



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Dé Máirt, 1 Nollaig 2020

Tuesday, 1 December 2020

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

*Machnamh agus Paidir.
Reflection and Prayer.*

An tOrd Gnó - Order of Business

Senator Regina Doherty: The Order of Business is No. 1, Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Bill 2020 - Second Stage, to be taken at 2.45 p.m. in the Seanad Chamber, with the time allocated to all Senators not to exceed ten minutes each, time can be shared and the Minister to be given not less than ten minutes to reply to the debate, and any division demanded thereon to be postponed until immediately after the Order of Business on Wednesday, 2 December 2020.

Senator Victor Boyhan: I thank the Leader for setting out the Order of Business for today. I propose an amendment to the Order of Business that No. 24, motion 8, on the Order Paper be taken before No. 1. This motion relates to the vacancy on the agricultural panel and the by-election.

I want to talk about the red meat industry. Those who follow the agricultural sector and food security will be very aware and particularly concerned about the recent reports from the Health and Safety Authority concerning serious breaches around public health, public safety and Covid. This industry has a very large workforce. Currently many workers would tell us they are forced to work in very tight, cramped conditions. Many of the workers in the industry are afraid to report incidents because they fear they will lose their jobs. Many of them are on very low pay and many of them are scared their work will dry up.

A report published this week and referred to in all the national press relates to issues around Covid and the serious possible cross-contamination of food which, in turn, will affect our food-chain. When there is doubt or a lack of confidence in a sector, particularly like the meat sector, it has a knock-on effect from retail to processing, back along the line to the farm gate and, ultimately, farm incomes. People will be seriously concerned about the consumption of meat if they read in the national press and in reports about the sector, its health and safety and that of its workers. It is important that we protect the workers and empower them to be able to be whistleblowers or whatever one calls it in order that they can articulate their concerns. More important is that we support them in terms of health and safety and look at the Health and Safety

Authority, HSA, report. Therefore, I suggest, if at all possible, that the Minister or Minister of State with responsibility for food safety might come to the House and allow a brief opportunity for us to put a number of questions to them. We owe it to the workforce, to consumers and to agriculture that we have a healthy, safe and confident meat supply.

Senator Marie Sherlock: I echo Senator Boyhan's call for a debate on the red meat sector and the serious issues that arise from the HSA's report. The Minister for Enterprise, Trade and Employment should also be party to that debate.

I raise the issue of the pay of contract cleaners. As we all know, contract cleaners are some of the lowest paid across our economy. My question, which I ask the Leader to direct to the Minister for Enterprise, Trade and Employment, relates to why he is holding up the awarding of a pay increase to workers in the sector. I will briefly provide background to this. Contract cleaning has a joint labour committee. This is where employers and workers come together to decide the rates of pay. Earlier this year, they decided that a pay increase of 40 cent should be awarded from 1 December. The Labour Court adopted this employment regulation order on 4 November and that document has been sitting in the Department of Enterprise, Trade and Employment since 4 November, waiting for a ministerial signature to give statutory effect to the employment regulation order. We are still waiting, as of this morning, for that. It is not acceptable that contract cleaners or any other workers should be left waiting for their pay increase when it has been agreed between employers and worker representatives. I ask the Leader to get an answer from the Minister. If he is not prepared to sign it today, he should come into the House and explain why.

I will] raise a second issue relating to the arts sector and some concerns articulated in recent days regarding the allocation of funding. To be clear, the recent initiatives by the Minister, Deputy Catherine Martin, with regards to the arts sector have been welcome, in terms of the various supports that have been put in place in the music sector and in the theatre and performance sector overall. However, there are clear concerns with regard to the transparency with which those grants are made, fairness and feedback. I understand that a number of applicants have not received feedback as to why they have not received a grant and are looking at others who have. The important point is that these supports in many cases will be the difference between people remaining in the arts sector or being forced to leave a sector they love and have given a lifetime to. I ask, as we have asked previously, for the Minister, Deputy Catherine Martin, to come into this House to debate these issues. It is important that we have a better understanding of the supports that are in place and plans for future supports.

Senator Vincent P. Martin: Ireland has a long history of friendship with the people of Ethiopia. It saddens us all to hear recent reports of atrocities and identity-based attacks across the country. With the regional communications blackout, it is difficult to verify the number of deaths and we know thousands have been displaced and will face an uncertain winter. I welcome the Minister, Deputy Coveney's, call last week for all parties to cease hostilities and de-escalate tensions. Ethiopia has seen extraordinary changes in the past years, most notably, making peace with neighbouring Eritrea and long overdue political and public service reforms. Change is welcomed by the clear majority of Ethiopian citizens but this might threaten and frighten others. Old rivalries between ethnic groups are re-emerging with brutal consequences and there are now reportedly 3 million displaced people in the country.

The Tigray region is known as the cradle of Ethiopian civilization and its people have long held senior and important positions across all parts of the Ethiopian Government. The EU and

Ireland must do all in their power to prevent the emergence of a larger conflict, which could unleash international ethnic fighting throughout Ethiopia and have devastating consequences across the entire Horn of Africa. Both sides have thus far refused UN and African Union calls for dialogue. Given the long-standing role of Irish humanitarians, diplomats and peacekeepers, the wonderful role they have played in the region and our aid relationship with the Ethiopian Government, I believe Ireland can play a greater role in reconciliation. Irish Aid already provides support to small farmers in Tigray through a range of sustainable practices and I ask the Minister to come into the House to give an update as to whether these operations have been affected during the recent instability and as to whether there are plans to extend such initiatives and offer emergency aid in the coming months.

Ireland, with its respected reputation, could trigger much-needed dialogue in this northern region of Ethiopia. Ireland could be instrumental in brokering peace. It is of concern for many Irish people who have nothing but love for the Ethiopian people and what they are going through at the moment as we approach Christmas. I tried unsuccessfully to seek a Commencement matter on two occasions but I understand how pressured that time is so I am using the Order of Business to ask the Leader to invite the Minister into the House to give us an update on the precise situation, which is of deep concern to many Irish citizens.

Senator Niall Ó Donnghaile: Gabhaim buíochas leis an Cheannaire as ucht an Oird Gnó a leagan os ár comhair. As the Leader knows, last week the Taoiseach met Pat Finucane's wife Geraldine and their son John and unequivocally supported the family's demand for a public inquiry into the murder of Pat. In this Chamber, the Minister for Foreign Affairs endorsed that Government support and the Seanad unanimously supported the family's call for a public inquiry. John attended the Seanad debate and he spoke personally at last week's Good Friday Agreement committee about the loss of his father and the impact of his murder on his mother and his family. Yesterday, the British Government rallied around to protect and defend those in the British Cabinet who sanctioned the murder of Pat Finucane through collusion over 30 years ago. Reacting last night to that decision, Pat's son John stated:

Our initial reaction is that we are very angry. I would like to say that we are surprised. But what the British Government proposed to us today was nothing short of insulting. We have waited for nearly two years for the government to respond to our supreme court victory in 2019. We have been waiting 31 years for an effective investigation into the murder of my father. What was presented today, I think, once again, if we needed another example, we were presented with it today, is, that the British government at every opportunity will continue to make the wrong decision, and will put all their efforts into ensuring that the truth as to what happened in the murder of my father, that the full truth, will not see the light of day. And they are intent on suppressing that truth. And today's meeting confirms that again to our family. To dangle this statement, that he is not ruling out an inquiry, 31 and a half years after my father was murdered; some nine years after David Cameron accepted that there was collusion; five years after De Silva reported; two years after the supreme court have given their judgement. To say today quite casually that he is not ruling out an inquiry I feel is insulting. We had police investigations before. We had the police investigation after my father was murdered. We also had a police investigation by the most senior police officer in the UK, John Stevens, now Lord Stevens. The Supreme Court dismissed that as not being an effective investigation. So to sit in a room with us today and present this as something credible and ask for us to support that; I thought it was astonishing and I thought it was exceptionally arrogant and cruel of the Secretary of State on behalf of his Government.

Seanad Éireann

The Taoiseach, the Minister for Foreign Affairs and the Seanad with one voice supported the Finucane family and their call for an independent public inquiry.

They have also received substantial bipartisan support on Capitol Hill. Yesterday's decision by the British Government was cruel and crass. Last week, An Taoiseach, the Minister for Foreign Affairs and the Seanad sent a powerful and personal message of support to the Finucane family. That message remains with them today and will help them absorb yesterday's shocking and indefensible decision. Yesterday, Pat's widow, Geraldine, stated:

It would seem to me there is a lot to hide. So the idea is to just delay and delay and to hope as I get older I will pop my clogs and the investigation will stop. But believe you me with every breath in my body I will fight them to the bitter end and I will make them responsible for what they did.

We wrote to Geraldine to continue to stand with her and family in that fight, to Pat, to truth and to justice and to all those campaigning for the same. The Weston Park agreement has been wilfully ignored. The full authority of the office of An Taoiseach is being wilfully ignored, as are the unanimous and unified voice of the Oireachtas and the importance of the people, here at home and throughout the world, who put on this campaign. The British Government is even ignoring its own Supreme Court.

The Finucane family and the people must now hear what the Government intends to do about it. As Geraldine put it so well on RTÉ Radio this morning:

Today is a new day. I will never give up.

We must never give up either.

Senator Vincent P. Martin: On a point of order, I apologise in advance to the Leader but I cannot stay to hear her response on the Order of Business because I have to go to a committee meeting. I will play it back later.

Senator Eugene Murphy: I fully endorse the comments of Senator Ó Donnghaile regarding the disappointment we all feel in respect of the appalling death of Pat Finucane. The Senator is correct. The Taoiseach, the Tánaiste, the Minister for Foreign Affairs and both Houses of the Oireachtas have been snubbed by the British authorities. I do not want to go into all this again, but there is clear evidence of the collusion that went on. It is appalling that, even at this late stage, the British authorities will not own up and give in to this public inquiry. It is really sad for us all. I am sure the Government will again take up the baton and fight hard to get this inquiry. I will raise this matter at our parliamentary party meeting later.

I turn to Covid-19 because, in many respects, this is a good day. The retail sector has got up and running. We look forward to Friday, when restaurants, hotels and other services will reopen. Walking from my hotel to Kildare Street earlier, I was keeping an eye on the trains as they travelled through the city. I have to say "Fair play" to the public. While quite a number of people were on the trains, or as many as are allowed at the moment, I did not see anybody without a mask. The people are really coming to terms with the message that we must wear masks. All of us have to understand that the Government had to do a little bit of tightrope walking, both by taking on board what the National Public Health Emergency Team, NPHE, recommended,

which is very important, and by seeking some type of meaningful Christmas, although we all know it will not be the same as usual. Older people I have spoken to in recent days have said they have arranged with their family that one wing of the family will visit on Christmas Day and another on St. Stephen's Day, and they have worked that out. We all have to do things differently because of where we are at the moment.

I compliment the people, who are treating this terrible pandemic in what is probably a more serious way than they had previously. I do not say that lightly. Perhaps how we viewed the pandemic in the first four months is different from how we view it now. We all thought it would be a passing storm but now we know it is not. Even with vaccination, it will still be some time before we end up getting the virus under control, but we are moving in the right direction. I firmly believe, and I am sure the Leader will refer to this in her response, that if we wear masks, wash our hands, observe social distancing, we can keep down the numbers. I appeal to everyone, including all Senators, that we do what we are asked to do, have a Christmas and, at the same time, try to keep the numbers low.

Senator Martin Conway: I fully agree with Senator Ó Donnghaile about the Pat Finucane decision and the behaviour of the British Government. I think we may all have been laid into a space where we believed an inquiry would be announced yesterday. I certainly believed it would be and all the mood music suggested that, especially in view of the fact that the highest court in the UK had recommended it. What has happened is regrettable and, certainly, the campaign cannot stop. Let us hope that, eventually, the right thing will be done.

Today is World AIDS Day. While we are in the middle of a pandemic, the world keeps moving and there are other serious diseases and health challenges. In the 1980s and the early 1990s, AIDS was a serious challenge but the world came together to try to deal with it. It is not as big a challenge as it was, but it is still a challenge and we cannot forget that because much work continues to be done and needs to be done in the eradication of AIDS and dealing with HIV, particularly in Third World and developing countries. We should redouble our efforts and commitment as a country to funding programmes in the developing world to help combat the spread of HIV and AIDS. At some stage in the new year, it would be no harm to hold a debate on our world development programme and the overseas aid that is provided by this country. We could include world health programmes in that.

Today is a good day in terms of Covid-19 but the deputy chief medical officer put it well when he said that just because we can do something, it does not mean we have to. I call on the Chief Medical Officer, the Minister for Health and the Department of Health not to release Covid-19 figures or death numbers on Christmas Eve, Christmas Day and St. Stephen's Day. We have all got used to seeing the notifications on our phones at 5 p.m. or 6 p.m. giving us the latest update on the numbers of cases and deaths. On some days it is good news, while on many others, it is not. It would be appropriate if the figures were not released on those three days of Christmas. I am sure they could be released at a later date. Everybody needs a break from that news cycle for those three days and I make that suggestion respectfully.

Senator Gerard P. Craughwell: I second Senator Boyhan's proposal that No. 24, motion 8, on the Order Paper be taken before No. 1.

I join colleagues in expressing my deep disappointment with respect to the Finucane murder. It is important to remember that Pat Finucane was the highest profile person killed in Northern Ireland through collusion but there were hundreds of others, and a truth commission

in Northern Ireland is needed to allow the purging of all the horrendous crimes that took place during the Troubles.

I woke up this morning to the news about Arcadia, which is a massive retail outlet. While watching the news, I saw Sir Philip Green, the chairman of Arcadia, get on his yacht. Is it not funny that in every such case, these chairpersons and people who are at the top of the heap get on their yachts and head off to the sun and leave behind devastated workers? More than 490 workers will be affected by what is going to happen to Topshop, one of the brands under which Arcadia operates in this country. Not unlike in the case of Debenhams, much of the stock will now be sold online.

11 o'clock

The people of Ireland who are now desperately buying stuff online because of Covid-19 should remember that, if they are buying former Debenhams products or products from Topshop, they are buying products that have put people out of work. I hear a lot of talk about Christmas. However, there will be no Christmas for the 490 odd workers from the Arcadia Group. There will be no Christmas for the people standing outside Debenhams doors just looking for a decent redundancy payment. The chairpersons of these organisations, however, will be on their yachts or in their Maseratis driving off to the sun. The people need to speak by not supporting these super-rich people.

Senator Jerry Buttiner: We might have had our argument last week but I thank you, a Chathaoirligh, for picking both Senator Warfield and me for our Commencement matter on World AIDS Day. It is about global solidarity and shared responsibility.

This morning the Irish Fiscal Advisory Council praised the Government's temporary supports and stimulus package in budget 2021. Its chairperson, Sebastian Barnes, however, raised questions around the permanent spending increases. We need a debate on fiscal management and budgetary matters outside of the Finance Bill in light of the fiscal council report. Where is the revenue going and where are the jobs? We have Covid, Brexit and the need for increased employment. We heard this morning about the need to have solidarity with our contract cleaners, an important matter that cannot just be cast aside.

I request we have this debate as it is important that we protect our economy. However, 17,000 additional jobs in the public sector are coming at a time that many organisations say they cannot get nurses, psychologists or care staff. It is important we have that debate.

I endorse the remarks on the need for a full public inquiry into the death of Pat Finucane. All of us who want to see our country reconciled, and we recognise the need for truth and reconciliation. Such an inquiry would have been an important step in this regard.

Senator Rebecca Moynihan: I echo the calls of other Members on the issue of the Pat Finucane inquiry. It is extraordinary that this issue managed to unite people across the House yet the United Kingdom Government did not hear the calls for a full public inquiry. It is extremely remiss of it and it was a disappointing statement yesterday.

In this House several months ago, we discussed the issue of our built heritage and the O'Rahilly house. This was a case where a developer had got permission to demolish a building, in the middle of the night, even after Dublin City Council had initiated the process of having it put on the record of protected structures.

I want to raise the issue of another building, which I raised at the time of the debate on the O’Rahilly house, the Player Wills building on South Circular Road, which architecturally, culturally and socially is a great example of our industrial heritage, of which we do not have much. It was recently bought by Hines which is planning to put in a planning application to develop it and the site surrounding it. Back in 2018, while I was a member of Dublin City Council, I got the local authority area committee to pass a motion asking that it be immediately put on the record of protected structures. This had also been recommended by the then Minister. Two years later there was no movement on this.

The person who succeeded me on Dublin City Council tabled a motion to the full council meeting asking all council members that it be added to the record of protected structures. He got word yesterday that the executive had taken the decision that, after engagement with the developer, the developer was committed to maintaining the building and the executive was not moving to include it in the record of protected structures. Two arms of a local authority asked for it to be put on the record of protected structures, as did the then Minister. We have a chance of keeping this building, yet we are taking the word of a developer and an executive decision has been made. Will the Leader invite the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media to the House to discuss this? We do not want to be reliant on the goodwill of a developer to keep part of the industrial heritage of our city intact.

Senator Micheál Carrigy: Following the decision last Friday not to open public houses across the country, I was speaking to members of the VFI, Vintners Federation of Ireland, in Longford and Westmeath. I do not agree with the decision. While we have off-licences and supermarkets selling cheap alcohol in an unregulated manner, it is going to cause many issues. Publicans need to see a path for themselves if they are to have a future. Something needs to be put in place when and if they can open. It is the only sector which has been closed since last March, bar two weeks.

It is also important that the Garda enforces rules for those premises which have been given authority to open. It has been quite common for rules to be broken around the country. Will that be addressed?

Disability and assessment of needs staff have been redeployed for contact tracing and community testing. The figures for my community healthcare organisation area, CHO 8, which covers Longford-Westmeath, Laois-Offaly and Louth-Meath, are astounding. The number of staff deployed from the disability and assessments of need area is 100 of a total of 167. Up to 60% of the staff in the whole country have come from one CHO area. That means the children in our area are not being assessed or getting the support measures they need. There has been talk about recruiting staff but it has not happened in sufficient numbers. Will the Minister of State, Deputy Rabbitte, deal with this issue immediately as we need the staff back in our counties to ensure our children get the assessments to which they are entitled?

Senator Paul Gavan: Today is a good day. It is nice to see the shops open. I was on Grafton Street early this morning picking up a couple of things. At the same time, it struck me that we had some bad news yesterday as we have already heard about the Arcadia Group. I have genuine concerns. Another 500 jobs are at risk with another dubious enterprise in terms of its management and ownership. There is a huge hole in this company’s pension fund while the owner enjoys himself on his €100 million yacht.

The real concern is that we have been speaking for four years on the Duffy Cahill report. I

am a member of the committee that dealt with the issue last week. I have real concern that there does not seem to be an urgency in the Department to deal with the Duffy Cahill proposals. They have been outstanding for four years.

We heard on “Morning Ireland” earlier that there will be, unfortunately, a significant number of redundancies in retail early in the new year. However, there is still no action from the Government. We know the plight of the Debenhams workers. I know there are talks this week and everyone wants to see a good resolution for all concerned. We are only going to repeat this, however.

We are well capable of passing emergency legislation quickly when it is needed in this House and the Lower House. What is frustrating is that five months after the programme for Government, there has been no emergency legislation to protect retail workers. All of us must ensure that before this tsunami is upon us early in the new year, we take urgent action to implement the Duffy Cahill proposals and build in protections for retail workers. Otherwise, how can we look anyone in the face and use the well-worn phrase that we are all in this together? Retail workers are not included in protections that they desperately need. We need to ensure that happens. I call for an urgent debate on the matter, as well as for urgent action from the Government.

Senator John Cummins: Today, large parts of the economy are reopening following a difficult six weeks of lockdown. However, several sectors are still not permitted to open which needs to be addressed as a matter of urgency. I am specifically referring to the arts sector, theatres and venues across the country.

In Waterford, the Theatre Royal opened successfully without cases when restrictions were eased during the summer. It can hold 90 audience members across three floors with 2 m social distancing in place. The theatre would be happy to operate with just 50 patrons. The arts sector is not about making money. Rather, it is about ensuring that engagement is maintained for artists and audiences in order to keep the sector alive. Likewise, Forum Waterford, a bingo venue, has to remain closed under level 3. Nobody can tell me that a venue which has the capacity to hold 600 people cannot operate safely with 50 patrons in attendance. People can scoff at the idea of bingo, but Forum Waterford is an alcohol-free and socially-distanced venue that can operate safely and that should be allowed to do so.

When asked by a reporter at yesterday’s media briefing to explain if there is a particular risk associated with theatres over cinemas, Dr. Tony Holohan said NPHE had not given any consideration to distinguishing between the risks that applied to the two settings. He went on to say that cinemas are allowed to open in level 3. I am sure the Leader will agree that is a contradictory message. The reason no consideration has been given to it is that there is no difference between a cinema and a theatre.

I am sure we all watched “The Late Late Toy Show” on Friday with great joy and saw children singing, dancing and performing. Stage schools have not been given the opportunity to reopen, despite operating successfully during the summer. Not every child wants to be involved in sport, which is something I know as a former PE teacher. It is essential for children to be able to engage in activity outside of their households. I believe stage schools can operate safely. I ask the Minister to invite the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media, Deputy Martin, to the House as a matter of urgency for a debate on the sector and these issues.

Senator Malcolm Byrne: I echo the comments that have been made and express my disappointment about the decision of the British Government not to hold an independent inquiry into the case of Pat Finucane.

I also echo the comments of Senator Cummins. It does not make sense that cinemas, galleries and museums can open, yet theatres, which are safe and controlled environments, are kept closed. We will see far more people in retail outlets and supermarkets over the next few weeks than we will see in theatres. When theatres were permitted to open earlier this year, they were able to do so in a very safe and controlled way and they provided people with an opportunity for entertainment. I ask that consideration be given, in particular coming up to the Christmas period, to examining how our theatres can reopen.

We have asked on a number of occasions for a debate on the rule of law in Hungary and Poland. People will be aware that yesterday the Dutch Parliament voted to force its Government to take action before the European Court of Justice against Poland for breaches of Article 7 of the EU treaties. It is no longer acceptable that Poland and Hungary are holding vetoes at a European level, where they are constantly breaching the rule of law, there is no respect for the judiciary or freedom of the press and where minorities, in particular the LGBT minority in Poland, are being treated with such disrespect. The European Union is about values. I ask that we have a debate in the House on Poland and Hungary's continued membership of the European Union if they are not prepared to follow the rule of law.

Senator John McGahon: I want to discuss something that the Leader will have a lot of experience of from her time as a Minister in her former Department. I refer to the Christmas bonus and, more importantly, the fact it is not paid to people who are on maternity leave. Next year I would love those who are on maternity leave at Christmas to be eligible for the Christmas bonus scheme. The Minister for Social Protection, Deputy Humphreys, talked about the Christmas bonus last week, which is incredible. She encouraged people to spend that money locally. This is money that, in the first instance, goes back into local economies. That is important. People who are on maternity leave have paid their taxes, worked in jobs and contributed to the economy. They will contribute to the economy when they finish maternity leave. The payment will not be given to everyone who is on maternity leave; it will only be paid to those who are on maternity leave during the Christmas period. According to the Department's website, more than 30 groups of people avail of the Christmas bonus. They include those in receipt of the State pension, invalidity pension, the back to work enterprise allowance and the supplementary welfare allowance. It is important that we include people in receipt of maternity benefit in that cohort. It is too late to do anything about it this year. I would appreciate if we could have a discussion or debate about this issue so that it can be put on the agenda for Christmas 2021.

Senator Garret Ahearn: I echo the statements of many Senators who have wished all of the businesses that are opening up today well. In that context, I wish all of the businesses in Tipperary well. They have had an incredibly tough number of weeks and I hope the Christmas period is a success for them. I encourage everyone to support them.

There is some confusion about whether craft fairs can go ahead. Fethard Horse Country Experience in Tipperary has hosted a Christmas craft fair for the past two years. It has proved very popular and has been a source of income for stall holders who provide a great variety of Christmas gifts for their customers. This year, the organisers considered holding the fair again but making it an open-air event on the main street in Fethard. They put feelers out to check the viability of such a plan and determine whether there was interest. They found there was

overwhelming interest from stall holders who wished to take part. They planned to hold it on Friday, 11 December from 3 p.m. to 7 p.m. There is plenty of room on the main street, which has wide footpaths and plenty of space for stalls to be socially distanced. I understand under the latest Covid restrictions the fair may not be able to go ahead. I have spoken to Councillor Mark Fitzgerald who has worked extremely hard to try to resolve the issue locally. A committee is meeting tomorrow to discuss where the fair goes from here, just ten days before the planned event. There are numerous craft fairs across Tipperary and the country that want to go ahead. I would appreciate if the Leader can give us clarity from the Minister for Health on whether craft fairs can happen. If farmers markets can go ahead, craft fairs held in a safe outdoor setting should also be allowed. If I could get some clarification on that it would be welcome for those involved.

Senator Seán Kyne: I concur with Senator Ó Donnghaile's contribution on the Pat Finucane case. It was a very disappointing decision by the UK Government yesterday. One might say it was to be expected but it was hugely disappointing nonetheless. My thoughts are with the Finucane family and what they have gone through and are still going through on an issue that deserves a full public inquiry.

Another issue the Leader was familiar with in her former Department is the certification of deaths abroad. As she knows, the family of an Irish citizen who dies abroad finds it difficult to get a death certificate in this jurisdiction. We passed legislation a number of years ago to rectify this matter. I worked with the then Minister, Joan Burton, at the time. Legislation was enacted and received widespread support across both Houses at the time. There were further delays in putting in place the process to ensure that those certificates could be awarded to the families and loved ones of those who died aboard. I ask the Leader for an update on this issue. She will be familiar with the industrial relations issues in the Department that was dealing with this issue. We have done the heavy lifting here, as have departmental officials in terms of ensuring this process is put in place, yet we cannot sort out the final and most important issue, namely, providing certificates for the loved ones of those who, unfortunately, passed away abroad. I ask that the Leader seek an update on this very important issue.

An Cathaoirleach: Before I call on the Leader, I also pay tribute to Geraldine Finucane for her courage, resilience and relentless pursuit of justice for the murder of her husband, Pat Finucane. Nobody should be afraid of the truth. We had a great debate for two hours with the Minister for Foreign Affairs and there was consensus across the House that the truth should be given to the family, an inquiry was needed, and is still needed.

Senator Regina Doherty: I thank the Cathaoirleach. I am very happy to accept the amendment to the Order of Business and we can take No. 24, motion 8, before No. 1.

A number of sectoral debates have been requested which I will certainly attend to at the end of the Order of Business. I will attempt to arrange them as quickly as I can. The time will be difficult for us between now and Christmas but I agree with a number of speakers this morning on employment rights, particularly in our retail sector. We have a rolling suspension of redundancies in all sectors, and rightly so, to protect businesses that are still viable albeit vulnerable. However, I agree with Senator Gavan that we have a tsunami of potential redundancies, particularly across our retail sector. This is not just because they have been so adversely affected over the last nine or ten months and will continue to be so until we see a widespread roll-out of the vaccine, but it is also because over the last nine to ten months the changes in our habits are going to drastically devastate the high streets in our cities and towns and probably even more so

in many of our large shopping centres. The task force may need to be set up immediately and I will send a letter to the Minister for Enterprise, Trade and Employment on this issue. I will also ask about the delay. I am unsure as to why there is one as today is 1 December. Those sectoral arrangements agreed between employers and employees have to be respected and should not be delayed. I will try to find out today what the status of these are and will contact the Senator's office later on.

A debate that is needed before Christmas concerns the arts. It has already been requested by my office and by a number of Senators today. It was raised by colleagues last week on the introduction of the minimum universal payment as a pilot in the arts sector. The Minister would very much welcome coming in and extolling her values. The payment is not just to that sector but that is where the pilot is. However, there are some difficulties within the sector. There are some sectors within our arts community that are not able to avail of the supports that are there and nobody seems to know why. There are some diverging rules or guidance being put out there. I have a gentleman called Nev Ross who contacts me at least two to three times a week who raises the issues that Senator Cummins has raised. I do not understand how it is okay for our under-14 boys in Ratoath to play football on a Tuesday and Thursday night but it is not okay for under-ten little girls to go to their dance class in the hall outside our community centre. There are diverging and contradictory rules and that is just one example.

It is sometimes difficult for people to understand and accept guidance or rules which are obviously only given on behalf of either NPHET, the State or Government to protect us, as to why one thing is okay and another thing is not. There is an Irish saying that when we are given an inch, we want a mile, which is probably true. The overall message, however, which we must try to remember not just as representatives standing up here, is to say that if it is okay for footballers why is it not okay for dancers, or if it is okay for cinemas why is it not okay for theatres, and please God bring bingo back, because it is definitely okay for bingo halls that can hold 600 people. Bingo is definitely an activity that our older people need. However, we need to be mindful that while everything is okay, we then have millions of people churning around the country, and it is that movement which is the problem. We probably do have to recognise and accept in our representations that what is limited is probably precious and we will not get the blanket opening up of all sectors - even though it is difficult to understand why one is okay and the other is not - until we see a full roll-out of the vaccine. We need to have that conversation and debate and, particularly, we need from the Minister's perspective to hear our views on how the arts industry needs to continue to be supported. It is definitely an industry that does not make any money and there is nobody in the arts industry floating around on €100 million yachts. That task force is something that would be very useful and I will write to the Minister today on behalf of Senator Gavan and others who have brought up employment rights, particularly in less well-paid sectors.

I will come back to Senator Martin on the issue of Ethiopia. I do not know if I will be able to facilitate a debate between now and Christmas. However, I should definitely be able to get a written response on what the Government's reaction is and what supports the Minister of State, Deputy Brophy, plans on behalf of the State to look after a nation that is very proud but so vulnerable at the moment, not least because of Covid-19, but it also has so many other issues.

It is probably unusual that either this House or the other House ever unite entirely on an issue. We saw last week the unification of this House, the Government and every party in support and recognition of a need for a public inquiry that was mooted by the then Prime Minister, David Cameron, eight or nine years ago because of what he believed was irrefutable evidence

that there was collusion in the murder of Pat Finucane. I have to pay tribute to the stoicism and strength of Mrs. Finucane. To watch her yesterday and her resolve after 30 years is quite something to behold when one considers everything that family has been through. There is no doubt that there was significant disappointment felt yesterday, not least on behalf of the family, but by all of their supporters and every right-minded person in this country. The difficulty with looking at the past is that it causes hurt. The recognition that if we are to heal, then the truth has to be told, and only then can healing begin, is something that every single one of us knows. Some 31 years later, yesterday, one can still see the hurt that Geraldine Finucane feels. That is true of every other family who have suffered at the hands of atrocities in our country over the last two to three generations. There has to be a recognition and an acknowledgement all around that hurt will only heal when there is truth and a ceasing of the glorification of what went on during those 30 years. I do not know what the Government's response is going to be this morning but I know that it is discussing it at Cabinet. If the Minister does not make a statement later today I will ask the Minister for Foreign Affairs and the Taoiseach what their response is. I have no doubt that the Taoiseach will liaise with the Finucane family. We all need to recognise, finally, once and for all, that the only way that we can heal is for the truth to come out, painful, sordid and ugly as it is. Without that healing and the justice, there will be no moving forward for this country because people will always harbour some sense of anger and despair at what went on in the past. We need to be grown-up once and for all as states and, particularly, as governments. The British Government's decision was very disappointing yesterday and our actions now need to ensure that we make it known to it what we want and what will be needed to resolve 30 to 35 years of hurt and pain.

I do not have an answer on the resolutions for Senator Ahearn. The regulations will be issued today by the Department of Health on what can and cannot happen safely over the next couple of weeks while we are in level 3 and indeed when we open our counties to allow people to visit their families over Christmas. If it does not include the Senator's markets, which is exactly the same as a farmers' markets except that it is selling different items such as crafts, it may again not make any sense, but I hope that it does. I will find out the position for the Senator later today.

In my closing comments I note that the last couple of months have been completely crap for everybody and very bad for many of our citizens. As an auld one I got such great joy out of "The Late Late Show" on Friday night. I do not have small children any more but yet every one of my near-adult children sat in the sitting room with us and it was an enormous tonic to see Adam, Saoirse, John the hospital porter and the great Irish spirit that exists where millions of euro were donated to children's charities because of the goodwill of the Irish people. On behalf of all of us, I hope, I say "hats off and congratulations" not only to Ryan Tubridy but to the entire production team and every child and his or her family who participated in giving Ireland such a great joy on Friday night. It was a real tonic and we definitely needed it.

An Cathaoirleach: We all agree with the Leader about RTÉ and "The Late Late Toy Show". It was a huge lift. The Leader's description of the past few months as being crap is probably the most accurate description of the past whilee.

Senator Boyhan has moved an amendment to the Order of Business: "That No. 24, motion 8, be taken before No. 1". The Leader has said she is prepared to accept the amendment. Is the amendment agreed? Agreed.

Order of Business, as amended, agreed to.

Vacancy In Seanad Membership: Motion

Senator Victor Boyhan: I move:

That the Clerk of Seanad Éireann do send to the Minister for Housing, Local Government and Heritage notice of a vacancy in the membership of Seanad Éireann occasioned by the resignation of Senator Michael D'Arcy, a member elected from the Oireachtas Sub-Panel of the Agricultural Panel at the General Election for Seanad Éireann, April, 2020.

Question put and agreed to.

Sitting suspended at 11.31 a.m. and resumed at 1.30 p.m.

Gnó an tSeanad - Business of Seanad

An Cathaoirleach: I have received notice from Senators Fitzpatrick and McGreehan, who are sharing time, that, on the motion for the Commencement of the House today, they propose to raise the following matter:

The need for the Minister for Children, Equality, Disability, Integration and Youth to make a statement on the process by which survivors of mother and babies homes will apply for and receive unredacted copies of their personal records and documents in advance of the publication of the report from the commission of investigation into mother and baby homes.

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 implications of the national planning framework strategy of removing one-off local needs rural planning and rezoning-de-zoning population caps.

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 Jerry Buttmer of the following matter:

The need for the Minister for Health to make a statement on the implementation and roll-out of the national AIDS strategy to coincide with Worlds AIDS Day today, 1 December, 2020.

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

The need for the Minister for Health to provide remuneration for student nurses working on placement in the Irish healthcare system.

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

The need for the Minister for Health to make a statement on the re-opening of the gay

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men's health service post Covid-19 restrictions.

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

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

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

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

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

The need for the Minister for Housing, Local Government and Heritage to update the planning guidelines to ensure that changing place toilet facilities are available in all public buildings.

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

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

I have also received notice from Senator Seán Kyne of the following matter:

The need for the Minister for Education to provide an update on the proposal for a new building structure on the existing school site of Scoil Chaitríona Senior and Scoil Chaitríona Junior, Renmore, County Galway.

I have also received notice from Senator Tim Lombard of the following matter:

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

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

The need for the Minister for Enterprise, Trade and Employment to make a statement on the difficulties being faced by persons working as content moderators.

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 Lynn Boylan of the following matter:

The need for the Minister of Housing, Local Government and Heritage to outline his plans to address the recent spate of landslides in Irish bogs.

The matters raised by the Senators are suitable for discussion. I have selected those of Senators Fitzpatrick and McGreehan, who are sharing their time, and of Senators Davitt, Higgins,

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

Nithe i dtosach suíonna - Commencement Matters

Mother and Baby Homes Inquiries

An Cathaoirleach: I thank the Minister, Deputy Roderic O’Gorman, for coming into the House in relation to the issue of the mother and baby homes. Many Senators would have met Ms Sheila O’Byrne, who has been outside the gates of Leinster House on many occasions on this issue. She was in St. Patrick’s on the Navan Road. She is a passionate advocate for the rights of people, such as herself, who were in those institutions and a voice that, like many others, must be heard.

Senator Mary Fitzpatrick: I thank the Cathaoirleach. I thank the Minister for coming into the House. This is an important issue to my constituents, his constituents and survivors all over the world.

When the Minister came into the House in October of this year, he brought forward legislation to prevent the destruction of the records and the database from the commission of investigation. My colleague and I supported that legislation because we thought it was critically important that the database and records that had been assembled by the commission of investigation in the course of five years’ work, detailing the history over 75 years, 18 institutions and more than 70,000 individuals, mothers and babies, would be protected and an unredacted form would be kept.

I asked the Minister at the time to take action, and I appreciate that he did, to ensure that the database and the records would be protected and that a complete version of it would be kept in the Department. I also sought guarantees around access to the personal data for the survivors and their children, that there would be an anonymised index published and that the Minister would champion the establishment of an archive in Sean McDermott Street.

I asked for the Minister to come to the House today in order that he could update the House on how survivors and their children will get access to their personal records. How will witnesses who gave testimony to the commission get access to their transcripts? How will information on the unmarked graves of those babies be made available?

Finally, the Minister might update us, if he can, on the Government’s position on establishing an archive on Sean McDermott Street. It would be informative. Most importantly, what I am looking for an update on the Government’s work to protect the records and the databases and, most critically, to give the survivors and their families access to their personal information to reclaim their identities, to know who they are, to end this terrible pain and shame and to bring this really dark period in our history into the daylight.

Senator Erin McGreehan: I thank the Minister for coming into the House. As Senator Fitzpatrick said, this is a really important issue. We all have cried a tear and listened to many

of the survivors in this country and the adoptees of those survivors who lived in the mother and baby homes.

There are a few things I will mention that continue on from what Senator Fitzpatrick was saying. Tusla has stated in the media over the past couple of days that it fears it does not have sufficient staff to deal with the complex work that has emerged from even an initial assessment of the database. We now have a protected database. We have a report coming out that will raise hurt, fear and anxiety among survivors and I hope that we can, for the want of a better word, take an holistic approach to this. We need to look after these women and adoptees. We must prioritise them for mental health supports. Women who do not want to be found must have their privacy protected. I have spoken to women who fear that their past is going to be brought back in front of them and they do not want that because they have left the past behind. There is a balancing of rights issue there, as we have previously spoken about in committee.

I also want to make sure that we have no ambiguity as to the process, what is going to happen to this database and how these survivors and adoptees are going to find out about their past. The timelines and formalities around requesting information must be clear. We must make sure that these women and adoptees are looked after because it is going to be hard on all parties and they need minding, looking after, care and consideration.

Minister for Children, Equality, Disability, Integration and Youth (Deputy Roderic O'Gorman): I thank both Senators for giving me the opportunity to provide an update on some of these matters. As they know, I received the report of the Commission of Investigation into Mother and Baby Homes on 30 October. As Senator Fitzpatrick mentioned, the report has been years in the making and survivors want to see it published soon. I share that wish. It is important that this report be published so that all of us can collectively understand better the experiences of the women who were in mother and baby homes and the experiences of the children who were born there.

Once the Government has given approval for publication of the report, I will engage directly with former residents as key stakeholders who are central to these issues and provide them with the details of the report and the proposed next steps. I am acutely conscious of the anticipation experienced by former residents and their families awaiting the publication of this report and I reassure Senators that there will be no undue delay in bringing the report forward for publication.

I have already been in direct contact with a considerable number of former residents by telephone and, in line with commitments already in place in this regard, my Department will make contact directly with former residents through existing communication channels to inform them of these matters before they are brought into the public domain. There is already a dedicated telephone information line available within my Department. Those details are available on the Department's website for people seeking further information on related matters. Once the publication is announced, these details will be widely advertised on various platforms to again inform key stakeholders of the details. There is also a telephone line already available for people seeking details of counselling support available to those affected by these issues. All of these numbers have been provided to former residents and their supporters and will be publicised on the websites of my Department and the HSE. My officials have liaised with the national counselling service to ensure that capacity is primed to respond to any increased demand for the service which may arise on foot of publication of the report, both during office hours and in respect of an out-of-hours service.

I want to be as clear as possible on the matter of records. The archive of the commission of investigation is still in the commission's possession. The Government's intention is to publish the commission's report as soon as possible. As such, the archive will not be transferred to my Department prior to the publication of the report. This means that I will not be able to provide copies of personal data to survivors in advance of receiving the archive. The archive will be transferred to my Department by 28 February next, as provided for in the legislation. Thereafter, my Department will be able to process subject access requests from people who want access to their records. My Department is working intensively to ensure that it is properly resourced to handle subject access requests and can provide people with as much personal data as possible.

I cannot make an absolute commitment that the Department will be able to provide unredacted records in all cases. As we discussed during the debates, the right to personal data under Article 15 of the general data protection regulation, GDPR, is not absolute. Release of personal data must not adversely affect the rights and freedoms of others, and this test must always be applied when considering whether to release personal data. It is a legal requirement to apply this test in each case and in some circumstances, this is likely to mean that certain records may be redacted or partly redacted.

In all my engagements on the commission's records, I have always been clear that applying GDPR will not resolve all issues around access to information. This issue underlines the importance of enacting robust information and tracing legislation. I have given a commitment in this regard to bring forward fresh proposals on information and tracing next year. The intention is that the legislation will support individuals to access more information than is currently accessible to them under GDPR or the Freedom of Information Act. I am committed to this legislation to ensure that we can provide people with the identity information they need, with the necessary wraparound supports for all involved. I will meet with my officials about the specific legislation later today and look forward to working with all Senators in advancing the legislation.

An Cathaoirleach: The two Senators have a minute between them to respond.

Senator Mary Fitzpatrick: I will be brief if I only have 30 seconds. I thank the Minister for his reply. It is welcome that the free phone telephone numbers are there and that supports are being put in place. I am going to move briefly to the final part of the Minister's statement which related to the information and tracing legislation. He flagged that when he came before the committee in October. It is a priority for the Government and I hope it is legislation that will be progressed in the first half of next year, if at all possible. I appreciate that I did not flag this in advance but if the Minister and his colleagues in government could raise the issue of the archive and Sean McDermott Street, it would be a welcome development in terms of the general issue - not so much for the individual survivors but for history's sake and the State's reparation.

Senator Erin McGreehan: I thank the Minister. It is reassuring that there will be adequate supports and that he has ensured that the counselling services have upped their capacities. I reiterate the care and consideration that is needed. These women have been through horrendous abuse. Their children have been torn from them and their lives were changed forever. The Minister must remember that when he takes any action.

Deputy Roderic O'Gorman: I absolutely agree. I acknowledged during the debates on

the database legislation that I had not done enough to engage with survivors. Since then, I have had approximately 40 calls with survivors, individuals and representative groups, which has given me a much greater perspective on the individual harm that was initially done in the mother and baby homes and how the treatment by the State over the years has magnified that harm. I am conscious of those issues and the need to bring forward legislation. It is an absolute priority for me and my officials and I are meeting about it today. I will be engaging in the first place with the Attorney General to talk about the specifics of the legislation and the need to have it focused on GDPR. That will be the linchpin for this piece of legislation and hopefully it will avoid some of the constitutional difficulties on which we touched during previous debates that have blocked progress on this matter.

I will, at all times, be working with Senators and Deputies because we all know that we need to get this right. I am very much looking forward to working with everybody to get a resolution for the women and children who were in these institutions.

National Planning Framework

Senator Aidan Davitt: I appreciate the Minister of State coming here today. It has been quite a while since we met in County Kilkenny. I congratulate him on his elevation to this great office.

The Project Ireland 2040 plan goes a long way back and much work has been done on it. Its inception was to iron out some of the problems that may have arisen in the previous plan. It is not just from a development point of view but I fundamentally believe there are serious cracks in this plan, which will unfold in an extreme manner over the next year or two.

I will give one example where I was contacted by a Longford-Westmeath constituent. The Minister of State is familiar with a town called Castlepollard in which there was a development called Cluain Mullan, which is an estate of 30-odd houses. The developer built out his first section of 22 houses and followed on with another eight houses. Between social housing and affordable housing, Westmeath County Council and the community benefited by approximately ten houses out of that 30, which was a great success.

Part of the field, however, was heretofore zoned. It was de-zoned under the previous monster plan to de-zone all these lands that were not in use. This shows an example of a builder who was on a site building but whose lands were de-zoned. He is the only active builder in Castlepollard at present. It is a provincial town, which are graded on their size and development. It is called a grade 3, or category 3, from a development point of view.

This guy can build; he has the wherewithal and he is on site. The development plan has come up in County Westmeath; that is my example. Perhaps, he has four acres left in his field, which was previously zoned but has been taken out. The councillors in Westmeath sought to put it back in, and under the new national framework, Westmeath County Council has said there can be no further developments in towns such as Castlepollard, Kinnegad or all these different towns.

The amount of stuff that has been rejected includes small, piecemeal sections of lands that councillors have sought to zone but have been told “No”. This is fundamentally wrong, particularly where a developer is on site building and working with the community. This is crazy; we

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will never build anything. If they were seeking to build somewhere out the road or elsewhere, well and good, but as part of our greater plan we are trying to encourage people to build in towns and villages.

I am surprised, given the Minister's Green Party background and the areas in which he has been active. I have followed much of the work he has done over the years. This, however, is a no-brainer to get people into settled areas where they have sewerage, water and all the facilities. The councillors had to vote against this, of course, to vary the plan. It will now have to go to the regulator to examine it under the new Act and, possibly, onto the Minister. I do not know. I believe the regulator makes the decision and, perhaps, the Minister looks at it from there.

That is just one example, aside from getting onto one-off housing or anything to that effect. There is, therefore, a fundamental problem if reasonably large towns such as Castlepollard, Moate, Kinnegad or Delvin, which have what were naturally zoned sites in infilled sites, cannot develop in particular sites. The Minister of State will have to review this plan because we said we will build 550,000 houses by 2040.

Acting Chairman (Senator Róisín Garvey): The Senator's four minutes are up.

Senator Aidan Davitt: Over the last number of years, we built between 15,000 and 18,000 houses. We will have Covid-19 this year and it will be something similar.

Acting Chairman (Senator Róisín Garvey): I must ask the Senator to wrap it up.

Senator Aidan Davitt: I thank the Acting Chairman. I am finished now. We will not hit the target. Unless we look at villages and town such as these and ease up in settled areas, there will be a serious problem and it will come back to haunt all of us. It is evident in the housing market already.

Minister of State at the Department of Housing, Local Government and Heritage (Deputy Malcolm Noonan): I will address the national planning framework, NPF, first, if that is okay, because my understanding was that the question particularly related to one-off housing. I will, however, specifically reference the issues the Senator spoke about.

First, to clarify, the national planning framework does not either remove one-off local needs planning for rural houses or impose rezoning or de-zoning population caps. The national planning framework provides important national rural planning policies supporting the growth and regeneration of our rural areas, including new housing for local communities. National policy objective, NPO, 15 of the NPF fully supports the concept of sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades, such as the Senator spoke about.

NPO 15 is supplemented by national policy objective 19, which aims to ensure that a policy distinction is made between areas experiencing significant overspill development pressure from urban areas, particularly within the commuter catchment of cities, towns and centres of employment, and other remoter and weaker rural areas where population levels may be low and or declining.

I consider that these NPF objectives represent a balanced approach, consistent with long-standing Government policies on sustainable development and previous planning guidelines. Under the sustainable rural housing guidelines of 2005, planning authorities are required to

frame their development plan policies in a balanced and measured way that ensures housing needs of rural communities are met, while avoiding excessive urban-generated housing.

The NPF objectives, together with the 2005 guidelines, therefore, enable planning authorities to continue to draft and adopt county development plan policies for one-off housing in rural areas in a structured and considered manner.

Turning to the anticipated population growth within individual counties, this issue is central to NPF strategy which projects growth in our national population of over 1 million people by 2040. This projection is based on demographic and econometric projections undertaken by the Economic and Social Research Institute, ESRI. To assist in the preparation of individual city or county development plans, over much shorter six-year timelines, an NPF roadmap circular was issued to all planning authorities in 2018, setting out projected county population ranges for both 2026 and 2031.

Importantly, this approach includes minimum and maximum population growth parameters, which provide flexibility to accommodate factors such as lower or higher migration correlated regarding national economic conditions. These projections provide a targeted base for each planning authority to undertake the statutory development plan review process, some of which are now under way across the country.

The NPF population projections provide a coherent approach whereby, in its development plan, each planning authority has clear population growth parameters to consider on the basis for strategic decision making in the formulation of its core strategy, settlement strategy and housing policies generally. Regarding zoning policies, each planning authority retains the decision-making function whereby county level population target ranges may be translated into geographical zones for housing. Planning authorities must consider such decisions in accordance with national guidelines, regional policy and good planning generally, in particular ensuring there is a strong alignment to the facilities and services needed to support local communities and sustainable employment.

To the core of the point raised by the Senator, I believe he is absolutely right. It is correct to say we should be clustering housing, insofar as we can, in and around existing urban settlements to give capacity but also to unlock the potential in our town centres of buildings that are already there. That is core to what the Government is trying to achieve through the “town centre first” policy, where there is access to services, they are walkable and cycleable, give capacity to our shops and are connected into waste water infrastructure.

In answer to the Senator’s question, it is important that local authorities strike that balance between achieving good capacity and building the capacity of our town centres. I believe that is the point the Senator raised.

Senator Aidan Davitt: I thank the Minister of State. It was a comprehensive answer but there is a problem, which I can tell him as a fact and he can take it out and look at it. In Westmeath, the zoning happening is mainly in Athlone and Mullingar. In all the regional towns, any little projects like that which could be looked at have not been considered this year. The councillors had to use their practicality and went against better advice, which will now be sent to the regulator because they were not part of the development plan drawn up by the executive.

There is a serious problem and this will happen in counties everywhere. Is the Minister of State seeing this anywhere else?

2 o'clock

Deputy Malcolm Noonan: It is primarily a matter for the local authority and its members to work on the core strategy with the executive. This is the important point. There is a core strategy in the development plan that is able to give capacity to the smaller towns and villages in the county development plan. All of the development plans are aligned at present and making their way through the process. They have to go through appropriate assessment and the checks and balances that meet national planning framework guidelines. At the core of this is that the local authority needs to strike a good balance to ensure all towns and villages are given the capacity to grow in a sustainable way.

Senator Aidan Davitt: The national planning framework should be tweaked more towards those smaller towns and villages. They are not part of it. They are numbered and categorised but they really are the orphans in this process. I refer to towns such as Castlepollard and Kinnegad. They should get more priority. We should look at this. It is within the remit of the Minister of State.

Deportation Orders

Senator Alice-Mary Higgins: Will the Minister of State make a statement on the recent and ongoing issuing of deportation orders and letters to asylum seekers requesting that they leave the country voluntarily or be threatened with deportation? Will he make that statement in the context of the global Covid-19 pandemic? Our obligations in terms of international protection have never been as important as they are now given the global emergency that is happening. We know that the UN High Commissioner for Refugees, UNHCR, the International Organization for Migration and the UN World Food Programme have all reported the massive exacerbation of pressure on vulnerable peoples throughout the world due to the Covid-19 pandemic. As of August, we know that 79 million people have been displaced globally because of the pandemic. These are the figures from the UNHCR. It is a global crisis.

I am extremely concerned that 469 deportation orders have been issued since March. I have received very concerned queries from a number of international protection applicants and from their communities. At a time we are told travel is to be restricted, the receipt of a letter telling people they need to leave the country or they will face the threat of deportation or they might be deported at any moment is deeply distressing not just for individuals but for their partners, their families and the communities in which they are involved. Many of those receiving these letters are very active in their communities. They are community volunteers. Some of them are extremely talented artists. We know that some of them are health workers or care workers. We have people who are part of the fabric of communities trying to help those communities through difficult circumstances and a letter like this adds great distress.

What is the rationale behind the issuing of such letters and deportation orders during a global emergency? What considerations have been given to the principle of non-refoulement, which is that people should not be deported into a situation where their lives may be threatened due to various factors such as their race, religion, nationality, membership of a particular social group or a political opinion, if it is the case that these categories would lead to somebody having difficulty accessing health services, or that the very process of being forced to travel during a pandemic could endanger somebody's life? There is a real concern about the absence of protection and the lack of access to necessary healthcare and protection if we are sending people into

those circumstances and, in some cases, into very overburdened health systems.

The Taoiseach has indicated with regard to a particular case where two healthcare workers were issued with deportation orders that they would not be deported to Covid-19 hotspots. Is this the Taoiseach's statement or a departmental policy with regard to deportations? Are other considerations being made with regard to these orders and the risks of international travel?

Either by means of statutory instrument or legislation, I urge the Minister of State to indicate how he intends to engage on this issue? Will he look at a cessation of the issuing of deportation orders during the Covid-19 pandemic or at least during emergency periods such as we are in at present? Will he look at statutory instruments or legislation, including, potentially, the powers he might have under the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act? There might be an opportunity under those powers to take action on this issue and ensure we stop this practice.

Minister of State at the Department of Justice (Deputy James Browne): I thank the Senator for raising this important matter, which I am taking on behalf of the Minister, Deputy McEntee. The Minister is aware that it has been a cause of significant concern in recent weeks.

I assure the House that our objective is to have decisions made as soon as possible on international protection applications and permission to remain considerations. This approach means that those who are found to be in need of protection will receive it quickly and can begin rebuilding their lives here with a sense of safety and security. For those found not to be in need of protection, we can offer them assistance to return to their home country. This objective of timely decision making is shared by the expert group led by Dr. Catherine Day, whose report the Ministers for Justice and Children, Equality, Disability, Integration and Youth, Deputies McEntee and O'Gorman, published recently.

For those found not to be in need of international protection a full consideration of all aspects of their case is considered before a deportation order is made. This includes a full consideration of their private and family rights in accordance with the European Convention on Human Rights as well as consideration of their work situation, among other issues. The principle of non-refoulement applies to these decisions. Under international human rights law, the principle of non-refoulement guarantees that no one should be returned to a country where they would face torture or cruel, inhuman or degrading treatment or punishment and other irreparable harm.

During the early stages of the pandemic, it was decided to issue positive recommendations only from the international protection office. The aim of this approach was to ensure applicants with negative recommendations were not disadvantaged by the time limits set out in the legislation within which they must make an appeal or request a review of a refusal of permission to remain. Once substantive processing and appeal hearings recommenced in more recent months, so too did the issuing of negative decisions. While the number of negative decisions did not increase, there was a build-up in the issuing of such decisions, with a higher volume than normal issuing once processing recommenced.

When individuals are advised of their negative international protection decision they are informed that they no longer have permission to remain in the State. Under the relevant primary legislation on this issue, they are required to confirm within five days if they will accept the option of voluntary return, for which the Department of Justice will provide assistance. If they do not confirm that they will leave voluntarily, a deportation order will then be made against them.

That said, a pragmatic approach is taken and, to be clear, the person is not required to remove themselves from the State within five days, they are required to indicate an intent to do so. The time taken for relevant voluntary return arrangements to be made will take into account all factors, including Covid restrictions and the limitations to travel this has created. Having said that, the Minister has previously stated that particular issues clearly arise with level 5 restrictions and, as a result, the letters may have inadvertently caused distress. The Minister, therefore, asked her officials to review the process of issuing such letters during the restrictions. I understand that no letters have issued since.

The expert group led by Dr. Catherine Day has recommended that the five-day period for deciding whether to accept voluntary return should be extended to 30 days. This, along with all other recommendations relevant to the work of the Department, will be actively considered by the programme board that the Minister has established for this purpose. Its work will feed into the development of the White Paper by the end of this year, in line with the programme for Government commitment.

Senator Alice-Mary Higgins: I strongly suggest that the Department return to the position of only issuing positive decisions during this period. Those who might be required to appeal cannot engage with the community or seek support if people cannot visit households. I am aware that people have been deeply distressed to have friends who have received deportation orders and who have not been able to engage with or see how they might be able to support them. I suggest strongly to the Minister of State that he formally return to the policy of only issuing positive decisions. I also suggest that the 30-day requirement, as proposed in that report, be implemented and that there should be a cessation in the issuing of these letters during that period until that 30-day period is set in place because a five-day notice landing in the middle of a lockdown level 5 is too distressing for people.

I appreciate that there are pragmatics but it is important that there is a clearer policy for those who receive letters. They often cannot even seek legal advice in that time. Can the Minister of State formalise the more humane policy that was adopted earlier in the crisis?

Deputy James Browne: I thank the Senator again and I acknowledge her request on positive decisions only and bringing in the 30-day requirement as soon as possible. I will bring both of those proposals to the Minister. I reiterate that each case is examined in detail on its individual merits taking all of the factors into account. I assure her, however, that I will convey all of her comments to the Minister later.

Acting Chairman (Senator Róisín Garvey): I thank the Minister of State, Deputy Browne, for his attendance.

Sexually Transmitted Infections

Acting Chairman (Senator Róisín Garvey): Cuirim fáilte roimh an Aire Stáit, Teachta Feighan. I thank him for attending.

Senator Jerry Buttmer: Míle Buíochas, a Chathaoirligh Gníomhaigh. I welcome the Minister of State to the House today, World AIDS Day. This is a worldwide health day with the theme of global solidarity and shared responsibility in fighting the stigma of HIV and AIDS in our country and in the world. I tabled this matter and I thank the Cathaoirleach for allow-

ing both myself and Senator Warfield to raised two different Commencement matters on World AIDS Day on sexual health strategy, which for the current five-year period is about to expire. I hope it just does not run out and that the next strategy is consultative because it is important that we renew our focus on tackling HIV through rapid testing, accessibility and collaboration between all the stakeholders involved and the NGOs. In particular, I pay tribute to the sexual health clinic in Cork and HIV Ireland for the work that they are doing. I also want to thank the State agencies under the remit of the Minister of State and to compliment him on the work that he is doing as Minister of State in the time that he has been in this position. I know that he has been very proactive on this particular issue.

The sexual health and crisis pregnancy programme has helped to fund and provide seed capital to meet our aspirations under Healthy Ireland to tackle the stigma of HIV and to reduce the numbers. The rates for this year are on a par with previous years and there is a worry about the trends. Our focus must be on achieving the goals and on maintaining funding. As a country we have signed up to Fast-Track Cities, the global partnership with the 90-90-90 outlook and outcome, and we all must be committed to making testing easier, to know our status while community testing must be made available, awareness raised, and the stigma that still exists in the context of HIV reduced.

In the context of Cork, I pay tribute to the staff and leadership of the Sexual Health Centre who are doing Trojan work during this pandemic with the outreach, support programme and counselling that has been available. Their HIV sexually transmitted infection, STI, clinic has been open throughout the pandemic. It is a facility and service available to people and the clinic must be commended on this.

Our urban centres may not be an issue - Senator Warfield will have a Commencement matter on a particular issue shortly - but visibility in rural settings is one that needs to be addressed as to equity of service, and availability and access to services. I was asked by somebody whether an eircode was the decisive feature in access to service. I certainly hope that it is not.

I also commend HIV Ireland, which has been to the forefront in our battle and response to HIV and AIDS for more than four decades. In reflecting, as many of us do, and remembering our many friends we have lost, we recognise today that we are in a better place as a country because in the furtive early years, a social policy was being led and changed by NGOs and activists. Today, this is now Government-led. That is why the red ribbon, the symbol of HIV-AIDS awareness, is one that we should be proud to wear. I thank the Minister of State for being present and I look forward to his response. Our journey continues and I am very proud to see that he is present to wear the jersey in this battle and quest. I genuinely believe that we are lucky to have him as Minister of State as I know him a long time as a person with a genuine commitment to people.

Minister of State at the Department of Health (Deputy Frankie Feighan): I thank the Senator for his remarks. The national AIDS strategy referred to by the Senator was published in 2000. Its most recent successor is the National Sexual Health Strategy 2015-2020, published in 2015. That strategy aims to improve the sexual health and well-being of the population and to reduce negative sexual health outcomes, including unplanned pregnancies and the transmission of STIs, including HIV. These aims are being addressed by the delivery of a programme of work to improve education and prevention supports, sexual health and STI services, and the quality of health information used to inform policy. The vision of the sexual health strategy is “that everyone in Ireland experiences positive sexual health and wellbeing”. The strategy has

three goals: that everyone living in Ireland will receive comprehensive and age-appropriate sexual health education and/or information and will have access to appropriate prevention and promotion services; that sexual health services, which are equitable, accessible and of high quality, will be available to everyone; and that robust and high-quality sexual health information will be generated to underpin policy, practice, service planning and strategic monitoring.

A mid-term review of the strategy in 2018 found that implementation is going well. There is a great working relationship between voluntary and community groups working in this area, and the HSE's sexual health and crisis pregnancy programme, SHCPP, which manages the health care services covered by the strategy.

Tackling the recent increase in new diagnoses of HIV and other STIs is a key element of the strategy. Last year saw the launch of a number of major actions to combat these rising rates of infection. In June 2019, Ireland formally became a member of the HIV Fast-Track Cities initiative, a major global partnership committed to accelerating local HIV-AIDS responses. Dublin, Cork, Limerick and Galway have joined this network, and €450,000 in funding was provided in 2019 for implementation of local actions, such as increased access to HIV testing. The most significant development in 2019 was the introduction of a national programme of HIV pre-exposure prophylaxis, or PrEP, which involves the pre-emptive use of anti-retroviral medication to prevent HIV infection.

PrEP is provided within a holistic prevention service which includes regular monitoring and testing, as well as advice and counselling on safer sex practices. Funding of €5.4 million was provided in 2020 to provide for a full national roll-out of PrEP and to fund additional staff and other resources required to provide HIV PrEP within a broader sexual health and HIV prevention programme.

Other important actions undertaken by the SHCPP includes support for parents, with a range of booklets having been published recently to enable them to talk to their children about relationships, sexuality and growing up. The SHCPP also provided support for the provision of relationship and sexuality education in schools. The programme plays a vital role in developing research, collaborating with, for example, the ESRI, to produce the evidence-based information that is vital to understanding emerging trends. The future direction of the strategy will be reviewed in 2021.

Senator Jerry Buttimmer: I thank the Cathaoirleach Gníomhach and the Minister of State. It is important that we live up to our expectations around fast-track cities, that there is a combined collaborative approach and that we continue to be to the forefront in responding to HIV and AIDS.

The funding of €450,000 announced last summer needs to be matched in future years. I hope that community-based testing, outreach services, public awareness campaigns and the availability of PrEP continue. They are very necessary. The elimination of stigma, increasing education and awareness and the continued promotion of young and not so young people is important.

Deputy Frankie Feighan: Some 23 public STI services nationally provide free STI and HIV testing. HIV testing is also available as part of the national antenatal screening programme, with almost 100% uptake. The HSE sexual health and crisis pregnancy programme funds and collaborates with community partners to expand HIV testing among higher risk population

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groups such as gay men and migrants in order to identify those living with undiagnosed HIV. The two most important partners are HIV Ireland and the Gay Health Network. I was delighted to meet HIV Ireland yesterday at the launch of another facility in the Mater hospital in Dublin.

HIV Ireland is funded to support a programme called mPower which provides testing and outreach support to gay and bisexual men online and in a face-to-face capacity. Funding is also provided to the Gay Health Network to manage the *man2man.ie* website, communications messaging and campaigns to ensure that gay men have access to the appropriate information on sexual health and available services. Further information and links are also available through *sexualwellbeing.ie*.

I note the importance of World AIDS Day in raising awareness of this illness which is a key element in keeping infection rates as low as possible. We will continue to work as closely as possible with all of our key partners and stakeholders in this important area in order to make the best use of resources and continue to fight against HIV and, as Senator Buttmer said, stigma.

Nursing Education

Senator Regina Doherty: I thank the Minister of State for coming to the House today. I feel like we have a weekly date to discuss things.

It probably goes without saying that this year has been an extremely difficult and trying time for everybody in the country, but none more so than our front-line workers, in particular those working in the healthcare system, including our doctors, nurses, porters, cleaners and health-care assistants. It has been tough for them and in uncertain circumstances they have stepped up to stop the pandemic in its tracks, help and mind Irish people and ensure our hospitals were not overrun, as unfortunately happened in many other European countries.

Student nurses in many of our hospitals continue to be a vital additional resource for management when workloads increased. The Department of Health correctly opened the temporary healthcare assistant salary to student nurses who carried out the duties, and, more important, had the responsibilities, of looking after our fellow citizens, responsibilities that would never have been placed on them in any other normal year.

For a student nurse studying for a four-year degree, 45 weeks of placement are required. While the four-year internship programme and placement are paid, students in first, second and third years are unpaid. In the past week or so, different commentators and the Minister have tried to justify the receipt of travel or accommodation allowances, but at the very best that payment might equal €50 per week. At the very worst, a young woman in my constituency detailed that she gets €7 per week in travel allowance. That would not cover her bus fare from Ratoath to the hospital she is working in. Significant asks have been made of student nurses this year, and they are not going away and probably will not go away until we have a widespread vaccination programme which will come, please God, next year.

Gaining a qualification in nursing is a daunting enough task at the best of times. Doing a placement in the middle of a global pandemic with many incredibly worrying and overwhelming challenges ahead of them means that we need to show we value the students and the work they do. To do that, we need to compensate them. We need to recognise, through money, our support for student nurses and the work they do. A round of applause would only go so far.

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I welcome the recent soundings from the Minister and Department of Health on reviewing student allowances in the longer term. That the Minister is considering those proposals means that will not help students on a placement this year. Students who have been on those placements from September until Christmas will be expected to come back in January when we know the normal onslaught on the health service will put them in a further invidious and unenviable position.

It is time for us to stand up as a State and recognise once and for all, not at some future date but today, the hard work, commitment and dedication to the delivery of good public services and health services shown by our first, second, third and fourth year student nurses, and make an announcement before Christmas that we will look after them financially.

Deputy Frankie Feighan: I thank Senator Doherty for raising this important issue. I recognise the importance of student nurses and midwives completing their essential clinical placements in a safe environment and the potential hardship that might arise for students on placement due to Covid-19, as the Senator outlined, such as maintaining part-time employment, increased travel and additional accommodation costs.

Student nurses and midwives are not paid for clinical placements in years one to three, inclusive, and year four from the period of September to December of their studies. This supernumerary status is critical for learning in complex environments. Financial supports for non-intern student nurses and midwives are governed by Circular 9/2004 which provides for an accommodation allowance of up to €50.79 per week to be paid where it is necessary for a student to obtain accommodation away from his or her normal place of residence and a refund of travel expenses. Both are paid as refunds on production of receipts.

Concerning fourth year nursing and midwifery students, the HSE continues to fund the internship employment of these students who are on rostered work placements. This includes those due to commence rostered work placements in January 2021. These student nurses and midwives on rostered work placement are paid at the approved rate, that is, €22,229 on an annual basis for psychiatric nursing specialism and €21,749 for all other nursing disciplines and midwifery. These rates of pay are determined by HSE Circular 005/2016 and are the updated rates in accordance with the consolidated pay scales with effect from 1 October 2020.

In the immediate term, my Department reviewed a number of supports that applied to this year's supernumerary students which includes first, second and third year students and fourth year students from the period of September to December on clinical placements, taking into account the impact of the Covid-19 pandemic on such placements.

Other supports available in 2020 for student nurses and midwives include access to the pandemic unemployment payment for those students who may have lost part-time employment due to Covid-19; enhanced Illness benefit for those students who work part-time but have fallen ill with Covid-19; other welfare schemes to assist with financial hardship due to illness, subject to qualifying criteria, for example, the supplementary welfare allowance and the urgent needs payment; access for eligible students to the national access plan contingency fund and the student assistance fund; and a €250 top-up for those in receipt of the Student Universal Student Ireland, SUSI, grant or a €250 contribution to fees to eligible students. Details of these schemes can be obtained from the Department of Social Protection.

Separately, and for the longer term, the Department is continuing with its review of the cur-

rent accommodation and travel allowances payable to students on clinical placements. The outcome of this review will apply from the academic year commencing in autumn 2021 onwards. I look forward to examining the outcome of this review in due course.

Senator Regina Doherty: I am nearly lost for words. I thank the Minister of State for coming to the House to give us an update. He stated that we are going to compensate young women and men for not going to work in Captain America's on a Friday night so that they keep themselves safe and can go into the Mater, St. Vincent's, Blanchardstown and Drogheda hospitals to provide a service. We are going to compensate these young people if they get sick but we are not going to give them a few bob for the work they are doing in keeping our citizens safe, our hospitals running and ticking over in the manner which we have enjoyed for the past ten months. We have had a system of the delivery of healthcare because of every cog in the wheel is working. Our student nurses, from first to fourth year, are an integral part of that cog. By Jove, if they walked out tomorrow, we would know how much work they are actually doing.

Will the Minister of State tell the Department to review the health care assistant contract for autumn next year? While it might be welcome for the nurses then, it will do nothing for our young people working in the public health care system today. I am pleading with the Minister of State and the Minister for Health to re-evaluate, acknowledge and accept the dedication and hard work of these student nurses, as well as the learning in our hospitals. We must recognise with more than a round of applause the hard work being done by these young men and women.

Deputy Frankie Feighan: I thank Senator Doherty for raising this important issue. I reiterate our gratitude and pay tribute to student nurses, midwives and their healthcare colleagues who continue to deliver care right across the system during this unprecedented time.

The past nine months have demonstrated, more visibly than at any other time in our recent history, the dedication, skill and commitment of our healthcare workers. I am acutely aware that this was not without risk, particularly for everyone on the front line. In order to protect the education of these students, I look forward to bringing forward the details of the work under way within the Department when it is complete.

I will bring this back to the Minister to get it expedited. This issue is very much on the minds of many people. We hope the Department can look at this more favourably than this response.

Health Services Provision

Senator Fintan Warfield: I want to begin by acknowledging World AIDS Day, which the Minister of State has done. I want us to remember, grieve and celebrate all the people who were claimed by the disease. More than 35 million people have died from AIDS-related illnesses since the beginning of that epidemic. I want to acknowledge the emotional cost to the many who survived and dodged the virus as they watched, counted and stopped counting the number of their friends and chosen family who were claimed by the disease.

I was in Áras an Uachtaráin on World AIDS Day in 2017 when the President, Michael D. Higgins, said, "Those who suffered the most in the 1980s were those exposed not only to a prejudice born of misunderstanding of HIV and AIDS, but also to other forms of social oppression which were, and are, too often manifested in our society." So many of the people I am proud to

remember fought incredibly hard for many of the services that we have today. They also fought incredibly hard for the right to live free from the church and State, along with the right to access services such as the one I have asked the Minister of State to make a statement on today.

These types of services are incredibly important. Last year, there were 536 new cases of HIV in Ireland. According to HIV Ireland, men who have sex with men are the group most affected by HIV in Ireland, accounting for 56% of diagnoses in 2018. However, the Gay Mens Health Service, GMHS, is the only sexual health service which has not reopened. The sexual health services which are open are oversubscribed. The closure of GMHS will have an impact on the transmission of HIV and sexually transmitted infections, STIs, which will disproportionately affect gay and bisexual men.

Will the Minister of State do everything he can to help GMHS to reopen as a matter of priority? Between 15 and 20 LGBT organisations have written to the HSE and launched a petition live online on this matter.

Deputy Frankie Feighan: I thank Senator Warfield for raising this issue. I am aware of the petition which has been launched.

Sexual health is a priority for the Department of Health. This was evidenced by the publication of the National Sexual Health Strategy 2015-2020, the first major strategy to tackle this vital area. We have made good progress with implementation of the strategy since 2015. The Department of Health, along with the HSE's sexual health and crisis pregnancy programme, have worked hard to build important partnerships with a range of community and voluntary groups, all of which are working with us to implement and progress a range of important sexual health initiatives.

One area of concern to us all continues to be the rise in new diagnoses of HIV and other STIs. Last year saw the launch of several major actions to combat these rising rates of infection. These actions include Ireland joining the HIV Fast-Track Cities initiative, which includes enhanced access to HIV testing, along with the roll-out of a national HIV pre-exposure prophylaxis programme, which involves the pre-emptive use of low dose anti-retroviral medication to prevent HIV infection.

The Covid-19 pandemic has led to unprecedented interruptions to normal healthcare activity with most services affected, including STI clinics. Virtual clinics are being deployed where possible with attendance in person limited to appointment only. Service restrictions are predominantly due to social distancing requirements as waiting rooms can now only hold a fraction of patients compared with before the pandemic. Priority is being given to those with symptoms or requiring testing and treatment.

I am advised by the HSE and community health organisation, CHO 6, that the closure of GMHS relates to the necessary redeployment of personnel to Covid-19 testing and contact tracing duties. Work is ongoing with other services, stakeholders and community groups in order to provide the best possible service to GMHS service users under the circumstances.

Agreement has been reached with St. James Hospital's genito-urinary infectious diseases clinic, GUIDE, that all GMHS pre-exposure prophylaxis programme users will be facilitated there for follow-up appointments. Phonelines, the GMHS website and other resources such as *man2man.ie* and *sexualwellbeing.ie* are regularly updated to reflect current service delivery and to signpost users to the HSE list of approved pre-exposure prophylaxis programme services.

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At a national level, the HSE advises that staff recruitment is ongoing with regard to the dedicated provision of Covid-19 services. It is envisaged that this will enable staff redeployed to Covid-19 related duties from other health services, including GMHS, to return to their respective positions and resume service delivery as soon as the circumstances permit.

Senator Fintan Warfield: The Minister of State will appreciate that the HSE has been talking about staff recruitment for a long time. If he cannot answer it now, he can write to me. Who is responsible? Is it senior management in the HSE or CHO 6 which is responsible for GMHS reopening? Is the agency responsible committed to its prioritisation for its return? What is the actual update on Covid-19 recruitment? When will the Covid staff be hired and when will GMHS staff be freed up and the service reopened? Will this be a priority once staff for Covid-19 testing are hired?

Deputy Frankie Feighan: I would like to highlight, in more detail, some of the recent actions of my Department and the HSE with regard to tackling HIV infection.

The most significant development in 2019 was the introduction of a national programme of HIV pre-exposure prophylaxis which involves the pre-emptive use of anti-retroviral medication to prevent HIV infection within a holistic prevention service which includes regular monitoring and testing, as well as advice and counselling on safer sex practices. Funding of €5.4 million was provided in 2020 to allow full national roll-out and to fund the additional staff and other resources required to provide the HIV pre-exposure prophylaxis programme within a broader sexual health and HIV prevention programme.

These are landmark programmes and welcome additions to our work in reducing the number of people who contract HIV in future. I reiterate our intention to reopen GMHS as soon as the Covid-19 circumstances permit. I appreciate people are anxious to get these services open as quickly as possible, as are the staff in the Department and the HSE. I thank the Senator for raising this important issue.

Sitting suspended at 2.41 p.m. and resumed at 2.50 p.m.

Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Bill 2020: Second Stage

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

Minister for Foreign Affairs (Deputy Simon Coveney): The Bill is an essential part of getting Ireland ready for the changes we will face when the transition ends in less than one month’s time. Last year, this House considered the 2019 Brexit omnibus Act, which made provision to address issues that would arise should the UK leave the EU with no deal. The conclusion of the withdrawal agreement meant that many provisions of the 2019 Act could not be commenced. Ireland strongly welcomes the certainty the withdrawal agreement brings. The protocol on Ireland and Northern Ireland is an integral part of the withdrawal agreement. It avoids a hard border on the island of Ireland, ensures that trade and goods will continue to flow freely on this island and ensures access for Northern Irish goods to the EU Single Market.

It is incumbent on all parties to ensure that the provisions of the withdrawal agreement and protocols, which were agreed less than a year ago, are applied in full. The withdrawal agree-

ment provides structures for handling issues with the implementation of the protocol. These are the only appropriate way to deal with the outstanding questions. It is welcome that face-to-face talks continue in London. Ireland continues to support Michel Barnier and the task force in their work on concluding an agreement on the future relationship between the EU and the UK. The time to reach an agreement is very short but a deal cannot come at any price. To get a deal, there will have to be compromises on both sides. The EU approach has been very consistent: there must be a level playing field for open and fair competition for our businesses, and a fair and balanced outcome on negotiations relating to fisheries. We have also been clear that any requirement requires the full implementation of the withdrawal agreement. I am in ongoing contact with Michel Barnier and Commission Vice-President Maros Sefcovic, who is the EU co-chair of the joint committee overseeing the implementation of the protocol. Both remain acutely aware of our positions, I can assure the House of that.

Even if a deal is concluded, however, the end of the transition period will bring significant and lasting change for citizens and businesses. From 1 January, the UK will no longer apply EU law, which will significantly change the way in which the EU and the UK engage into the future. We used the transition period to recalibrate and refine the readiness work carried out ahead of the possible no-deal Brexit in March and October 2019 and in January 2020. In September, the Government launched its Brexit readiness action plan, which sets out the actions the Government will take, and that businesses and citizens must also take, to address the changes arising at the end of the transition period. Probably the most significant of these changes will be the UK moving outside the Single Market and the customs union. This means new controls and procedures must be applied to any goods moving to, from or through Great Britain, processes that do not apply today. Perhaps the clearest example of what this means is that Revenue estimates that import and export declarations could increase from 1.7 million a year to 20 million a year next year.

The action plan has been accompanied by an intensified programme of trader engagement. Since it was launched, more than 50 separate ministerial engagements have dealt with Brexit. These were supported by a range of official meetings and briefings. We are using a multitude of virtual tools, from webinars to instructional videos, to assist businesses in preparing for the new realities they will face next year. The Tánaiste has sent a Brexit readiness checklist to 225,000 businesses registered in Ireland. Revenue, separately, has written to more than 90,000 businesses trading with the UK and followed up with more than 14,000 phone calls. We have made a range of financial, upskilling and advisory supports available to businesses. Budget 2021 allocated €340 million to Brexit-related measures. In response to a specific demand from industry, the July jobs stimulus package included a €20 million ready-for-customs package to assist with hiring and training staff in the customs area, where so much work will be involved in getting ready.

Preparations in our ports and airports are also well advanced. In addition to the new infrastructure, we have invested in new staff and ICT systems. Some 1,500 additional staff will be engaged in supporting and carrying customs, sanitary and phytosanitary, SPS, and food safety checks and controls. In Dublin Port alone, we have spent more than €30 million to date on physical infrastructure, preparing for the new realities. We are working closely with the European Commission to ensure that the €5 billion Brexit adjustment reserve will target the sectors and member states most disproportionately impacted by Brexit, and that certainly includes Ireland.

Senators will be aware of the complex issues that will arise for citizens and businesses post

transition. The Government's readiness approach comprises a range of policy and economic responses and targeted Brexit-related resources. Primary legislation is again required to support a number of these measures. As was the case last year, an omnibus Bill is considered the most effective mechanism to address the legislative needs. The 2020 Brexit omnibus Bill before the House contains 22 Parts under the remit of 11 Ministers, and I am again the overall sponsoring Minister for this legislation. While similar to the 2019 Act, this Bill has a different point of departure. The 2019 Act catered primarily for the possibility of a disorderly UK withdrawal from the EU, whereas this Bill deals with the permanent changes that will take effect from 1 January 2021. We have a deal on Brexit that has facilitated the exit of the UK from the EU; we do not have a future relationship or a trade agreement that can manage that future relationship.

This is a diverse Bill, but its overarching purpose is to protect citizens, consumers and businesses. It aims to reduce the possibility of serious economic disturbance and to facilitate the sound functioning of a number of key sectors. Equally important, it is also contains a number of provisions that support aspects of the common travel area, CTA, and North-South co-operation. Protecting citizens, North and South, is at the heart of the Bill. It makes provision in very important areas as varied as student grants, social welfare payments, divorce arrangements, cross-Border bus services, defamation and the national childcare scheme. It will protect employees in Ireland if their employers become insolvent under UK law. A number of provisions also seek to protect and maintain the common travel area and broader UK-Ireland relations. It will support ongoing co-operation in healthcare between the UK and Ireland. Furthermore, in case access to the European health insurance card, EHIC, programme is not addressed in any future partnership agreement, Part 3 of the Bill will provide for the introduction of an EHIC-like scheme for people in Northern Ireland. Parts 16 to 18, inclusive, deal with a range of justice and immigration issues, including provisions for extradition on the basis of the 1957 Council of Europe convention, exempting UK citizens from passport checks within the CTA and the designation of safe third countries for the purposes of returns of applicants for international protection whose applications are deemed inadmissible and where appropriate safeguards are in place, in line with international law.

3 o'clock

We are keenly aware of the impact the end of the transition period will have on businesses. Several parts of the Bill seek to minimise disruption to our economy and business sector. Part 8 includes a number of measures in respect of taxation that will allow businesses and citizens to continue to access measures and reliefs as today in areas such as income tax, capital gains tax, corporation tax and stamp duty. Specific anti-avoidance provisions are also included.

The Bill includes provisions to introduce postponed accounting of VAT to alleviate potential cash flow issues by allowing businesses trading with the UK extra time to make their VAT returns. This measure has been requested by a number of business representative bodies. Changes will also be made to the operation of the VAT retail export scheme. In response to requests to consider the threshold for the scheme, the Government amendment at Committee Stage in the Dáil reduced that threshold from €175 to €75. That was a particular ask from Opposition parties and was a concern raised within Government as well. I hope that reduction of the threshold will be welcomed.

There was confusion in the Dáil debate regarding an amendment that the Labour Party tabled in Deputy Howlin's name, which was supported by Sinn Féin, seeking a review of that measure in a year's time to see how it is working. That amendment was not accepted but there

is a commitment from the Minister for Finance, Deputy Donohoe, to carry out that review. I reassure Senators that the Government will undertake that review over the next 12 months to see how that is impacting on the retail sector, trading and so on. I give that commitment on the floor of the House because it will be difficult for the Government to accept any amendments at this point without having to go back to the Dáil. Unless there is something really exceptional, it will be difficult for me or other Ministers to accept amendments. That was the only amendment there was any real disagreement on in the Dáil and the Minister for Finance has given a commitment to doing that review. Hopefully, that will allay concerns as we move to Committee and Report Stages on Thursday.

Part 11 makes a number of amendments to the Customs Act to support the operation of the customs online roll-on roll-off service. This new service will be required to handle a substantial increase in non-EU trade from the end of the transition period, coming from the UK.

The Bill also deals with issues relating to existing insurance contracts, settlement systems for financial services contracts and the employment permit scheme. It contains provisions on technical issues relating to professional qualifications in specialized fields such as fluorinated greenhouse gases and harbour pilotage services, as well as for market surveillance in the field of construction products. This is trying to ensure that we anticipate trade disruption as best we can and legislate for it where we can and where we have a national competence, rather than an EU directive. The provisions in the Bill will be complemented by a number of measures in secondary legislation, that is, ministerial orders, which will also be adopted before the end of the year.

In 30 days' time, many aspects of our relationship with the UK will change fundamentally and permanently. Regardless of the outcome of the negotiations, we remain strongly committed to protecting and strengthening the relationship with our closest neighbour. Our immediate priority, however, is to prepare for the changes that will arise on 1 January. This includes passing all Stages of the Bill in a timely fashion to be ready for enactment and commencements before 31 December. After Second Stage today, Committee and Remaining Stages will take place this week on Thursday. My colleague, the Minister of State, Deputy Thomas Byrne, will be here for the debate because I need to be in Paris on Thursday.

I want to thank the Cathaoirleach and Senators for their co-operation in facilitating the passage of this Bill and the timetable that we have asked them to accommodate. I thank them also for their co-operation, assistance and support throughout the Brexit process to date. I remember bringing a similar piece of legislation to this House in 2019 and got extraordinary co-operation and we had a good discussion and debate on it. I ask for that co-operation again. This is important stuff and 1 January is going to bring about some fundamental change and disruption, for which we need to be as prepared as we possibly can. We owe that to citizens, businesses, consumers and to many people that effectively are stakeholders in the British-Irish relationship in terms of the business that they do, the family circumstances that they have and many other relationships that will be affected by the end of transition at the close of the year. I thank Senators for their co-operation and I hope I can continue to rely on it as we conclude the debate on the legislation this week.

Senator Joe O'Reilly: I welcome the Minister and acknowledge his personal commitment to getting this right and the skill he has brought to that. In these elected assemblies of the Oireachtas, we can sometimes allow the negativity from outside to impact on us and sometimes become unwittingly and wrongly self-critical because of it. We should be collectively very proud that one of the great achievements of our political system, the Houses of the Oireachtas

and the Government of the day has been the way we have dealt with the Brexit challenge and its potential to damage our country and our relationship with the UK and to cause huge economic and social dislocation and many problems. It is a success for Government in the way it was handled but it is also a success for the entire Oireachtas in the way that there was a co-operative spirit and a willingness to work together to achieve that outcome. We should take collective pride in that. It has been one of the great successes. When we are confronted with negativity, as we often are and to which we often allow ourselves wrongly to succumb, we should hold our shoulders high and stand tall and proud of what we have done. It is one of the great successes of contemporary times. It had enormous potential to destroy us on so many fronts and still presents huge challenges, obviously.

As the Minister stated, the omnibus legislation from last year put in place contingency measures to address issues that would arise if there had been no deal. Since then, we have had the withdrawal agreement and the protocols on Ireland, all of which brings about the avoiding of a hard border, which is the success I alluded to earlier. It allows access for Northern Ireland goods to the Single Market. The UK Internal Market Bill offends and challenges that but we have to hope and work to ensure that sanity will prevail in the end. Let us pray that we have an agreement. I am confident that we will have an agreement on the premise that self-interest on both sides of the Irish Sea dictates the need for an agreement. The results of a non-agreement have huge negative economic implications for the UK, as they have for this country. That collective self-interest will have to prevail. Our self-interest is being negotiated by the EU team and the UK are negotiating their own self-interest. Sanity will have to prevail. I know from reading about it and informally chatting to the Minister as we entered the Chamber that fishing remains a very big issue. It is big for this country but we have to pray that a compromise will be reached. The Government is preparing for two scenarios, that is, a limited agreement and a hard Brexit. A total free trade agreement with everything agreed would be the optimum outcome but it may be more limited.

New controls and procedures will be necessary. A good deal of preparatory work has been done, all of which has been detailed by the Minister, but it is being supported strongly by the Government with the €20 million in the July jobs stimulus package and the budget 2021 commitment in excess of €300 million. There are 1,500 additional staff at airports and ports, which is a significant change and investment.

The omnibus Bill, which I am proud to support and hope, as the Minister does, will receive the support of the House on patriotic grounds, has 21 Parts. The withdrawal agreement and the protocol on Ireland already deal with many of the issues but the fundamental purpose of the Bill is to protect our citizens, consumers and businesses, reduce the possibility of serious economic consequences and look after key sectors. The Bill will allow for co-operation in healthcare between Ireland and the UK, which is very important, and in terms of student mobility, which is welcome. I have many examples of that, which all Members could cite, such as the Student Universal Support Ireland, SUSI, grants to students studying in the UK and UK students studying here. Social welfare is important because many emigrants who have returned from the UK are on social welfare payments and many citizens in the UK are on various social welfare payments so a continuity in that regard is crucial, as well as reciprocity. That is achieved by the Bill.

The insolvency issue is important for workers here because many people go abroad for insolvency purposes. Mutual recognition in the annulments and divorce area is very important. The childcare provisions and the taxation measures set out are important also. It is welcome

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that we have the extra time to make VAT returns. The support for the customs online service and the cross-border bus services is welcome also.

I would like the Minister to respond on the fear around congestion. Before I came into the House, I read some newspaper extracts from recent weeks. One of the issues cited in newspaper articles is the risk of congestion at our ports. At present, 6,000 heavy vehicles go through Dublin Port every day. At peak times in the morning, 400 heavy vehicles go through the port tunnel. That has the potential for major congestion and the possible back-up of traffic to the M50. Assurances from the Minister on that in his concluding remarks in terms of a strategy to deal with it would be appreciated.

I ask the Minister to respond to another issue I came across as I read a few articles before coming into the House for the debate. It is the risk to the existing health arrangements whereby the now famous buses bring people to the North for various surgeries under the cross-border healthcare initiative. It has been a very successful scheme and I would be interested to know whether there is a threat to that. If so, are there contingency plans in place and what assurances can he give in that respect?

All of us are conscious of the famous fish and chips issue that came up last night and the threat to Irish chips. One could look at that in a light-hearted fashion but it is indicative of the level of interaction, threat and danger the entire Brexit process brings and its potential to cause upheaval here. That is a serious issue also, certainly for that sector.

I am delighted that the Bill sets out to protect our citizenry to the maximum degree possible, in other words, to maintain the *status quo* to the greatest degree possible and to avoid threats. There were existential threats at the outset to agriculture, food and the Border community. I could go on about that. Senator Craughwell, who is present, and I were on the previous Brexit committee together and we invited in all the sectoral interests at that time for meetings. That was a previous special committee and the next one will get under way under Senator Chambers. I look forward to working with that committee. All the issues arising in this debate will arise in that forum also. At the committee of which Senator Craughwell and I were members, the sectoral interests appeared and outlined their troubles. Effectively, it was a type of Armageddon in its worst form. That is the reason this Bill is so important.

There is not much more to be said other than that I am enthusiastic about the Bill. I look forward to the Minister's response to the few issues I raised. I am glad that we are putting money and staff into this project to try to make it work. We have to hope. As I have done in many instances at the Council of Europe and through informal contact with members of the UK delegation, we should appeal from this Chamber to our friends in the UK to please do a deal on this one and try to maintain normality, not only for us but for their own citizenry.

Senator Gerard P. Craughwell: I welcome the Minister to the House. I believe this is the first time I have met him in this House as Minister for Foreign Affairs. Ordinarily, I would be screaming to the high heavens as we try to rush Bills through the House but I fully understand where the Minister is coming from on this one. At the outset, I wish to pay him a compliment personally. Every time we have hit a bump in the road, he has been available to the BBC, Channel 4 and Sky News. He has been steadfast in his support for Ireland, the Republic and Ireland, Northern Ireland. He has worked with everybody to keep this ship on the road and I compliment him on that. In doing so, I also wish to compliment Michel Barnier, whose ear the Minister clearly has, as Ireland's interests are at the centre of everything he tries to do. I was

most impressed by him on this issue the first time I met him about four years ago and he has remained steadfast with the Minister all of the way. The Minister is to be complimented on everything he has done on this issue. I would not say that about everything he does but in this particular case, as Minister for Foreign Affairs, he has stood for Ireland and he will be remembered for years to come.

I want to thank the Minister's officials also. The omnibus Bill that is before the House involved a massive amount of work. It is highly technical and there are more Bills to come. His officials have been doing what they do best for Ireland. Sometimes, we overlook the fact that civil servants work late into the evening to get things right. Civil servants advise Ministers and we see that even at this Stage, as the Minister is willing to listen to the Opposition with respect to a small change that needs to be made to the Bill. I want to compliment the Minister on that.

My main concern is about Part 11 of the Bill on the customs arrangements and how it will deal with the massive increase in customs controls that will be required at ports and traders' premises arising from the end of the transition period on 31 December. Skillnet Ireland, local enterprise offices and Enterprise Ireland have been running courses for Irish companies to help them manage the new regime. However, I am aware that agents responsible for processing customs declaration forms are very concerned that the small and medium-sized companies are not ready to cope with the volume of import and export declarations that will be required. Last week, the Taoiseach said that we will go from customs declarations of approximately 1.5 million to 20 million per annum and he urged Irish exporters to do their paperwork in advance. That is a monumental leap for even the most efficient and well-prepared companies, given the scale of the plans the Government has in place to help deal with that. The UK has decided to offer a six-month deferral of Brexit customs declarations until 30 June 2021. I believe a corresponding deferral on this island, although I appreciate that may be difficult with our EU partners, would assist us in getting over the hill, so to speak. Last year, we were told that 400 additional customs officials had been hired and trained by the Revenue Commissioners. Could the Minister confirm exactly how many have been taken on and trained with respect to dealing with the future problems?

As the Minister probably knows, I am the convener of the German-Irish parliamentary friendship group. I have been the convener for the past four years and I am delighted to be convener again. Yesterday, the German-Irish Chamber of Industry and Commerce celebrated its 40th anniversary in Ireland. The Germans have been particularly helpful in supporting Ireland all the way through the negotiations. There are, however, a number of concerns that the Germans and I share.

I compliment Wexford County Council and Rosslare Harbour, which have laid on facilities for customs checking. One of the facilities is slightly outside the town of Rosslare but I believe that will be managed. While I see the preparations in Rosslare, I am not so sure that there are similar preparations in the UK. My colleague, Senator Joe O'Reilly, just referred to the issue of congestion. When I see the backlog of trucks running for several miles, particularly at Dover, I become somewhat concerned. In the previous Seanad, one of my colleagues told me it would not be a problem and that the British would lay on a single carriageway for Irish trucks to go from Pembroke straight down to Dover and then straight across the channel, and that they would not be stopped. Let us face it: we know that is not going to happen. Perishable goods comprise the big issue if using the land bridge. I am aware that the sea bridge has started to open up. I was delighted to see last week the opening of the new service to Dunkirk, which is a bit of an irony in itself. We need to get farther into Europe, probably up into Duisburg or

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the Hook of Holland. I wonder what plans exist to support additional deep-sea vessels, even though we understand that the deep-sea vessels that will be travelling will take considerably longer to make their journeys.

My next point, on the exploitation of future opportunities, particularly in mainland Europe, is probably not related to the Bill. We have been reliant on Britain for many years with respect to activities such as drug importation. It would be great if we could move to a German or French supplier in this regard. It would be great to determine what opportunities exist. When I was in Germany last year, we were examining Irish trade with Germany. There are significant parts of Germany in which we do not currently trade. The Minister has been working on that, as has his Department. I see great opportunities.

Ultimately, we have to turn Brexit into an opportunity, North and South, for Ireland to box above its weight in Europe. We are lucky Europe is prepared to support a peripheral island like ours.

I am not sure what the position is on fisheries today but fisheries have been a major concern for Irish fishermen who fish off the Donegal and east coasts and, I am sure, off the Galway coast. Perhaps the Minister will be able to give us a little bit of information on this.

I am not going to waste any more of the Minister's time. He has done a sterling job. I look forward, with some excitement, to how we are going to exploit the opportunities available owing to Brexit. Senator Chambers, as Chairman of the new Brexit committee, will examine these issues as the committee sits. We could not have a stronger person in place. I congratulate her on her appointment to the committee as Chairman.

I thank the Minister for coming to the House today. I will not be doing anything to obstruct his Bill as it goes through. I hope to see it go through fairly sharply on Thursday.

An Cathaoirleach: I call on Senator Chambers. I wish her all the best in her new role as Chairman of the Brexit committee.

Senator Lisa Chambers: I thank the Cathaoirleach and Senators Craughwell and Joe O'Reilly for their kind words. I welcome the Minister to the Chamber. I am sure he will find cross-party support in this House for the Bill, as on the last occasion. It is rare that an issue unites all parties across the Oireachtas, but this is one of them. It is a testament to the strong and resilient Parliament we have and to the fact that Members of all parties and none ultimately have the best interests of the Irish people at heart. That is borne out when it comes to Brexit.

Four weeks from Friday next, the UK will exit the transition period and finally be outside the EU's Single Market and customs union. From 1 January, how we trade with the UK will be dramatically different. Even if a free trade agreement is concluded between the EU and UK, there will, of course, be significant and lasting change. It is vital that all businesses focus on Brexit preparedness as circumstances will not stay the same and as we move into the final stages.

The principal aim of this wide-ranging Bill is to tackle the range of complex issues that may arise for our citizens and businesses after the transition period. This legislation is part of the Government's work to prepare Ireland for Brexit. It will seek to protect our citizens and consumers as much as possible and reduce the possibility of a serious disruption to our economy. I hope it will ensure Irish businesses are not affected too severely.

The negotiations on the EU-UK future trade agreement have really been stepped up in intensity since 21 October, with negotiating teams on both sides working almost daily. Credit is due to the teams on both sides for their work in this regard. We hear a lot of talk about landing zones. We really hope they find those zones in the coming days.

The key issues remain. They include: the level playing field provisions to ensure fair competition; governance; and fisheries. The issue of fisheries is of key national interest to Ireland. Any deal must involve compromise on both sides, as we all accept, but it must not be at any cost. We must maintain the integrity of the Single Market and protect the Good Friday Agreement. Importantly, the deal done must, on the face of it and in its detail, be just and fair to all involved. As has been said from the beginning, there can be no cherry-picking of the Single Market, and it cannot be better to be outside the club than in it.

Mr. Michel Barnier has been fundamental to the unified and consistent approach of the EU 27 throughout the Brexit process, including at its most critical moments. As a country, we thank him and his team for their work. It is important to acknowledge the steadfast and unwavering support and solidarity of our EU partners. Other member states have stood squarely behind Ireland and have demonstrated, throughout the Brexit process, that they recognise the unique ways in which Ireland, North and South, is affected by Brexit. I believe strongly that this very clear and explicit display of support from other EU member states is crucial to the longevity and survival of the EU. It is a show that support and loyalty that members can expect from other member states, even if small. This is important at a time when the geopolitical landscape is particularly challenging for the EU and we are dealing with the considerable blow that Brexit has dealt us. As a union, we needed to come out strong and united. We have done that, much to the dismay and disbelief of others. Regardless of the outcome of the talks, we expect the full implementation of the withdrawal agreement, including the protocol on Northern Ireland. This remains a key concern for Ireland, given recent legislative proposals brought forward by the UK Government that directly sought to undermine that agreement and provoke mistrust. It is important that we continue to remind the UK that the agreement is a legally binding international agreement and that no part of it is optional. The UK must fulfil its obligations, to which it willingly signed up. The protocol on Northern Ireland is explicitly designed to operate regardless of whether an EU-UK future relationship agreement is in place.

As we approach the end of the transition period, there are still many unknowns. We have seen fishing rights come to the fore in recent months. This issue remains a key sticking point that is potentially blocking the ratification of a deal. The Taoiseach has said he believes a practical, commonsense approach is required to finalise agreement. He said, “I have pointed out to [the] British prime minister this idea of dividing lines across the seas and saying, ‘this is our fish and that’s your fish’ – I mean, the seas don’t operate like that.” We are aware that many fish spawn in Irish waters and are caught at their most valuable stage after migrating north to UK waters. The Taoiseach is of the view that Britain and Ireland share those fish stocks and that we have to be sensible about it. I certainly agree with that position.

There is also concern over small businesses’ level of preparedness for Brexit and the flood of new customs declarations required for shipping goods to, from and through Britain. Even with a benign Brexit, there will be very significant change in the level of bureaucracy and businesses have to try their best to prepare for that. It is important in these final weeks that we get that message out there and help businesses as best we can, each of us, in our communities. However, I fear there is a level of complacency that things will simply be all right on the night. This is, in part, because we have had many previous deadlines and cliff edges, where in the end

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nothing happened. This time, however, it is a different story. We will really see significant changes coming into effect from 1 January, even though we are hoping for some flexibility at the borders for the initial weeks. There will be no more delays this time and the road has to end somewhere.

Things will become very real if no deal is reached. We see the recent stories of potential sausage wars and not having enough potatoes to supply the chippers in Ireland. These are the things that exercise people because they impact on their daily lives. Is there a product on the shelves today that will not be there in the middle of January? Will it affect supply chains? Will businesses be able to trade and get goods in and out of the country? There is an element of waiting to see what might transpire before people fully realise the impact this will have on our country.

Brexit will become a reality and we will deal with it. On a more positive note, as we come through to the other side of Brexit, we will adapt and things will settle to accommodate the new trading environment. We will move on. There are considerable Government supports in place to help ease the burden for businesses, farmers and citizens alike, and we will continually assess how they are working to ensure they remain effective. I would see it as part of the work programme of the new Seanad Brexit committee that we look, post 1 January, at the supports that are in place to assess whether they are working and fit for purpose, and whether we are, as best we can, supporting our businesses and citizens through this difficult phase.

As a committee, we will also look at alliance building. We will look to reach out further to the US, to the Scottish Parliament, to Northern Ireland and, of course, to other EU member states. Most importantly, we will look at what kind of structures we will put in place to maintain that very important relationship with the UK. I also think it is positive to look at how we have worked together as an Oireachtas on the issue of Brexit. While there may be times when we challenge one another on how best to do something, the overarching purpose across the board was and is to do all we can to protect Ireland and her interests.

We must now look to a post-Brexit future and immediately go about putting a new structure in place to maintain our close and special relationship with the UK. Away from the EU institutions and mechanisms that we have come to rely upon, we will need to put in place a new structure for engagement and co-operation between our two Governments. We should view this as an exciting new chapter in what has been a long, varied and sometimes testing story between our two countries.

I look forward to working with the Minister and the rest of the Government to ensure we get this legislation through the House and that, as the Seanad Brexit committee meets tomorrow with the Minister, we look forward to doing our work in the Upper House to ensure we do our best to protect our citizens, businesses and farmers.

Senator Mark Wall: I welcome the Minister and thank him for his considerable work on Brexit and on behalf of the Irish people. As the Minister confirmed, this Bill involves up to 11 different Departments. The purpose of the Bill is, of course, to address the many issues that will arise out of Brexit and to do our best, with all our abilities, to try to negate any harm a Brexit deal or, indeed, no deal will do to this country.

As outlined by my Labour Party colleagues when this Bill came before the Dáil, there are two basic principles that will continue post Brexit and these are underscored in every aspect of

this legislation. The first is the maintenance and continuation of what is known as the common travel area, which has been a feature of relations between Ireland and the United Kingdom since the inception of Ireland as an independent country. Of course, the term “common travel area” has so much more importance to our relationship with our nearest neighbours than first inspection of this commonly-used phrase might seem to suggest. It involves so much more interaction, including the rights to housing and health access, and even the right to vote between our two countries. It has, I am sure, been a difficult road to incorporate long-standing agreements and relationships into legislation but we feel it has been completed in a positive way that will observe our many obligations to our EU partners and our fellow EU citizens, while, we hope, maintaining that strong relationship that is the common travel area, and our important relationship with our nearest neighbours.

The second principle is the issue of North-South co-operation, which is fundamental to us all. It was built upon the principles of the Good Friday Agreement, which must be the cornerstone of our approach to any agreement with the United Kingdom and how we continue to interact with one another, politically, economically and socially.

As has been said in this debate, it is important to acknowledge the support we have received from our European partners in offering protection and supporting this agreement. It may have seemed apparent to some, particularly those in the UK, as I said previously in debate in this House, that we would not receive this support, but it has allowed us to formulate a very strong negotiating position. It is also important at this point to acknowledge the support we have received from the United States, in particular the continued recent support of the President-elect, Joe Biden.

I want to acknowledge the Minister’s acknowledgement of the review of the VAT retail export scheme that he announced today and which Deputy Howlin had brought before him in the Dáil. It is an amendment we have proposed for the next Stage of the Bill in the Seanad. I look forward to the Government accepting that amendment, which proposes that we would have a review of this scheme. Notwithstanding that amendment, like my Labour Party colleagues in the Dáil, I want to raise the proposed provision in the Bill put forward by the Department of Finance.

The Department of Finance has proposed to amend section 58 of the Finance Act 2010 by including a new section, section 64, on page 42 of the Bill before the House. We feel this is totally unnecessary and it would have an extremely negative effect on an already under-pressure industry. Following amendments by the Government, this section would raise the minimum expenditure required to qualify for the VAT retail export scheme — that is, tax free shopping — from €0, which is the current figure, to €75, with the Government having initially proposed €175. This means that to qualify for the tax-free rebate as a tourist, one has to spend at least €75. This will have the greatest impact on small retailers and those that are currently enduring the greatest hardship under the Covid pandemic restrictions. Small shops and jewellery stores selling Irish jewellery, Irish knitwear and crafts and other Irish products and souvenirs will be the worst hit. After the enactment of this legislation as now proposed, the minimum requirement will be that tourists who wish to qualify under the scheme will have to spend €75 in these shops. Recent analysis shows that will exclude 50% of current expenditure in them. It would be disastrous for them. I again ask the Minister for Foreign Affairs and the Minister for Finance to examine this proposal. The ending of tax-free shopping at a time when we are looking for every incentive and assistance to be given to the small and medium-sized traders who need it most is unacceptable and unbelievable. I wanted to raise that with the Minister and, as I said,

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we will be coming back to it on Thursday of this week on the next stage of the Bill.

Following recent conversations with PDFORRA, I also wish to raise a very important matter that has been raised by other colleagues today in regard to the cross-border health directive. I am sure the Minister is aware, as we all are, of the benefits of this scheme to many citizens but this scheme has had a major benefit for those serving in the Defence Forces. The PDFORRA medical assistance scheme, known locally as PMAS, was set up by PDFORRA in 2018 due to continued lack of investment and withdrawal of the medical services available to members of the Defence Forces. PDFORRA set up a separate company, which operates the scheme using the cross-border directive to provide medical treatment to members of PDFORRA for a subscription of €1 per week. To date, PDFORRA has invested €150,000 into the scheme to support injured members. Since 2018, the PDFORRA company has sent nearly 200 members to Kingsbridge Hospital, Belfast, for treatment, with more than 100 of those going on to surgery. This has had a twofold benefit of, first, removing members of the Defence Forces in the scheme from the public waiting lists and, second, allowing serving members to return to work quickly, thereby assisting the Defence Forces in regard to retention, allowing for overseas service and promotion.

The impact of Covid has created a waiting list of a further 100 members who are awaiting referral. With Brexit looming and no clarity yet about retention of the EU cross-border health directive in Northern Ireland, this places the PMAS scheme in jeopardy, as any future cross-border treatment scheme will need to be performed on mainland Europe. It is, of course, the question of the time involved, the language barrier and travel post surgery that makes the benefits of the EU cross-border directive much more attractive in Northern Ireland than travel to other EU countries for the treatment that will remain post Brexit.

To be fair, the Minister has continually raised this important directive but, given the experience of PDFORRA and the benefits of the directive for the Defence Forces and many other citizens, I ask the Minister to ensure that this directive remains in any post-Brexit agreement.

I would also like to raise again the important role the Defence Forces, and the Naval Service in particular, will have in protecting us in any post-Brexit scenario. We have all read the articles in newspapers in recent weeks about a retention crisis and a continuing manpower crisis in the Naval Service, resulting in a number of ships being delayed in putting to sea because of a shortage of specialist crew members.

As an island nation that is now standing without the back-up of the EU membership of our nearest neighbour, I am sure the Minister will agree this cannot continue. From a fisheries protection point of view, we recently learned that our Naval Service carried out 1,000 patrol days in 2018 and 2019. This has fallen to under 600 in 2020. We simply cannot afford any loss of days. This would seem to be a worrying figure, given the importance of our fishing industry in negotiations, as other Members have said. I am sure the Naval Service will have an enhanced role in the new year, protecting our waters from a number of threats. We must address the continued exit of personnel from the Naval Service, the importance of the job performed by the Naval Service means there must be urgent intervention on behalf of the Government. The important and additional roles that the Naval Service and the Defence Forces in general will be expected to carry out post Brexit must continue to be urgently considered by the Government.

As a member of the Seanad Special Committee on the Withdrawal of the United Kingdom from the European Union, I look forward to working with Senator Chambers over the coming

weeks. I also look forward to the debate here today and later on in the week. Unfortunately, this Bill is a result of the UK's exit from the EU. We have to make provisions for that and make sure we try to ready ourselves and those who will be most affected as best as possible.

Senator Niall Ó Donnghaile: Tá fáilte roimh an Aire don phlé seo. Mar atá ráite cheana, tá an Bille seo thar a bheith tábhachtach. I thank the Minister for outlining the key aspects of the Bill for us. Like other colleagues have said, Sinn Féin has also rightly committed to working with a cross-party approach on this Bill.

It is vitally important to ensure that Irish interests across our entire island are protected throughout the Brexit process and we must continue to work in unity of purpose to protect the people, North and South, to protect the Good Friday Agreement and to protect the Irish protocols. This approach has been supported by our EU partners, as other colleagues have said, and the Irish interests have been put at the heart of the EU's stance on Brexit. A lot of that is down to the Minister's work so we are grateful for that. It has also been heartening to hear figures such as US President-elect Joe Biden show his support and commitment to protecting the Good Friday Agreement. This has taken a great deal of meitheal and support, domestically across the entirety of Ireland, throughout the EU and throughout the world. Many hands have been involved in ensuring Irish interests were put to and have remained at the fore.

As the Minister will know, Boris Johnson has consistently been obstructive to the negotiations. He has deliberately sought to undermine the Good Friday Agreement at times and was even willing to break international law. Thankfully, the Internal Market Bill was rejected in the British House of Lords but still we see that we must be ever alert. We cannot be sure but we hope a deal will be done. It seems the two obstacles to a deal are fisheries and the level playing field and these are still the major stumbling blocks that need to be overcome. Time is running out and the game of brinkmanship being played by the Tories ignores the high stakes for everybody involved, not least for the British themselves. As always, Ireland will pay a high price for the foolishness of the British Conservatives in the event of a no-deal scenario.

This Bill helps us to prepare the relevant sections of the economy for Brexit, within the parameters laid out in the withdrawal agreement. Sinn Féin will be submitting an amendment on one issue, which is in respect of VAT returns for tourists. While this issue was debated in the Dáil, I hope the Minister will reconsider his position on it and my colleagues and I will speak to that on later Stages.

As the Minister knows, I have campaigned for our people in the North to be able to access the European health insurance card and I welcome the progress and commitments made on this, as outlined by the Minister today and on other occasions. We must endeavour, however, to create mechanisms that will protect the rights of the people in the Six Counties throughout this process. As we know, there are approximately 30,000 cross-border workers who live on one side of the Border and work on the other side. It will be crucial to work with the British Government to establish a frontier workers' scheme to protect the livelihoods of those who cross the Border every day, mostly without even noticing or paying attention to it, until such time as their phones alert them to changes in the mobile service.

If the Minister has ever believed in a united Ireland and that it was the best way forward, he must see that it makes sense now. Covid-19 and Brexit are a double whammy for the people of this island. Both issues have brought to the fore the failures of partition. All-Ireland approaches make sense. Despite all good intentions to have an all-Ireland approach to Covid-19, sadly it is

clear that the differences in the two systems made and make this difficult. As I have said many times, Ireland works better when we work together and when we work as one. It is time for all-inclusive planning and working towards the reunification of our island. I feel passionately about the injustices of Brexit and partition. I rapped doors, spoke at press conferences and gave out leaflets in shopping centres and on the street. Alongside many others, I campaigned against Brexit and to remain. Ultimately, I also cast a vote to remain. It is always important to remember at every juncture along this journey that has been forced upon us that there is no consent to Brexit in Ireland and that at the heart of the Good Friday Agreement is the principle of consent.

This legislation shows that we can prepare for fundamental changes to things that people thought were always to be set in stone. It shows us that we can manage changes in dynamics and relationships. I appreciate the Minister's individual work and leadership on the Brexit issue and like other colleagues, I welcome the cross-party support and approach to this important legislation. It is a crucial time for us and for our country. I do not need to remind the Minister or my colleagues of that. It is also a time of great concern, nervousness and trepidation for a lot of people across our economy and society, right down into our communities. We have done well in the circumstances and we have done the best that we can, given the absolute recklessness, foolhardiness and dangerous nature of the Brexit agenda being forced upon us. I welcome the legislation. As I have said, we will work constructively with the Minister, his officials and other groups in this House to ensure that it comes to pass. In so doing, we then have to ensure that this legislation is effectively enabled and delivered to ensure that people are protected and that Ireland is protected.

Senator Róisín Garvey: I welcome the Minister to the House. I have not had the opportunity to speak to him ever before. I have to say I do not always agree with his politics but in this case he is doing stellar work.

I want to mention a few matters around the SME sector as I am the Green Party spokesperson for enterprise, trade and employment. On 9 September, the Government published the Brexit readiness action plan. It provides clear and concise advice on steps that need to be taken now by businesses and individuals in order to prepare for the end of the transition period on 31 December. As of 1 January 2021, the UK will be outside the EU's Single Market and customs union. This will have significant implications for every business that moves goods to, from or through Great Britain. All Departments, Government agencies and regulatory bodies are preparing for the end of this transition period.

I welcome the new measures to help businesses to get ready under the Brexit readiness programme the Government has implemented. These include a new €20 million ready for customs support scheme. This financial incentive of up to €9,000 is available through Enterprise Ireland. Skillnet Ireland has also launched a free online customs training programme called Clear Customs. The clear message from all of these groups is not to wait but act now. For microbusinesses, on 23 November the Tánaiste launched a new Microfinance Ireland Brexit loan scheme of up to €25,000 for those likely to be impacted by Brexit. Enterprise Ireland is running an online customs insight course. The local enterprise offices are running a second phase of their successful one-to-one Brexit mentoring and training, called Prepare Your Business for Customs. Businesses also need longer-term funding for investment purposes and the Government has expanded the Strategic Banking Corporation of Ireland, SBCI, future growth loan scheme up to €800 million. The Government wrote to all 225,000 businesses through the Companies Registration Office setting out the full range of business, advisory and funding assistance available. The Taoiseach visited Dublin Port and saw first hand the preparations under

way. It is vital that all businesses that trade with Great Britain or use the land bridge ensure they are ready to complete customs and regulatory declarations from 1 January or are ready to switch to direct sailings. We know this is an extremely challenging time for businesses across the country. The Government will continue to provide support and guidance to reduce the impact of Brexit as much as possible.

I wish to briefly refer to local enterprise offices. I have talked to the president, vice-president and some of the CEOs who all agreed that, in fairness to the Government, there has been significant support and expertise available to them but they wished there was more uptake by businesses. I encourage businesses to visit *localenterprise.ie* and *preparingforbrexit.com* because it would be a shame if businesses did not prepare by availing of information and supports.

It is important that we consider our imports from the UK. A couple of weeks ago, I attended a Teagasc meeting. One figure that stood out was the volume of animal feedstuffs that are imported from mainland Britain with 56% of our imports based around animal feed. I hope to speak to the Minister for Agriculture, Food and the Marine and his Minister of State who has responsibility for land use about animal feed. I hope that the Minister for Foreign Affairs, as a former Minister for agriculture, will lend his support because the less dependent we are on imports from England, the more resilient we will become as a country. There is lots of land that is under used here and I would like some of it to be used to create our own Irish animal feeds.

Finally, the Irish Small and Medium Enterprises Association has done amazing work and provides a one-stop-shop for all small businesses. It is time now that businesses look at all of the supports that the Government has put in place. I cannot fault the Government as significant work has been done by all Departments. For example, two years ago the staff at the ports examined what needed to be done. That plan has been implemented and the infrastructure is in place, as mentioned by the Minister. Go n-éirí leis an Aire agus tá súil agam go mbeimid in ann seasamh ar ár gcosa féin tar éis Brexit.

Senator Malcolm Byrne: I thank the Minister for his work. I also thank the officials in his Department and, indeed, other Departments for their work. We are extremely fortunate in this country to have such quality diplomatic staff and, indeed, public service when dealing with a complex challenge such as this one.

I note colleagues, including Senator Chambers, talked about the unity of purpose in this Chamber and, indeed, across the country in dealing with this matter. I hope that when the *Daily Mail* or *The Express* come up with their latest story about splits in Ireland, or anywhere else in Europe, that they pay attention to parliamentary debate and understand our unity of purpose.

I support this legislation and, once enacted, I want us to consider the four specific areas: transport, education and research, data privacy and future post-Brexit relations. On transport, I welcome the comments made by Senator Craughwell when he praised for Rosslare Europort and Wexford County Council for preparing Rosslare. He will be very much aware that there will be a new direct sailing between Rosslare and Dunkirk. We need more direct sailings from this island to continental Europe. It is essential that, as a Government, we work to promote that. I ask the Minister, given the fact that the volume of freight that will travel through Rosslare will continue to increase, to give serious consideration to ranking Rosslare Europort as a tier 1 port. That will be essential given it will be the nearest port to continental Europe.

I have a specific concern about airports. In a post-Brexit scenario, the Boris Johnson Con-

servative Party, as everyone will know, is not the free market, free trade Conservative Party of Margaret Thatcher. Has the Government considered what will happen if the UK Government decides to heavily invest in regional airports such as Glasgow, Birmingham or wherever as they will unfairly compete with our airports in Shannon, Cork and, in particular, Dublin? If the UK Government changes its policy, what preparation has been made regarding air transport?

On data privacy, the UK has agreed, for the moment, to adopt the provisions of the general data protection regulation or GDPR so it has UK GDPR. In the future, EU decisions on GDPR will not apply to the UK and the UK has the independence to keep the framework under review. What provisions the Government put in place if decisions on data privacy are made at an EU level, if the UK decides to diverge from that? We are moving towards tighter regulation on behavioural advertisements or micro-targeting, in addition to algorithmic auditing and content curation. If there is divergence between EU regulations in this area and what happens in the UK, that will have significant implications in Ireland, particularly as we share data with our nearest neighbour a lot of the time. What preparations are in place if that happens?

Brexit has caused many problems but in the area of education and research there are major opportunities. We need to avail of those opportunities and continue our very strong relationships in higher education and research. We have a common peer review culture, a quality assurance culture and student and staff exchanges, which must be continued. We must also consider the opportunities that Brexit presents. Ireland will be a much more attractive country for UK and international academics so we need to develop a programme to attract them here.

It is an enormous pity that the UK has decided to withdraw from the Erasmus+ programme. Currently, Ireland only sends 3,500 students on the programme every year and 8,000 students come in from continental Europe. Normally, the UK receives 32,000 students from continental Europe. Ireland will be a very attractive place for those students when they can travel again. I do not believe that we have given enough thought to the possibilities that will arise as a result of Brexit.

The research budget at European level will be €80 billion although the final figure has not been agreed. With the UK not taking part, there will be significant opportunities for Ireland. It is essential that we have people in Brussels but partnering with European universities and other institutions to avail of any opportunities.

I will conclude by discussing our post-Brexit relationships and long-term relationship with the EU. The Brexit debate forced a very healthy debate to take place in this country and an understanding of the European Union, and the closeness of our relationship. In an increasingly G2 world dominated by the US and China, we need another strong voice at the table. I know that the Minister recognises that in the European Union. We need to redevelop our education programme to highlight the importance of Europe domestically. We also need to talk about European values, including the rule of law, and we can debate what is happening in Hungary and Poland again. Having a debate as part of the Brexit process has been important but it should not now stop. The benefits need to be more effectively communicated domestically and continue the debate about Ireland's part in Europe.

Senator Fiona O'Loughlin: I thank the Minister for being present during this important week. We have discussed and debated Brexit for four years and finally we are almost at that point. Four weeks from Friday, the UK will be outside the EU Single Market and customs union. From 1 January next, how we, as a country, trade with the UK will be dramatically dif-

ferent.

4 o'clock

Considering all the valuable work the Minister, Department and EU are doing, I hope that the circumstances after Brexit, while different, will not be as negative as could be the case. Even if a free trade agreement is concluded between the EU and the UK, there is no doubt but that there will be significant and enduring change. We are all aware of how difficult it is for many sectors in society to absorb change. An important message, which the Minister gives all the time, is that it is vital that all businesses, regardless of whether they are small, medium or large, focus on their Brexit readiness because circumstances will simply not be the same. That is the one thing we know. Being prepared is critical.

The principal aim of this wide-ranging omnibus Bill is to tackle the wide range of complex issues that may arise for citizens and businesses after the transition. At all costs, we must protect citizens and consumers. We have to reduce the possibility of a serious disturbance in the economy of our State and facilitate the sound functioning of a number of key markets, sectors and fields. We must also ensure that Irish businesses are not seriously affected.

Coming from Kildare, I am concerned about the agriculture industry there. I am referring, in particular, to imports from the UK and exports to the UK from Kildare and the rest of the midlands. I am also concerned about the thoroughbred industry. As we know, Ireland is recognised throughout the world for this industry. The impact of Brexit on sales, breeding and racing could be significant, particularly in the context of the relationship that has existed between France, England and Ireland. We want to ensure as minimal an impact as possible.

Regarding tax-free goods, I understand there was quite a lengthy debate in the Dáil last week and that the Government has agreed to lower, from €175 to €75, the value in excess of which someone from a non-EU state may get tax back on purchases. This obviously includes the UK. It also includes a sizeable number of visitors who come to my county to shop in Kildare Village. Seventy-five euro is quite high. A sum of €35 or €50 would be far more acceptable to the sector and encourage people to shop while they are here. I understand there was the possibility of a clause within the legislation before the Dáil last week stipulating that this arrangement might be examined in 12 months' time but I believe it was not pursued. If the Minister could consider this, it would be really appreciated.

The previous education committee analysed the impact of Brexit on students. Approximately 12,000 students from the Republic study in the UK, including Northern Ireland. The relationship between UK and Irish educational institutions has always been really strong. There have been excellent partnerships, particularly in respect of attracting research funding. I am aware that an agreement was reached in respect of students who have already started their courses at third level institutions in the UK. That is important. We all realise there are issues with capacity in our third level institutions. Notwithstanding the substantial funding given this year, absorbing another 12,000 students could be very significant, and it could be very difficult, indeed, for our own institutions. However, there may be potential to attract additional research funding. That our technological universities are coming to the fore is important in this regard. I hope an opportunity will arise.

I wish the Minister and all those on the negotiating teams well. This is a crucial time for our country. I really hope that matters will go the right way in the next few days.

Senator Seán Kyne: I am sharing time with Senator Ahearn.

I welcome the Minister. As a former Vice Chairman of the European affairs committee, I recall that in 2014 or 2015, on being asked by the then Taoiseach, the committee carried out a job of work on the possible impact of Brexit on the Irish economy and society. It was before a referendum was formally announced or decided upon. We were pre-empting a lot at that stage. Unfortunately, we know the result. The matters we discussed at the time are matters that eventually became part of the more formal discussions after Brexit. Having served as Chief Whip in the previous Dáil, I recall dealing with Brexit omnibus legislation of 2019. I am only too aware of the scope of the legislation and the details we are considering today. I acknowledge the work of the Minister, his officials, the Office of the Attorney General and the drafters in the Office of the Parliamentary Counsel for their forensic work on producing a broad, in-depth Bill dealing with circumstances that nobody in this Chamber wanted and that the vast majority of the public on the island did not want either.

It is only when going through the Bill section by section and provision by provision that we realise how enmeshed the Irish and British economic, social protection, health, migration, transport and childcare systems are. They are so intertwined. We have connected economies. It is difficult to provide for all the changes that Brexit will bring. On going through the legislation, it is not possible to get away from the thought that Brexit is a very sad and backward step from the very close relationship that existed when the UK was a partner in the European Union. We must, however, make the best of the circumstances we are in.

The future relationship between Ireland and the UK will be multilayered. On one level, we will be dealing with the UK within Europe but we will also be dealing with it in its capacity as a former member of the EU and as a third country. On another level, we will be dealing with the UK as our closest neighbour, with a shared, if somewhat troubled, history dating back 1,000 years. More important, we will be sharing this island together. This will make for a very complex but, I hope, rewarding relationship. This will be new territory. We have never been economically or politically separated to such an extent. One hundred years ago, we began a new stage in our combined histories, yet we remained incredibly closely linked to terms of trade, transport and the economy. We joined the European Economic Community together in 1973. While we have taken separate steps on the exchange rate mechanism and euro, the step we are now taking is larger. It is important that we continue to foster bilateral arrangements that serve both jurisdictions well in terms of their shared future. I look forward to seeing arrangements in place that will benefit all citizens of both countries.

The provisions in this Bill reinforce many of the important, worthwhile measures put in place by Ireland and the UK over the decades. This is in the context of our new relationship from 1 January. We have very close co-operation in healthcare. I am very pleased to see the measures concerning European health insurance card rights and the arrangements for Irish, British and EU citizens resident in Northern Ireland, who will receive treatment in EU states in respect of unplanned care. This will give confidence and comfort to the many people who travel to Europe as tourists or students in the coming years.

In the area of social protection, the measures of the Bill ensure that people in both jurisdictions of the common travel area will continue to enjoy flexibility and eligibility regarding social protection. This is so important given the constant toing and froing of people north, south, east and west for work reasons, thereby continuing a long tradition of movement of citizens between both countries.

Under the immigration heading, I am pleased that UK citizens will receive special status following Brexit. At the same time, provisions are being made to continue the process of extradition since the European arrest warrant process will no longer apply. The combating of crime is obviously very important. The mobility of criminals cannot be allowed to create a haven in either jurisdiction.

In the context of childcare, it is proposed that, as for social protection, there will be provisions made for the eligibility of UK citizens. This, too, is important. There are many other provisions in the Bill that will make life easier for people in terms of work, life, security and finance. These are vital for our economies. There are many other areas of the Bill which will make life easier for people in terms of work, life, security and finance, which are vital for our economies. We have an opportunity now to build a relationship on old tried and trusted foundations. It will not all be plain sailing but the Minister has developed solid relations with the UK and with our European partners to deliver the best deal for Irish people and the Irish economy.

Senator Garret Ahearn: I welcome the Minister to the House. After the past six weeks and the struggles businesses across the country have faced, it is ironic to go from being locked down to now discussing what they would view as the next potential crisis coming down the tracks. It has been an extraordinary year for businesses of all types. I wish the Minister and the Department well. It is welcome to see that there is confidence and support from all sides of the House for this Bill.

I will focus on business in the time I have to speak. As he said in his contribution, the Government has launched its Brexit readiness action plan, which sets out the actions the Government will take and that businesses and citizens must take to address the changes arising at the end of the transition period. One of the biggest is probably that the UK will be outside the Single Market and the customs union. That means there will be new controls and procedures to be applied to goods moving to and from the UK that were not in place previously. Revenue has estimated that the import and export declarations could increase from 1.7 million a year to 20 million a year next year.

The Minister has been working hard on informing businesses. He has written to 225,000 businesses registered in Ireland. Separately, Revenue has done the same. The Houses agreed many financial and upskilling packages of approximately €340 million available for businesses that were announced in budget 2021. The July stimulus measure included a ready for customs package of €20 million.

Businesses have been preparing for Brexit for the past two years because of the guidance the Government has been giving and the roadshow on getting Ireland Brexit ready. The Minister came to Clonmel to speak to businesses about what they need to do to get Brexit ready but that works both ways. Businesses have to be prepared also. However, the Minister might be aware of something that happened about two weeks ago, which I will be discussing with the Minister for Finance, Deputy Donohoe. Revenue sent out a letter to many businesses about changes and arrangements that will be made for imports and exports of duty suspended from 1 January 2021. It stated that all movement of excisable products to and from the UK will be treated as a third country consignment. The new changes will be that traders will also be authorised as registered so that they can have internal movement of excisable products under duty suspension on arrival in the port to a tax warehouse. My inquiries revealed that they will have to submit trader notifications to Revenue via the Revenue online service, ROS, of duty suspended imports and exports. There will be a discontinuing of the current form, the SME 1/01/21 arrangement,

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and a streamlined process to facilitate trade flows and prevent blockages at ports and airports.

Businesses have been preparing for the past two years to be ready for Brexit but this letter was thrown at them, so to speak. Many have said they were shocked by this requirement and requested that the Minister for Finance look into it, and perhaps the Minister, Deputy Coveney, in terms of the requirements being made for businesses come 1 January 2021. I am aware some of them are being looked at and possibly changed. We are trying to get businesses to do everything right. I have been talking to a number in Clonmel, and from the very start they set up Brexit teams in their own businesses and departments. They meet daily and monthly to discuss all the changes that happen. The Minister is aware of that from speaking to Bulmers, in Clonmel, a number of months ago, which is very concerned about changes in excise duty for its business. Real challenges are facing a number of businesses and the easier we can make it for them the better, including Revenue being clearer on what it expects in terms of the changes that will come in January 2021 and not shocking them with six weeks to go. My colleague in Clonmel, Councillor Michael Murphy, has been working very hard at a local level but the European Committee of the Regions should try to emphasise the challenges businesses in Tipperary are facing.

I wish the Minister well for the next number of weeks. It is a daunting process but he has the full support of the Members of this House in that regard.

Senator Rónán Mullen: Tá fáilte a chur roibh an Aire. The Minister is very welcome. Ireland's membership of the EU since 1973 has brought about a gradual reduction of our economic and political dependence on the UK. We ended pegging the level of the punt to the pound sterling, joined the euro currency and participate in a number of criminal justice matters which the UK opted out of, all without significant disruption. Having some clear blue water between ourselves and the UK has proven to be good for Ireland in many ways but Brexit is an entirely different story. Sadly, however, the public discourse on Brexit here has often gone too far in adopting an unpleasant anti-British tone with those who voted for Brexit in the UK being portrayed as Neanderthals, anti-European and anti-Irish. Some of that is akin to the type of ugly propaganda that was put forward during the economic war, which was launched with Jonathan Swift's sardonic slogan, "Burn everything British but their coal".

We all have reason to regret the British decision on Brexit. UK voters may turn out to have been terribly mistaken in the decision they have taken, even in their own eyes, but they were always entitled to make their decision and they have to be presumed to have done so for what they thought to be honourable reasons in their own national interest. Britain is fully entitled to seek the best outcome possible from the ongoing talks, as we would in their position, but that is all the more reason for us to be grateful to the Minister, and to our diplomats and civil servants, for the extremely hard work being done in this very complex time we are living through.

The Bill before the House is to be supported. It aims to mitigate the damage that will be done to this country at the end of the transition period when we face into a new reality of Britain outside the customs union and the Single Market. The complexity of the issues facing us is clear, from even a cursory look at this Bill.

I want to make some general points about agriculture. There is nothing in the Bill that specifically relates to it but I want to put on record some of my concerns. Any time there was anything other than effective free trade between Ireland and the UK the result has been a disaster for Irish farming. During the economic war, tariffs decimated our exports, with the beef sector being particularly affected. In the absence of a trade deal being agreed, it is impossible

to know what a future British Government might do. Our beef sector cannot afford to be at the mercy of any future tariff regime after a hard Brexit. Prices have already fallen substantially, with factories pricing in the prospect of a no-deal Brexit in the knowledge that the loss of British market share will allow them to push prices down even further.

There is also scope for huge damage to be done in other areas. Some 40% of our food exports go to the UK, with a vast number of jobs relying on these exports. I understand 170,000 people are employed in the food sector. I welcome, therefore, as we all do, the willingness at EU level to allow state aid rules to be eased somewhat over the coming period to allow the Government to assist Irish exporters who may be disproportionately affected due to tariff changes or currency fluctuations.

If I may be allowed to be a little reflective for a moment, I could not help thinking last evening of the irony of there being a very interesting documentary from RTÉ about the potato famine on the very same day the news emerged that we were going to be in trouble in our dependence on the British potato supply, particularly for use in our chippers. If ever one were inclined to be chipper about Brexit then that story would have given one pause. Many people would have been taken by surprise that we were so dependent with 80,000 tonnes of potatoes being imported every year. It was news to me that our chippers seem to depend in particular on British potatoes because of the sugar balance involved and their flavour. Only about 10,000 tonnes of the 300,000 or more tonnes of potatoes produced in Ireland were being used in making chips. I did hear Mr. Thomas McKeown of the IFA potato committee put an optimistic twist on the issue when he said that he hoped that this would be an opportunity for Irish growers, and we would see more homegrown produce being used by Irish businesses and in Irish homes. I also saw that a consequence of the British reciprocating, in terms of not taking in potatoes, would be that other EU markets would seek to find other markets thus leading to a fall in prices here. It is a case of out of the frying pan, as it were.

On health matters, section 4 of the Bill repeals Part 2 of the Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2019, which included an extraordinary provision allowing the Minister to publish regulations that may, “make such adaptations and modifications to the Health Acts 1947 to 2019 or any regulations made under those Acts as the Minister considers necessary for the purpose of bringing those Acts or regulations into conformity with this Part”. That provision allowed the Minister to amend the Health Acts at the stroke of a pen, which is something that I thought was almost certainly unconstitutional. If I am right in that, then I would certainly welcome the removal of that law from the Statute Book. I am curious to know what has happened here because the last Government maintained what I would have regarded as the embarrassing fiction that this sweeping provision, that I have just mentioned, was constitutional on the basis that the former Attorney General, Séamus Woulfe, now a nationally known name if ever he was not before, had signed it off. I would humbly suggest that a new broom at the Office of the Attorney General has quietly binned that rash advice that is at the back of this repeal. Perhaps I am wrong but the Minister may be in a position to confirm or clarify this matter.

On specific health matters, I am particularly concerned about a situation where for whatever reason reciprocal healthcare arrangements break down post-Brexit and how the treatment abroad scheme might operate in that instance. As we have seen, we need to be prepared to think the unthinkable and we cannot necessarily rely on the goodwill of future British Governments. If reciprocal arrangements should break down it would be preferable that Irish people requiring treatments would receive them privately in Ireland rather than in the public or private

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systems of another EU member state on the Continent. That was the context for my suggesting an amendment to the 2019 Act, which would have sought to address that potential risk by allowing the Minister to make contingency arrangements in the event that reciprocal arrangements failed. Unfortunately, at that time the amendment was ruled out of order. Perhaps the Minister is in a position to address this point this afternoon because I certainly do not think it is entirely clear what would happen in such circumstances.

Senator Mary Seery Kearney: I welcome the Minister to the Seanad. This is not his first time to be here since we have been open, engaged and in this term but it is my first time to address him. I begin by thanking him most sincerely for the exceptional work he has carried out on behalf of our country over the last term and this term in bringing us to this point. We are in his safe hands in terms of leadership on this issue.

I want to address two areas. My colleagues here have been very eloquent in their needs and talked about imports and exports. The first basic area I wish to mention is British citizens living in Ireland who may have been here for a long time, been taxpayers in Ireland and have no Irish antecedents. At this point in order for them to get an EU passport they are exposed to considerable expense. I have had quotes from people in the constituency of Dublin South-Central that when they applied for citizenship but do not have an Irish parent or grandparent there has been a follow-up charge of €950, which seems disproportionate. If they merely travel or holiday within the EU they must use different channels separate from their families. I know this is a basic matter in the grand scale of all the things the Minister must deal with, but it affects some people who live in and have contributed to communities for a very long time. I ask him to examine the matter.

My main point concerns the considerable expense that businesses will be exposed to in the context of data and compliance with the general data protection regulation, GDPR. I have always been of the view that the Information Commissioner's Office, ICO, in the UK is a fantastic data commission, fantastic overseer of data compliance and certainly, along with our own Data Protection Commission, would have been standard setters across the European Union and quite influential in our compliance with GDPR. It is a personal sadness for me that the ICO will now be out of it among all of the other things that we need to think of. While it has been said that there will be onward adherence, at this moment in time we do not have an adequacy decision by the European Data Protection Board in terms of what happens in the UK afterwards in the absence of an agreement or deal. So the only thing that we can assume, come 1 January and afterwards, is that we will be reliant on either binding corporate rules or, which is much more likely, the standard contractual clauses as we become data exporters.

Many of the businesses in Ireland are inextricably linked with UK businesses. Many of the recruitment agencies in Ireland are reliant on using Bullhorn software as a method to manage their data records. That is a UK company, is UK overseen as well as being American. At this moment in time, our businesses face into dealing with Brexit but also dealing with the aftermath of the Schrems decision. I am consulting the European Data Protection Board about ways to put in a system and regime that businesses must apply on a case-by-case basis for every data process. It would mean that businesses for every client, service and supplier must on a case-by-case basis data map and verify what data transfer tool will be required. They must also consider accessing the law and practice in the country to which they export data. They are also obliged to consider the future departures from law or compliance with European law in that country. All of that work is fine for a big company that has an inhouse legal practice or advisers but many small companies do not have that luxury. The hidden cost for onward compliance can very eas-

ily be overlooked with all of the other things that we must deal with at the moment and that is certainly of concern.

The Data Protection Commission has been very good and supplied standard contractual clauses to assist data transfer and data export. However, we must bear in mind that there are now additional obligations on companies that will arise if we have a no-deal Brexit and because of the Schrems decision. We have provided so much support and information to businesses but this is a last minute issue that businesses must be aware of. Everything else appears to be in hand, as my colleagues have said, for which I thank the Minister.

Senator Fintan Warfield: I welcome the Minister to the House. I want to address the change that was made in the Bill through the amendment in Dáil Éireann that refers to the long established zero or 1 cent threshold for tax back on purchases by citizens resident outside of the EU who then export the product or bring it home with them. They then export the product or bring it home with them. The Minister is aware the scheme also concerns gifts or personal purchases made by tourists in the State. The Government proposed an amendment to its own provision on Committee Stage in the Dáil so the limit now stands at €75. I am conscious that Jim Power conducted research on the scheme and concluded that €44 million was spent by tourists under the proposed €175 threshold. The figures for the €75 threshold would surely be much better. We do not have a figure because the €75 limit is completely arbitrary. It could just as easily have been €50 or €100. Perhaps the Minister will explain how the Government arrived at the €75 figure. The measure will impact on an industry that is shut down at present and I hope the Government has taken the time over the past seven days to assess fully what impact this will have on businesses in the tourism industry who are weighing up very difficult decisions this very day.

The issue has been discussed extensively in the Dáil but there is still confusion. Most of the Opposition parties had agreed on an amendment that would have seen the Government furnish a report to the Oireachtas after 12 months on the effectiveness and impact of the scheme on the tourism sector and the Exchequer but the Government pursued its own amendment. Sinn Féin remains unconvinced by the arguments put forward by the Government parties that more revenue would be raised through the €75 threshold than would result from increased tourism and economic activity if left at the previous level. When businesses connected with tourism fail and employment ceases then all revenue connected with that business ceases, including moneys to the Exchequer, and it will then be too late. As with many other sectors, the investment in tourism needs to be now. In this case, maintaining the 1 cent threshold is the right investment to make. We can put money into a business that has folded. We look forward to tabling further amendments on Committee Stage in the Seanad to press the point again that this is a regressive measure not backed up by evidence that will impact a sector already hit hard and facing an uncertain future.

I want to speak about higher and further education and I welcome some of the measures in the Bill allowing students to carry their SUSI grant as they pursue higher education in a relevant specified jurisdiction. Equally welcome is the provision that will allow the Minister for Education to prescribe British citizens as eligible for SUSI grants to pursue courses here. Progress is needed on making it easier for those who want to carry their SUSI grant to pursue further education in the Six Counties. There is a crisis in third level education now which, if left unresolved, could have a major impact on students coming to study in this jurisdiction. The Minister for Education needs to meet the Minister with responsibility for housing to solve urgently the crisis in student accommodation, whereby students have been forced to pay for accommodation they

cannot access.

Senator Paul Gavan: The Minister is very welcome and I stress at the outset that we will support the Bill. I recognise the very hard work the Minister has been undertaking for some time now on this issue. I want to take a couple of minutes to speak about Brexit itself. Far too often when people speak about Brexit we hear a simplistic narrative that pits a wholesome European Union with its much vaunted values of decency and democracy against the dark forces of British politics. While the xenophobic, backward, empire nostalgia of the Tory party certainly make for excellent pantomime villains the truth is there really are major problems with the current model of the European Union. Britain is not alone in seeing the rise of the far right from the fringe to power. We see it throughout Europe. It was mentioned earlier with regard to Hungary, Poland and Bulgaria. They are already in power. We can see in Spain, Italy and France where they are threatening to come to power. An honest analysis of this is required and we need to address why it is happening. I suggest the decades long policy of neoliberalism and the impact of this on political life throughout the continent is at the heart of a real difficulty of the European project.

I point to the excellent work done by Irish academic, Emma Clancy, who has examined the role of the unelected European Commission in imposing austerity throughout Europe. Just one example is the fact that between 2011 and 2018 the European Commission insisted on 63 separate cuts to public health services throughout Europe. All of these cuts and forced privatisation were to achieve targets set out in the Stability and Growth Pact, which was a hugely retrograde aspect of the European Union fiscal treaty of 2013. It is significant that even IBEC has questioned the appropriateness of being tied to such tight limits in recent years. While the Stability and Growth Pact is currently on hold, which is very welcome, I am concerned that the Minister for Finance continues to be a champion of this particular pact. There needs to be a big conversation on the direction of the European Union. The left has been very poor in this regard. I do not expect conservative parties to make these arguments but all of us on the left need to be more honest about the real pitfalls of the current direction of travel for the European Union and insist on an honest and open debate.

What is very clear from the whole Brexit debacle is the absurdity of partition, and the idea that one part of this island can be inside the EU while the others outside is ridiculous on so many levels. The protocol is an essential bulwark against this happening but it can be regarded as at best an interim solution. Business owners, and particularly sections of the agricultural economy in the North, are now open to a discussion on an alternative future as part of an all-island economy. We need to have this national conversation and begin to put building blocks in place for referendums that will surely happen later in this decade.

I want to raise the issue of energy. With the closure of Moneypoint power station and the Kinsale gas field ceasing production in July we appear to be ever more reliant on this island on imported gas from Britain. The British energy regulator, Ofgem, announced changes to its charging regime. Irish regulators and utilities asked for certain modifications and dispensations from Ofgem. These included a specific Ireland security discount intended to help security of supply. Ofgem rejected the suggestion, effectively stating it was not prepared to make a special case for Ireland. Perhaps the Minister will have an opportunity to speak about what our plans are to ensure we move away from this huge dependency at present on Britain.

I also express some concern about shipping. At present, 150,000 Irish freight units cross Britain every year, which is approximately 3,000 lorries a week. This has developed into an es-

sential route. Approximately 83% of our roll-on, roll-off rate leaves Ireland via Dublin. There is quite an imbalance there. Our trading has been centred in one part of the island and in one direction. I know there have been changes recently, and a Danish shipping company announcing new routes from Rosslare last week, but clearly a lot more needs to be done and I would like to hear the Minister's views on this.

I have particular concerns about the agricultural sector, which Senator Mullen also mentioned. It continues to be a significant part of our economy. I welcome the fact the Government will plan to give support to the sector but I have to say I have real concerns with regard to the red meat sector in particular. As someone who has worked closely in that sector as a trade union official I have real concerns with regard to the welfare of the workers, the very poor rates of pay and the anti-trade union attitude, which is to the forefront of so many of those companies. I ask that when we support the industry we insist on decent terms and conditions for those workers and that we insist in particular on their right to be represented by trade unions.

I have a concern, as many others do, that once Britain embarks on its new future it may move towards a Singapore model, whereby it will move to very low rates of pay and terms and conditions, and effectively tries to undermine decent terms and conditions in this country. We need to be very aware of this. There is very important role for social dialogue in this regard, in particular to include our trade union movement in a quick response method. We do not really know what will face us in the early months of next year and I would like the Minister's opinions on this.

Senator Vincent P. Martin: The Green Party also supports the legislation. On behalf of the Green Party I thank the Minister for his sterling efforts. It was a time for diplomacy and calm heads and he demonstrated these in bucketfuls. There was a temptation to go down the road of Brit bashing and we would have lost heavily if we had fallen for that temptation. I am glad to say we have not done so.

I concur with Senator Warfield's remarks in making education as accessible as possible. Education sets one free to choose, to think and to create. It is through this environment, particularly on the island of Ireland, that further reconciliation takes place. I saw it first hand. I am one of the many in the Upper House who were student union leaders in a past life. I passionately believe education is a key to solidifying peace, healing, truth and reconciliation. Senator Garvey, my fellow Green Party Senator, covered much of the territory, as did other Senators, so I will try to stay on different topics. It is great to have the Minister in the House this evening.

There is a golden opportunity, not necessarily in the Bill, to capitalise on our newfound status as an English-speaking common law jurisdiction in the EU. What exactly will we do to capitalise on that? I believe investment is already moving into the Republic of Ireland. I would love to hear the Minister's plans in relation to that and on having a task force. It will be a whole new world.

On a sad point, we are all aware of the response yesterday of the British Government to the call for an independent public sworn inquiry. It is obviously a despicable and reprehensible act to gun down a lawyer, be it Pat Finucane, Rosemary Nelson or Edgar Graham, or any loss of life for that matter. With Britain outside the European Union, does the Minister believe we will have a greater influence on Britain and will the British listen to us? Notwithstanding the might of the EU and America, Britain did not listen to them on an issue as serious as the Pat Finucane case. What is the Minister's approach, apart from his diplomatic skill set, which is to

be admired? What do we do in cases and times of challenge and crisis? There should be much more bilateral communication.

We have a special relationship with Great Britain, as two English-speaking countries. The UK is our nearest neighbour. There will be a practical working out of the new post-Brexit world which will not be in the Bill before us. Our new North-South arrangement will have to intensify. Citizens in Northern Ireland will not have an elected representative in the European Parliament. Can we not strive to give them a voice in the Seanad or work harder for the people in the Six Counties, who will hopefully have the best of both worlds? They do not have a voice in the European Parliament. Perhaps we should make arrangements in the Seanad so that voice is heard in the Republic of Ireland. There is an opportunity to intensify east-west relations. How will do that in a post-Brexit world? The British are our nearest neighbours. We want to work closely and positively with them, as best we can.

Is the Minister satisfied that, given the unique relationship by which we are inextricably linked, North-South and east-west, we got enough special concessions? The Northern Ireland protocol is the best of both worlds and brilliant if it happens but have we secured derogations, dispensations, call them what one likes, for the Republic of Ireland? Our culture and agriculture are inextricably linked. Consider going to the mart or horse racing. So often in Downpatrick or Down Royal one hears accents from the Republic of Ireland. Likewise, at equestrian sports and horse racing in the Republic of Ireland, is it not lovely to hear a strong Ulster accent? How welcome people from the North are to inject support into in the Republic of Ireland. It is a mutual arrangement.

I am concerned about the special arrangement. I believe much of this is around the corner and we cannot see it yet. It is unforeseen and one would need 20-20 vision. A simple example is the Bosman ruling in football. Mr. Bosman is best known for the court case rather than his football skills. The ruling relates to freedom of labour and how, when professional soccer players are out of contract, they can move on. In Northern Ireland, we have Derry City, and we have teams in the Republic of Ireland. George Best once graced the League of Ireland. Dennis Tueart, the Manchester City centre forward, played a few games for Derry City in the Brandywell. This is a micro-example. Will we get special allowances for our inextricably close sporting and cultural ties? Will the EU be generous, as I think the UK will be, on so many challenges and opportunities were there are cross-sections?

I will give my own opinion but I am not the only person who holds it. I believe the killing and maiming of people put back possibility of a united Ireland by decades upon decades. Ironically, Brexit, be it a hard crash-out or a soft Brexit, could lead to the people of Ireland getting on better. There is an opportunity to turn a disadvantage into an advantage, a challenge into an incredible prospect where the people of Ireland become closer and get on better, economically and culturally, than ever before.

A former Taoiseach, now deceased, said he would not see a united Ireland in his lifetime. The Minister is a proud Fine Gael Party member. His president and party leader occasionally speaks about a united Ireland. Sometimes Fine Gael is called the UIP or United Ireland Party. There are so many initials. There is the UUP, the Ulster Unionist Party, and the UIP, United Ireland Party - by peaceful means, of course. The violence was counterproductive. Is the Minister ready to seize an opportunity which will fast forward healing, reconciliation and truth and bring this island closer together, respecting the different traditions? Maybe one day, and I say this as a constitutional republican, they will come together in the form of a united Ireland. That is not

in the Bill, which we are giving a Second Reading today. Peter Barry is a respected member of the school of constitutional nationalism and might be a hero of the Minister's from the rebel county. There are good nationalists and republicans within the Fine Gael family. The Green Party, North and South, supports this legislation. Clare Bailey, MLA, said the Green Party is an all-Ireland party and we understand how critically important it is to get on together on this small island. Part of that will be the mutually beneficial intensification of the relationship with Great Britain. I would love to hear the Minister's views and responses on some of the issues I have raised.

Acting Chairman (Senator Pat Casey): Senator Currie has ten minutes.

Senator Emer Currie: We will be here all night. I will share time with Senator Dolan.

I thank the Minister for his relentless work on Brexit and its impact on relationships as we know them on these islands. It is always worth mentioning that Ireland never wanted Brexit and, in many ways, aspects of this Bill underline the absurdity of it all. Why replace convergence with divergence or seamlessness with separation? I know the Minister is doing his best to deal with what we call the interdependence and interlocking nature of the relationships, North and South, east and west. These relationships are the basis of the Good Friday Agreement and of something that is deeper and more meaningful than trade and neighbourliness alone. So much more is at stake. The Minister is dealing with the complexity of the arrangements based on those relationships and is unweaving and weaving them back together as best he can.

I am appreciative that the Bill aims to protect citizens, consumers and businesses, the common travel area and North-South co-operation. Despite all this work, it is a pity we are here at all. The omnibus Bill is one part of the jigsaw but so too is the future relationship deal and the vital implementation of the Northern Ireland protocol. There can be no wriggle room or wriggling out of that. It has to be said that the Minister and Government have stepped up for people across the island of Ireland, North and South, when it has really mattered, as have people like Claire Hanna, Colum Eastwood and Stephen Farry, to protect lives, livelihoods and ways of life. These are the bread and butter issues we take for granted because of cross-Border freedom and the Good Friday Agreement. I recognise the Minister's commitment to ensuring that the common travel area will be maintained in all circumstances and that reciprocal rights will be safeguarded. Being Brexit-ready is incredibly complex and detailed, and that is reflected in the significance and the size of the Bill.

As someone who obviously has very close ties to the North, the importance of access to healthcare North and South, the European Health Insurance Card for residents of Northern Ireland, the Erasmus programme, third level education fluidity, access in Northern Ireland to Horizon 2020 funding, social welfare arrangements, pensions, childcare, bus services, and relationship statuses cannot be underestimated. I know that the Minister is working relentlessly on these issues, but if he has the opportunity, he might address the issue of the Erasmus programme and the Horizon 2020 funding.

We await further news on the future relationship, but regardless of the outcome of the talks, the full implementation of the withdrawal agreement, including the protocol, is the only way forward, given the protocol provides that there will be no dilution of the rights, safeguards and equality of opportunity provided for the people of the North, as set out in the Good Friday Agreement. I particularly look forward to working with the Minister on that. The rights of EU citizens in the North are specifically addressed in the Bill and it confirms that Irish citizens in

Northern Ireland will continue to enjoy, exercise and have access to rights, opportunities and benefits that will come with EU citizenship.

I wish to reinforce the issue of Northern Irish inputs to EU exports as part of the future relationship. The dairy and Irish whiskey industries are integrated all-island industries with seamless cross-Border supply chains. There are Northern Ireland inputs into EU exports such as milk and dairy products finished and exported from the Republic and Northern Irish whiskey included in Irish whiskey blended and exported from this State. I believe these products will no longer have EU originating status, because they contain non-EU inputs, and will potentially lose existing access to zero or reduced tariffs in markets for free trade arrangements. Businesses, therefore, are anxious that a resolution to this issue is found, and rules of origin and future post-Brexit free trade agreements are changed to allow Northern Ireland inputs in EU exports to benefit from them.

In conclusion, I want to highlight that this has always been, and will always be, about relationships. As parliamentarians, we must reinforce our commitment to building those relationships that have suffered because of Brexit, and the fall of the Executive, and we must remember the importance of the three strands. I know that the Minister is utterly committed to that and he is doing a fantastic job. Hopefully, we will see significant progress in the next few weeks.

Senator Aisling Dolan: I welcome the Minister. He has worked tirelessly with the EU Chief Negotiator, Michel Barnier, and a trade deal is necessary, but not at any cost. The willingness to compromise has to be demonstrated by all sides.

The vote on the Brexit referendum in 2016 left the world in shock, and it left me in shock. The historic result of 51.9% to 49.1% changed the future of engagement between the UK, Europe and Ireland. However, our previous Government and Departments immediately stepped up with a Brexit readiness plan. Dedicated ministerial teams took part in all the engagements that the Minister mentioned earlier. Now we are so thankful for the support of President-elect, Joe Biden. Up until Covid-19, this was the largest challenge facing the Irish people and economy, and the previous Government put urgent measures in place once the Brexit vote happened.

I attended the University of Ulster, Coleraine to undertake a postgraduate course, I completed modules on the EU and I worked in the European Commission office in Belfast for a number of months as a student intern. I met many international Erasmus students there, I lived in Portstewart, I worked in Dungannon, and some of my best friends live in Northern Ireland. Ireland has strong links with the UK and many Irish people live and work there and *vice versa*. We have a shared history, which I have studied, and now we are entering into historic and unprecedented times. This Bill will have a significant impact on how we engage with the UK and Northern Ireland for students, friends, families, work and travel. As Senator Currie stated, the Good Friday Agreement must be protected and there must be a level playing field in respect of engagement between the EU and third countries. We need to have strong transitional plans in place.

From 1 January 2021, the rules for the EU Single Market will not apply in the UK. This will have a drastic impact on sectors in Ireland, particularly, the farming and agrifood sectors. There are sections of the Department of Agriculture, Food and the Marine dedicated to supporting farmers in preparation for these changes, but coming from a farming background, I am very worried. Teagasc has recently reported that a no-deal Brexit will result in a €690 million drop in farm incomes, and according to the report it published today, the average farm family's income

will potentially drop by 18%.

The actions over the next few days need our full attention, and there must also be a focus on supply chains and road haulage. I commend the Minister and his officials on the investment being made in our ports to prepare for import charges. More than 1,500 staff will be hired and €30 million is being spent on customs and safety checks in Dublin Port alone. In budget 2021, in excess of €340 million has been set aside for Brexit-related measures. I appreciate the efforts by the Revenue to contact more than 90,000 businesses and to make more than 14,000 calls. The efforts that are being made to ensure that we are prepared for what will happen at the start of January are incredible. This work has been ongoing over the past few years.

Regarding access to the €5 billion EU Brexit adjustment reserve, which is going to be crucial, particularly in farming, how will we be able to draw down on this reserve in 2021? We are building a plan for the future and we are laying new foundations with the UK based on this new reality. The Bill focuses on protecting the common travel area, mitigating impacts to our economy, the Good Friday Agreement, medical and social welfare, immigration and many other issues, which illustrates how entwined we are with our nearest neighbour.

I pay tribute to the Minister and to all 11 Ministers and officials involved in this omnibus legislation. Cross-party support is so welcome at this challenging time, and is particularly important to ensure that this legislation is in place by the end of December 2020, and that the Cabinet, Government and all parties here are ready and resilient, particularly to support people and livelihoods from January 2021. I wish the Minister the strongest resolve as the representative in the people of Ireland in these final days of negotiation with the UK. To all the Ministers and negotiators involved, I say, Ní neart go cur le chéile.

Senator John McGahon: I was thinking earlier about the term “the patience of Job”, and I wondered what it meant, and who Job was. I googled it and found the following definition: “Job is presented as a good and prosperous family man who is beset by Satan with God’s permission with horrendous disasters that take away all that he holds dear.” I cannot help but think that some sort of analogy could be drawn with the patience that the Minister has shown in dealing with Brexiteers and the British Government, which seems to have a different plan every week, or no plan at all. That is a fair analogy to draw.

The issue I wish to raise concerns something to which I refer often, namely, the social fabric of the Border area. I only two miles from it, as the Minister will be aware. What I mean by that is that our communities are very intertwined across the Border, and have been able to become even more intertwined and prosperous as a result of the Good Friday Agreement over the past 20 years. That point is consistently lost on the British Government, the British media and people in the UK in general. They have little or no conception of what the social aspect of the Border is, and the social fabric that exists, from Omeath, County Louth all the way up to Donegal and right along and in between. The type of social fabric that I am talking about could include anything, whether it is being married to someone from across the Border, the kids going to school in north Louth but playing football in south Armagh, or living in south Armagh but working in Dundalk.

5 o’clock

I also want to make reference to how reassuring President-elect Joe Biden’s views on Northern Ireland are. He has had a long-lasting and consistent view on it and it is a breath of

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fresh air compared with we have experienced. That has to make No. 10 Downing St. think about the approach it has taken towards Ireland, alongside that of President Donald Trump, over the past couple of years. That is reassuring.

Irrespective of whether we get a deal, these will still be issues in the Brexit debate. The first issue is customs, and we will have to examine what happens east to west. The second issue is standards, regulations and licences. The third is logistics and transport. There will be indirect impacts under all three of those headings that a lot of businesses and Border communities will not fully understand or grasp the effects of until quarter 1 of next year. That could involve customs or licensing issues or product standards. In terms of logistics and transport, in the case of perishable goods, for example, if logistics require an extra day or two and the shelf life of products is shortened that will reduce people's earning capacity. Those are the issues which I want to put on the record and which need to be examined. Whether we get a deal, they will still be serious issues that we will have to countenance and deal with.

The withdrawal agreement and the Northern Ireland protocol put Border counties like mine in a much stronger and more comfortable position than they were two-and-a-half or three years ago before they were put in place. At every turn, the Minister and European Union have stood up to the British Government. They have told it that it has entered into a withdrawal agreement in good faith and that there can be no renegotiation whatsoever. That is the bottom line. It is important that we maintain that stand, and I know we will.

I also want to make reference on a more local level to the work of local enterprise offices, LEOs, in making sure that businesses in Border areas are prepared to be Brexit ready. I have seen the number of workshops and seminars businesses in my area have been doing. Those in business in a Border community need to ask themselves, if they have not done so already, the extent to which their businesses are exposed to Brexit and what the scale of that will be. Brexit will turn some businesses upside down. Others will be marginally impacted upon. It is up to businesses to determine what the scale of the impact will be.

I had a wonderful conversation with Thomas McEvoy, who is in charge of the LEO in Dundalk. I do not want to be parochial but I want to speak to what I have knowledge of, which is my area. Mr. McEvoy said that businesses in Border region, particularly in the Dundalk area, have been on the frontier for 40 years in terms of the Troubles and Brexit. He went on to say that at every stage the resilient business people in the area have been incredible. They have had to deal with the Troubles, the cheaper Sterling exchange rate, which meant that people shopped in the North, economic recessions and now Brexit. There is a huge resilience within Irish people and our business community.

I am very confident that no matter what comes along in terms of Brexit next year they will be able to do their very best to overcome it. They will use the same level of ingenuity that they have always had to use. Much of that is down to the supports the Government has put in place. There have been significant financial supports to get businesses Brexit ready. A great deal of information has been provided. There is light at the end of the tunnel.

I read a wonderful article by the late A.A. Gill in *The Sunday Times* about a week after Brexit. He said he felt sorry for the younger generations in Britain who had such a bright future ahead of them as members of the European Union and that future was taken away by their parents' generation, which has an idealised view of what Britain was like in the 1940s and 1950s that is not relevant today. I hope that at some stage a new generation of British people will be

able to vote to rejoin the European Union and that the United Kingdom will be able to come back and be at the heart of the European Union where it should be. That may be two or three decades away, but I for one will look forward to being able to welcome it back at some stage in the near future.

Senator Martin Conway: I, too, welcome the Minister and commend him on the work he has done, not just in recent weeks but also in recent years, on Brexit. As we all know, Brexit is a serious, tricky and complex issue for Ireland. It challenges Ireland more than any other country. It is a daunting challenge and we are in uncharted waters. We do not know how it will affect us, but we know that it will. It is a problem and a difficulty. Like many other problems our small island has faced over the years, we will deal with it head on.

It is only fair and appropriate to say that this Government and previous Governments have been involved in micromanagement levels of preparation for this day as it approaches. Even if there is no deal, we are as prepared as we could possibly be in light of the work that has been done in the Departments of Enterprise, Trade and Employment, Foreign Affairs and the Taoiseach since the awful referendum happened in 2016. We were not behind the bush when it came to realising the seriousness of the situation, the difficulties that it presented to us and the difficulties that it would present to the Irish business community, especially the export community.

I regret the fact that many people did not realise the seriousness of the situation, and still do not. Two or three years ago, people saw this as something that would happen in the distant future as opposed to realising that we are on the eve of something very serious. When it happens, they will wonder why they did not realise it was so serious. Due to the fact that Brexit is one step removed from people, they did not seem to realise it will have a direct impact on their lives. Much of the work that happened across Government for the past two or three years was to try to negate that impact.

People did not consider Brexit an issue in the general election because it did not get their children a mortgage or do A, B or C. Brexit will not put food on the table or ensure that people can buy new cars. Those who have been close to and have monitored the process know that it is an issue. The future effect of Brexit is what has preoccupied the Government for the past three or four years. Trying to protect our citizens in the Brexit future is what has preoccupied the Minister, the former Taoiseach and current Tánaiste and others.

That said, a number of factors have played in our favour, not least that there is a new President-elect in the United States of America who, unlike the man he will succeed, is not in favour of Brexit. That has tilted the balance in favour of Europe in these tricky, complex and detailed negotiations.

To some extent, the pandemic has focused minds because there is now an element within the United Kingdom which realises that it is not really possible to exist as an island. We are a global community and are interconnected. We are better off being properly, appropriately and cohesively interconnected as opposed to what is going to happen soon. Those factors will possibly help in terms of securing a deal. There have been challenges with fisheries in recent times and they are complex. Claiming territorial waters is always difficult. For the past decade, there have been negotiations about fishing quotas Christmas after Christmas and we have always done well. The Minister was part of those negotiations when he was Minister for Agriculture, Food and the Marine, flying over to Brussels a few days before Christmas to try to get the fishing quota deals done, and they were challenging.

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In my area of Clare, tourism is our main source of income after agriculture. I am concerned that we will be hit in terms of agriculture, particularly in respect of agricultural exports to the United Kingdom. Nevertheless, I am hopeful that much of the work done over the years to open and develop other markets will help. Many people might not realise that the United Kingdom is one of our principal inbound tourism markets. The number of people who come from the United Kingdom to Ireland for weekend breaks is significant. The city of Dublin has benefited enormously from many people coming from the length and breadth of the United Kingdom for weekend breaks and that has percolated throughout our country, not least in Clare. Significant tourism promotion needs to be conducted to protect that market. There is no reason that it should not develop. We may have difficulties in the next couple of years but when things are bedded down we will, hopefully, see that.

The roll-out of additional embassies and consular offices throughout the world was a clever, appropriate and necessary move. Improving diplomatic relationships goes hand in hand with having the IDA develop economic relationships and trying to get foreign direct investment. One cannot just rock up to a city and get foreign direct investment overnight; one has to build diplomatic relations and get to know the culture in various countries. The budget in that regard was ramped up significantly in recent years and it is money exceptionally well spent.

I do not envy the Minister in his work but he is the right man in the right place to do it. He has the experience, having developed it since 2011, when he took over as Minister for Agriculture, Food and the Marine. This is a pivotal period in our history. It is only in the future that we will realise how important this period is, and doing it against the backdrop of a pandemic makes it all the more difficult. I wish him well, as does the country. I have no doubt we will emerge from this as a stronger country and nation with, hopefully, a protected economy that we will rebuild not just from a Brexit perspective but also in the aftermath of a pandemic.

Our position in the European Union has been significantly strengthened because of the work that has been done over recent years. That we have had Europe at our back throughout this period of uncertainty is deeply appreciated by many Irish people. I sincerely hope that in the European narrative going forward, a Eurosceptic attitude will never develop in the Irish psyche. We should remember that two European referendums were lost in this country and had to be run again. I hope that type of mentality will not exist in the future and that people will appreciate the benefit that Europe has provided to our people and how it has stood by us in our time of need. I have no doubt we will emerge and go forward stronger, better and more determined as a country and people.

Minister for Foreign Affairs (Deputy Simon Coveney): I will try to answer as many of the questions as I can. There is a meeting of the Seanad special select committee on Brexit tomorrow, where I will be able to go into more depth if Senators want me to in any area.

I will now deal with some of the themes that arose. A number of Senators raised concerns about the need for direct ferry links to deal with congestion in ports. The concern is based on the fact that about 85% of all goods that come into and out of Ireland come via the UK land bridge. As a result, there is a potentially significant point of disruption for goods trade to and from the rest of the EU Single Market, particularly for time-sensitive goods, such as perishable goods, chilled products and so on. We have worked with shipping companies, hauliers, exporters and importers to encourage them to consider contingency plans and use the capacity that is there already and is increasing all the time in the context of direct ferry routes. Even in the past week, the Rosslare-Dunkirk daily ferry service was announced last Friday, while Cork-

Zeebrugge was also announced quietly and without too much fuss. A number of new routes over the past 18 months have been announced by various shipping companies, which foresee an increase in demand for direct ferry routes, and that has not happened by accident.

On the current direct ferry routes, however, less than 50% of capacity is currently being used. People talk about the capacity issue and worry that if there is a need for a significant shift away from using the current land bridge route through Holyhead and through Dover to Calais, there may not be sufficient capacity on direct ferry routes. However, we have a great deal of additional capacity, which has increased and continues to do so. We also have the potential for shipping companies to shift capacity off the Irish Sea route to consider greater direct ferry route capacity should it be necessary. While there is a good deal of capacity, we have been encouraging importers, exporters and haulage companies to carry out that contingency in advance and to test those new routes to ensure they work, and to use December to do that, rather than waiting for an emergency-type situation potentially to develop at Dover in a month's time, if and when there is significant congestion. Even when the French tested some of the new checking systems for passport checks alone, there was a 5 km tailback in Kent on the way into Dover. We are starting to get a sense of what we may face in January in the context of delays and disruption.

I cannot recall which Senator mentioned it but there is certainly no chance of the UK providing some sort of green lane for Irish trucks to skip to the front of a 5 km, 7 km, 10 km or 15 km queue. When our lorries are coming off ships at Calais and other EU ports, a green lane operation will separate Irish-origin trucks from the UK traffic because, of course, the checks will not be the same. They will be goods that have originated in the Single Market coming back into the Single Market and using the UK as a land bridge facilitated by the UK signing up to an international transit convention that effectively means that if a container is sealed in Dublin, and if the UK land bridge is crossed to return to the Single Market in France, the seal on the container does not need to be broken as long as it does not involve live animals or other certain food products. To be fair to the UK, it has signed up to the convention. It has, in fact, been very helpful in the context of facilitating the future use of the land bridge but it is certainly not going to be able to deal with the potential disruption in its own ports and give Irish trucks preferential treatment by comparison with its own. That is potentially a recipe for a lot of tension. That is a contingency we have been planning for and working on. The conversation will continue with shipping companies right until the end of the year, through the transition period and into the new reality we are facing.

Regarding our own ports, there has been a lot of planning involving the Revenue Commissioners, the Department of Health, the Department of Agriculture, Food and the Marine, my Department, the Department of Transport, Dublin Port and, of course, the shipping and haulage companies. There will be a traffic plan for Dublin in place reflecting the new realities. Some of the shipping scheduling poses genuine challenges because large vessels come in at more or less the same time each morning. Many of the goods are demanded at certain times of the day, and shipping companies respond to that demand, particularly in terms of accessing retail outlets early in the morning and so on. Therefore, there will need to be efficiency in the management of that traffic, but I am reasonably confident this is being achieved in a comprehensive way. Of course, there is no perfect solution but there is certainly an enormous amount of contingency planning taking place to secure the smooth running of Dublin Port.

What effectively will happen is that when trucks come off ships, they will either be in a green lane, an orange lane or a red lane. If they are in a green lane, they will go straight through without having to be checked at all. If they are in an orange lane, they will require some cus-

toms checks. If they are in a red lane, they will require a much more substantive inspection process. They may have perishable goods and they may need to unload goods for a more detailed inspection. As a result of that, Dublin Port has really been transformed over the past two years in terms of extra parking bays, inspection bays, live-animal stabling, cold-storage facilities and much more. It is worth visiting. Perhaps the Chairman of the Seanad's Brexit committee could take its members to see the port's operations. I expect we will see pilot testing of the systems in the month of December to make sure they are fit and ready for 1 January.

Rosslare has been quietly doing a huge amount of work to get ready. I was really pleased to hear last Friday the announcement about the direct ferry link to Dunkirk because that really means the infrastructure put in place is going to be used. I envisage Rosslare getting busier and busier and potential further routes developing in the time ahead if we see permanent reliance on direct ferry routes rather than a land bridge for many products. That is quite possible because the paperwork involved, the associated delays and the preparations companies will need to make to bring goods across the UK land bridge are quite significant and potentially quite costly. It is doable but it involves hassle. If the goods are not time sensitive, it may well be cost-competitive for people to look for direct ferry routes.

I was glad to hear Mr. Michel Barnier's name mentioned in the House today. There was a lot of support and praise for him. He has done a phenomenal job as a negotiator for the EU. He has shown a capacity to understand and take the time to really read into the vulnerabilities of the island of Ireland as a whole owing to Brexit in a way that many people could not have expected. He has also taken the time to come here on multiple occasions in this regard. When people rightly say the UK has the right to decide its own future, even if we do not agree with the decision or fully understand why, they should note that the UK does not have the right to vote for Ireland's future in terms of where we stand, our place in the EU Single Market and our involvement with it in a peace process on this island.

There is not an anti-British bone in my body but I have an obligation, during this process, to ensure Ireland's vulnerabilities are understood and that we put in place agreements that can protect against the exposure of those vulnerabilities. We need to protect the peace process throughout this period of disruption, and I believe we are doing that as best we can. It is not perfect and it has caused some tension but I believe that, by reaching an agreement on the protocol on Northern Ireland in the context of the withdrawal agreement, we now have protection in international law for a protocol that the British Government has a legal obligation to implement. This is not a political agreement any longer; it is the law, and that is why the response from Ireland and others across the EU to the UK's Internal Market Bill, which essentially threatens to break that law, was as direct and blunt as it needed to be. I say that as a candid friend of the UK, as someone who has benefited from the British education system, and as someone with many family members living in the UK and who has worked in Scotland. Like many in this House, I am in many ways a product of the Anglo-Irish relationship. I believe, however, that Ireland has a responsibility to call this situation as it is because there are many who are trying to warp the messages and the understanding of what Brexit means. We need to try to make sure that we remain respectful, but consistent and firm, in the context of protecting Ireland's interests through a very challenging and potentially very disruptive period.

There are a number of other questions I want to make sure I answer. One concerns the contentious issue of tax rebates, which is going to involve an amendment from the Labour Party on Thursday and, I suspect, a similar one from Sinn Féin. We are not going to accept the amendments but I want to give reassurance here. The initial proposal from the Department of Finance

was that it would be appropriate to introduce a threshold of €175. In other words, if a non-EU citizen or someone from a third country, which Great Britain will be, spends over €175, he or she will be able to claim VAT back. What the Department was trying to do was recognise the fact that there will be millions more people coming from the UK into Ireland and that the cost of the bureaucracy of managing the scheme for small amounts of money would be significant.

Deputy Howlin and others made the case that the threshold should either be reduced significantly or done away with altogether. The Department of Finance responded to that by reducing the threshold significantly, to €75 rather than €175, which means much more expenditure will now be subject to the VAT rebate scheme. This is good for retailers. There was a judgment call that I assume the Minister for Finance, Deputy Donohoe, will have an opportunity to talk about when he is in the House on Thursday. Many EU countries apply thresholds that are much higher than €75. What we are trying to do here is provide an incentive to spend money while in Ireland and to do so in a cost-effective way in the context of a VAT return scheme while also trying to recognise that if there is a significant increase in the numbers availing of the scheme, there will be a cost to managing it in respect of small or relatively small amounts of money. That is essentially what is happening. Some have said this measure is not linked to Brexit at all, that it is a separate issue and that it will apply to people coming from the United States. It will but it is linked to Brexit because so many of our tourists are British. This is super and we want to keep it that way but it means the numbers will increase significantly. Therefore, it was deemed appropriate to respond. Having said that, I believe it is not unreasonable to state we need to assess, after the first 12 months, whether the €75 threshold is the right one and whether it should be less, more or done away with altogether. I know the Minister for Finance is open to that but we are not proposing to put the requirement in the legislation. I am stating on record that the Government is committed to doing that review and the Department of Finance will do it. However, it would not be good practice to include in the Bill a commitment to a review because it is not normal to do so in legislation. I am not asking Senators to withdraw their amendments, but to reflect on that. To finish this legislation in a timely manner, it would be really useful if we could get this done this week. I hope that my giving the House a commitment on the review, which I am sure the Minister for Finance, or whoever speaks on his behalf on Thursday, will also make, will be sufficient for Senators.

I take the point made about cross-Border health but I must be honest with people. The EU cross-border health directive will no longer apply to Northern Ireland because it cannot apply. It is not that we do not want it to apply but that it cannot apply. Northern Ireland is no longer part of the European Union and, therefore, an EU directive cannot be enforced in Northern Ireland. What we will do is replicate the directive by agreeing, insofar as we can, bilateral arrangements with the UK to protect cross-Border health. We are pretty confident we can make sure that continues for the people from Donegal who access healthcare in Altnagelvin Hospital today, the children who travel from Belfast to Dublin for specialist paediatric treatment and others, including members of PDFORRA, who access health treatment in Belfast. The Minister for Health has committed to the seamless continuation of cross-Border healthcare. We will work to try to achieve that and the Department is very focused on doing that. The formal application of the EU directive will not be possible in the same way that it was when Northern Ireland was part of the EU.

I take the points made about the Naval Service, which I answered in some detail in the Dáil. We have taken considerable action over the last three months to introduce a going-to-sea allowance, effectively an incentive, of an extra €10,000 over two years as long as people commit to

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going to sea for that period. I hope that will be one of a number of measures that will ensure we are more successful in recruitment and retention in the Naval Service. I promise that this is a big priority of mine. I live next door to a naval base and I have a pretty good understanding of the challenges that we face. We must overcome them and not shy away from them.

Senator Ó Donnghaile raised the VAT issue. On the frontier workers' scheme, I can be more positive on that. To be fair to Sinn Féin, it has repeatedly raised this issue. In May 2019, David Lidington, on behalf of the UK Government and I, on behalf of the Irish Government, signed a memorandum of understanding on the common travel area, CTA. Irish citizens, including frontier workers, do not need to take action to continue working in the UK. In other words, an Irish or British citizen can, under the CTA arrangements, continue to work in the other country and access healthcare and social welfare benefits, study, take pension entitlements and so on. The CTA in many ways provides a recognition of citizenship in each other's countries. That is not entirely the case but it is not far off that. We will continue to try to protect that.

The position is much more complicated if one is a frontier worker in Ireland or Northern Ireland but not an Irish or British national. Under the withdrawal agreement, EU nationals living in Ireland but working in Northern Ireland or Great Britain before the end of the transition will be able to continue working as a frontier worker but must apply to the UK Government for the settled status scheme to protect their rights. There should not be a problem with that. Obviously, I cannot fully answer for the British Government but from our perspective, I think the frontier worker issue should be okay.

Data and GDPR is a huge issue for businesses and one of the reasons we need to get a deal. People have talked about fishing and a level playing field, which are two outstanding issues that have not been resolved yet. I hope progress will be made on them this week. As I speak, however, they have not been resolved and the gap is still very wide in the case of fishing. There are many other issues, including aviation, road haulage, data, services, financial services, banking, judicial co-operation, security co-operation, defence co-operation and climate co-operation. Eleven different work streams were negotiated and brought forward in parallel. The EU has always said this about agreeing a deal across all sectors and nothing is agreed until everything is agreed. Energy markets is another good example, which I often use. The UK wants to access the EU's energy markets for free. In return, we are saying we would like to access the UK's fishing grounds. This works both ways and both sides can benefit as long as there is reasonable give and take on both sides.

I take the point made about data. I hope we will know an awful lot more if and when a deal emerges in the coming days, I hope, because we are running out of time. If we do not get a deal, data will become a very big issue and managing it will become part of EU contingency planning. If there is no deal and if there are emergency contingency measures that are facilitated by the EU and the UK, it will be pretty bare bone stuff around things that are pretty fundamental to the facilitation of movement and trade. That is why the stakes are so high in the context of what we are attempting to agree at the moment between the EU and the UK. As Senator Conway said, many people have no idea of the level of disruption that we will have to manage as a country in the absence of a deal and, indeed, the UK even more so.

On more positive areas such as Erasmus and research, we have said in the context of Northern Ireland that we would like to get a deal on access to the Erasmus scheme for UK citizens and, obviously, Irish citizens in Northern Ireland. If that is not possible to negotiate with the British Government and the EU, Ireland and the Irish Government will pay for students in

Northern Ireland to be able to access the Erasmus scheme. We will put a system in place of registering through Irish universities to facilitate that, if necessary, because we believe it is such a fundamental student opportunity for people in Northern Ireland. Likewise, with the European health insurance card, EHIC. We cannot replicate EHIC exactly for people travelling but we will put in place a scheme to allow people from Northern Ireland who are holidaying or travelling around the EU and may have to access EU healthcare to get a rebate through the Irish health system when they return. Again, we have said we will pay the cost of that if we have to, which is about €4 million. I am very hopeful that Irish taxpayers will not have to pay for this, certainly not all of it, and that we will have an agreement that involves the UK Government and the Northern Ireland Executive to facilitate those kinds of schemes, so that we can follow through on the commitments in the protocol to protect people's rights, as well as economic opportunities that come with EU membership or extended EU membership. People in Northern Ireland have a right to be British, Irish or both and if one has a right to be Irish, one has a right to be European or an EU citizen, I should say. We are all on European, thank God; Britain has not left Europe yet. It is important that the Irish Government goes beyond the limitations of the protocol and is generous in that regard, which I believe we will be.

The future was raised by Senator Kyne and others. Britain is our closest neighbour. We have so many responsibilities that we work on together, particularly in the context of Northern Ireland. We need a relationship post Brexit that is different but is equally important. I spent some time today with our team talking about the kind of infrastructure that may be needed and designed between the British and Irish Governments in terms of how we might do that in the future. I have on a number of occasions proposed that in a practical sense, that would mean an annual UK-Ireland intergovernmental summit, which would not only be about the Prime Minister and the Taoiseach but would involve multiple Ministers - up to six, eight or ten Ministers - which would require our Departments to put agendas together and plan for those agendas, and that we would have face time with our counterparts in the British Government to get to know them to create relationships. One of the great values of the European Union is that one meets colleagues all the time. In Strasbourg, in Brussels and in Luxembourg, one solves problems with them around the table. One has political discussions and debates on policy as to what the EU should be doing together. One builds relationships. Those kinds of interactions simply will not happen unless we make them happen in the context of future political engagement with the UK. That is why it is important that Irish Ministers know and understand the perspectives coming from their British counterparts. They might not always agree but they need to be at the end of a phone. Rather than allow those relationships to break down or to become more formalised and too structured, particularly when we have to deal with crises together when one relies on trust and relationships to find a way through, I believe we have a responsibility to try to make sure that we design structures that can work under the new realities post Brexit.

Senator Mullen talking about potatoes was a new departure for me. The Senator is correct. The potato industry will have to change as one of the many industries that will be forced to change as a result of Brexit. Who knows? We may be able to negotiate in the future veterinary agreements and food safety agreements that can allow us to import seed potato from third countries such as the UK but for now, we cannot. Whether it is seed potatoes or whether it is the varieties of potato that suit for making chips in Ireland, the 80,000 tonnes of ware potatoes that are produced for chips are unlikely to be coming from the UK from 1 January and those supply chains will have to be redesigned and restructured. Incidentally, there are many other countries across the European Union that export potatoes and, therefore, there are other options. It is an example of the kind of reality change that we will be experiencing. It will not only be potatoes.

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There will be many other areas where supply chains and normal trade will start to look different. It is not all downside, by the way, but it is different. We have to plan for that and make sure that businesses are planning for it too.

Senator Seery Kearney raised the question of British people in Ireland getting an Irish passport and the cost of so doing. I will look into that issue. The Senator mentioned it to me a week or so ago. It is an issue I am a little uncomfortable with. If somebody is a British citizen living in Ireland under the common travel area, CTA, and that person wants to change his or her citizenship to become Irish, we should not be making it difficult for him or her to do that.

Senator Martin Conway: Hear, hear.

Deputy Simon Coveney: We should not be charging them any more than it costs to do it either.

Senator Martin Conway: Welcome them with open arms.

Deputy Simon Coveney: I say that as somebody some of whose family has very much been in that category. I want to give a commitment that we will certainly look at that issue. As I say, if a British person living in Ireland wants to get an Irish passport and he or she has been living here for years, that person is more than welcome to become an Irish citizen and we will facilitate that in as seamless a way as possible, both from a timeline and an expense perspective.

I am conscious I need to wind up. It is a little unfortunate that some in the debate today decided to use the opportunity to have a go at the so-called faceless, unelected Commission making decisions and so on. Let us not forget it is the Commission that is focusing on protecting Ireland right now. There is a Commissioner who has been texting me while I have been here in this debate looking for me to call him in the context of the implementation of the protocol and making sure that Ireland's interests are fully understood in terms of compromises that are being looked at. These unelected faceless Commissioners are deeply interested in Ireland's welfare in the context of the EU protecting one of its smaller member states amid its vulnerabilities, as these negotiations hopefully close out. Such sloganisation of language is not appropriate today.

The same Senator raised a very relevant point in relation to energy and our reliance on the UK, in particular, for gas importation. He is correct on that. We have an agreement as part of the protocol for an all-island energy market, which is really important, particularly for Northern Ireland, given how reliant it is on the management of the electricity grid south of the Border. It is important that we protect those interests to make sure that there is not a significant disruption to energy supplies and electricity supplies on the island of Ireland as a whole.

In terms of the Green Party contribution, I do not want to go into the Pat Finucane case in this debate. It was hugely disappointing yesterday. I am really disappointed for the family in particular. This was a missed opportunity, in my view, for the British Government to do the right thing and to send a signal to all families of victims in Northern Ireland that we are moving into an era of establishing truth even if that is awkward and dark, and difficult. It is unfortunate that they have not taken that opportunity. Having said that, the Secretary of State has made it clear that this is not the end of the story. They have not ruled out a full public inquiry but they have decided not to do it for now. We will continue to advocate for that course of action and, hopefully, achieve it at some point in the not-too-distant future. In the meantime, this case will be discussed and raised in the Council of Europe this week. I signed off on the contribution that we will be making to that debate earlier today.

In response to Senators Currie and Dolan, I have mentioned the issues pertaining to EHIC, Erasmus and cross-border health. Senator Currie has raised with me on numerous occasions this issue of businesses in Northern Ireland being able to benefit from EU trade agreements. It is an important issue. It is a problem. Frankly, because of the country of origin rules in the European Union, goods that are produced in Northern Ireland are not considered EU origin - they are UK origin - and therefore do not benefit from EU trade agreements that require EU origin goods. I have been advocating on that issue to try and accommodate the concerns of businesses in Northern Ireland and I will continue to do that. It is not easy to solve. Essentially, existing trade agreements - there are approximately 60 of them - would have to be amended individually, one after the other, which would have to get the agreement of the third party, in other words, the other country, in order to add Northern Ireland to the EU in terms of country of origin for those trade agreements. That would take time. We can continue to advocate for that, even after the end of the transition period. This is something that we can resolve, I hope, over time. It will not be done immediately because if one seeks to change a trade agreement with a third country, it may well look for a counter-change that it wants. These changes are not done quickly or easily. It is important to be honest about that. It is an issue that we will continue to pursue.

We must not forget that businesses in Northern Ireland have the extraordinary benefit in the protocol of being able to sell into a market of 450 million people across the EU. The protocol effectively creates a de facto extension of the EU Single Market for goods and applies it to Northern Ireland. It is a phenomenal agreement and business opportunity because Northern Ireland will also have unfettered access to Great Britain. Most of the focus on the protocol to date has been negative and has involved checking systems, issues around mincemeat, sausages, potatoes and so on. Where there are difficulties we need to try to help to resolve them for supermarkets, supply chains and so on. There is, however, a significant upside to the protocol, apart from preventing the need for Border infrastructure on the island, helping to protect the peace process and so on. Traders or exporters in Northern Ireland can sell into the EU Single Market as if they were part of it. They can also sell into Great Britain as part of the UK. It is only when people are importing from Great Britain into Northern Ireland that the goods have to be treated as if they are coming into the EU Single Market and, therefore, there are some checks. There is a significant upside to the protocol that I believe business interests will take advantage of over time.

People have asked when we will get the €5 billion Brexit adjustment fund. It is for all EU countries, not just Ireland. We will receive a significant portion of it. There has been negotiation on it. I do not want to start declaring figures, but the House can rest assured that Ireland will get significantly more than any other country despite the fact that we are much smaller than a country like France, which will also have to manage quite a lot of disruption due to Brexit.

In the European Commission, which has Ireland's interests at heart - the fund was put in place for countries like Ireland - there is a recognition that we will get significantly more than any other country. We will not get all of the fund; it is a €5 billion fund for 27 countries. The countries and the sectors within those countries that will be most disrupted will be those which can access the lion's share of that fund.

It will not be used as some kind of fisheries compensation fund. It is important that I say that. Fisheries are an important issue and some compensation may be linked to whatever final deal is done, although I am primarily interested in access to fish rather than to funds. That is the approach we are taking in the negotiations. I am assured that the fund will be available early after the transition period ends. In other words, we should be able to access it, or at least a por-

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tion of it, early next year to help us fund the transition and supports that we may need to put in place for some sectors that will be significantly disrupted.

We should not forget that the Brexit adjustment fund was put in place on the assumption of a deal, rather than there being no deal. If there is no deal, the level of supports will need to be even higher. I suspect we will get flexibility in the context of the application of state aid rules and so on to be able to respond accordingly, should we need to.

I have answered most of the questions. I thank Senators for taking such an interest in Brexit and working with me. This is not the normal way to deal with legislation. We are introducing a Bill with 22 Parts and which involves 11 different Ministers. They will come to the House, one after the other, to deal with their sections on Thursday. That is not the normal way to legislate but we need to get this done in order that it is enacted well in advance of the end of December. To do that, I believe we need to conclude it this week. The number of amendments we had in the Dáil are an indication that parties do not have a huge problem with the Bill. There were very few amendments and I suspect it will be the same on Thursday.

I again thank Senators. I will not be here on Thursday, but my colleague, the Minister of State, Deputy Thomas Byrne, will be here for Committee and Report Stages. He is very familiar with the sections, so there should not be a problem.

An Leas-Chathaoirleach: I thank the Minister for addressing the individual questions raised by Senators across the House.

Question put and agreed to.

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

Senator Lisa Chambers: Next Thursday.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Committee Stage ordered for Thursday, 3 December 2020.

The Seanad adjourned at 5.55 p.m. until 10.30 a.m. on Wednesday, 2 December 2020.