucane family well. They have had much heartache, misery and sadness but we are all with them and hope now this will move on swiftly.

Senator Barry Ward: In many respects, I was too young when this happened to properly understand it. I do not think it is possible for a child to properly understand what was done to Pat Finucane and his family. I was old enough, however, to remember and know of it. When I grew into an adult and had what happened explained more fully, it was still difficult to understand the depth of that kind of thing happening in what was supposed to be a western democratic society. When we look at events like what happened to the Finucane family, it is difficult to see Northern Ireland in the late 1980s as being anything like that.

I also acknowledge the presence of John Finucane. It is a testament to him and his family that he is here and that they have continued to fight this battle. His brother, Michael Finucane, is known to me as a professional colleague. He is someone I know, like and greatly respect. As a solicitor practising criminal law in Dublin, he shows the same tenacity and fearlessness his father did.

Other speakers mentioned the fact that Pat Finucane was a lawyer. As a lawyer, I do not want to focus on this too much, but it when the state attacks a lawyer, a person whose job it is to defend his or her clients in court and within the process without fear or favour, it goes to the heart of our democracy. Just as we would criticise that same thing happening to a judge, in the same way, it strikes at the heart of the administration of what should be justice. In the facts of this case, however, the one thing patently absent is justice.

Other speakers referred to the fact the British state, that is, the British Government and the establishment in Britain, has gone back on its word. It is astonishing that more than 30 years later, we are still talking about the things that were agreed 20 years ago and commitments that were made by Governments. It is in the same vein of what the likes of Mr. Donald Trump did in respect of climate change agreements that the British Government reneged on its word in this regard. It is in the same vein of the kinds of broken promises of other government's that would be directly criticised by the British Government. The hypocrisy of its approach to this issue is clear for everyone to see. It is something from which it cannot hide.

It is a real pleasure in Private Members' business to be able to speak on something on which we all agree. I wish to put on record my support, obviously, for this motion but also my praise for those who brought it forward. It is rare enough we all agree on things in this Chamber, but I listened to what the Minister had to say earlier. I note his commitment to this issue and that of his predecessors and previous Governments in this State not to shy away from this issue but to speak frankly with our neighbouring Government and tell it how we feel about this issue, and how little we want to tolerate the kind of behaviour we have seen from the British Government. That is tremendously important. In speaking with one voice in this House this evening, we also send that message to anyone across the water who is listening. We are speaking from a real democratic State where the rule of law has value, where I hope Government commitments have value and where an injustice like this is recognised as such when it occurs. This is not something we are saying alone because it has been recognised as an injustice by authorities internationally, by figures who have been invited to look into this case and by figures of authority who have examined the facts. When we speak with one voice in this House, we say to those people that this cannot be allowed to stand and that there is a responsibility on anyone who purports to be a democrat or to respect the rule of law to say it cannot be tolerated. This kind of activity, this collusion, this injustice, this assassination, this murder cannot be allowed to go unremarked and unresolved because that is what it is.

I very much support the motion and the idea that we as a House of the Oireachtas send out that message very clearly. I praise the people who have introduced the motion. I do not propose to use any more of my time because the facts of this matter have been set out very clearly. The facts are beyond dispute and it is time the British Government stepped up and took responsibility for its role.

Senator Lynn Boylan: I welcome the Minister to House. I am delighted he has come here and has made such a strong statement in support of this motion. I also welcome Mr. John Finucane, MP, to the House and send our solidarity to his mother who is watching tonight.

As my colleague, Senator Ó Donnghaile has said, Pat Finucane was a high-profile human rights lawyer. He was frequently in the courts defending people and in the media criticising the British Government's abuse of human rights. His murder by loyalists sent shock waves across the legal and political world here and internationally. Those who directed the loyalist killers, who we now know to have been the British Government, its intelligence agencies and crown forces, must have thought in 1989 that they had got away with one of the most brazen and blatant killings of the conflict. However, as we have heard tonight from many speakers, they failed to take into account the sheer determination of Geraldine Finucane, her children, Pat's legal partner Peter Madden and many other human rights organisations that have fought tooth and nail to uncover the truth about Pat's killing. In the course of the Finucane family's campaign to uncover the truth about Pat's killing, they have helped to expose a secret murder campaign by the British Government where it was killing its own citizens, the very people who it, as a government, was compelled to protect.

At the time of Pat Finucane's killing the word "collusion", and the deadly nature and scale of collusion, were unknown when compared to the extent of our knowledge about them today. It took time and persistence on the part of the Finucane family, many organisations representing relatives of those who were killed in the conflict and human rights organisations monitoring the behaviour of the state and its agencies to reveal the true extent of the murder campaign. This secret murder campaign, which we now know as Britain's dirty war, relied on collusion between the British crown forces and loyalist paramilitaries. The plan was British Government-inspired

and systematic. It resulted in the death of hundreds of people, overwhelmingly from the nationalist community of the North, but we cannot forget those who were killed in this jurisdiction in the Dublin and Monaghan bombings and other attacks.

The scale of the collusion and the resulting deaths and injuries is shocking; it is beyond belief. To grasp the enormity of what was going on I have selected three examples that demonstrate the scale of the British Government's policy of collusion and how it actually operated on the ground. The investigative journalist Anne Cadwallader, who has been cited tonight by Senator Black, is a member of the Pat Finucane Centre, which is a human rights watch organisation based in Derry. She wrote a book, *Lethal Allies*, which tells the story of the Glenanne gang, a notorious murder squad who freely roamed counties Tyrone and Armagh, killing people at will. Its killing zone was known as the "murder triangle" and its members were drawn from the British army, the Ulster Defence Regiment, the RUC and loyalists. This book examined over 100 killings and in every single killing a member of the crown forces was involved. The film "Unquiet Graves", which was directed by Seán Murray, depicts on screen the catalogue of murder.

Finally, I cite two men who had first-hand experience of what collusion means in practical terms - what we might call the nuts and bolts of collusion. They knew how it worked in practice through the lines of communication from its political masters in Downing Street via its various state armed agencies to the loyalist killers themselves. They are Lord John Stevens, the former head of the Metropolitan Police in London, and the Canadian judge, Peter Cory. They carried out in-depth investigations into the collusive relationship between the British crown forces, the intelligence agencies and loyalist paramilitaries in the joint murderous enterprise which resulted in hundreds of people being killed in the North. According to the report of the Stevens inquiry:

Collusion ... ranges from the wilful failure to keep records, the absence of accountability, the withholding of intelligence and evidence, through to the extreme of agents being involved in murder.

Judge Peter Cory described collusion as "to cooperate secretly: to have a secret understanding ... to deliberately ignore; to overlook; to disregard; to pass over; to take no notice of; to turn a blind eye; to wink; to excuse; to condone; to look the other way; to let something ride". On the one hand, we have the colluders' handbook, the guide to adhere to and follow to ensure that like the three wise monkeys, one sees no evil, hears no evil and speaks no evil. On the other hand, we have the killers' *modus operandi*, the method of operation which left people dead and injured. The killers and those who protected them from on high had a licence to kill, and kill they did.

I absolutely support this motion calling for a public and independent inquiry for Pat Finucane. I am grateful for the unanimity across the House in our call for that public and independent inquiry.

Senator Niall Ó Donnghaile: I concur with many Members' remarks on the unanimous agreement in this House. Such unanimity always makes for a much more pleasant evening for me. Given the experience of recent weeks, I thank colleagues for that.

Returning to the more serious element of tonight's motion and the purpose of it, I begin by recognising and noting the significance and importance of the remarks made by the Taoiseach after his meeting with the Finucane family, and indeed again in the Dáil Chamber yesterday in

response to my party leader, Deputy McDonald, when she asked about the inquiry. I also note the significance and importance of the Minister's remarks tonight and what they mean for the Finucane family, and for us as citizens and people who have put our names and given our support to a motion like this tonight. We are very much at one here tonight.

Like Senator Bacik, I noted the Minister's remarks that a public inquiry by the British Government would be significant for reconciliation and the healing that is required. While the determination and the tenacity of the Finucane family has been acknowledged and noted tonight, at the heart of this is a family who want justice, who want a wrong to be righted, who want that injustice to be healed and who want to have truth and justice that is representative of, and on behalf of, all the families who fell victim to the policy of state collusion. Colleagues have also mentioned all the other victims of the conflict, including people who were hurt by republicans, and that is why it is so important, because I agree. That is why republicans signed up to the Stormont House Agreement, and it is why all the parties in the North and the two Governments signed up to the Stormont House Agreement. I remind colleagues that much like the renegeing on the commitments in the Weston Park Agreement and so many other commitments in respect of the Finucane inquiry, there is only one signatory to that agreement who is renegeing from the Stormont House Agreement. I say to colleagues, to the Minister and to people who are watching out there to let us have what was agreed at the Stormont House Agreement implemented fully on behalf of everyone who suffered a loss, hurt or trauma as a result of the conflict.

It is also important to remember, in all of the reflections on Pat Finucane and his work here tonight, that he represented people from every tradition and community in the North without fear or favour because he was a servant of the court. He worked on behalf of victims and to stand up for human rights because he used the law to seek to dismantle injustice. He believed firmly in the law and that is why he pursued the career he chose. He knew that no one should be above the law and used it to defend and stand up for victims, those on the margins, the voiceless. He used the law for right and to do right and ultimately that is why Pat Finucane was targeted, set up and murdered. A very important message has gone from this House tonight which I have no doubt will be heard because it should be. This is in a chorus of messages in recent days, weeks and months going back decades, and laid in the first instance and driven by Geraldine Finucane and her family, which is that there should be a full public and independent inquiry into the murder of Pat Finucane. Gabhaim buíochas.

Question put and agreed to.

An Cathaoirleach: When is it proposed to sit again?

Senator Robbie Gallagher: Tomorrow morning at 10.30 a.m.

The Seanad adjourned at 7.42 p.m. until 10.30 a.m. on Thursday, 26 November 2020.