



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

Gnó an tSeanaid - Business of Seanad	227
Nithe i dtosach suíonna - Commencement Matters.	229
Local Government Reform.	229
Planning Issues	231
Planning Issues	234
Primary Care Centres.	237
Institutes of Technology	239
Apprenticeship Programmes.	242
An tOrd Gnó - Order of Business	246
Criminal Procedure and Related Matters Bill 2021: First Stage	263
Dumping at Sea Act 1996 (Section 5(12)) (Commencement) Order 2021: Motion	263
Criminal Justice (Money Laundering and Terrorist Financing) (Amendment) Bill 2020: Committee Stage	264
Special Education Provision: Statements	296
Free Provision of Period Products Bill 2021: Second Stage	315

SEANAD ÉIREANN

Dé Luain, 8 Feabhra 2021

Monday, 8 February 2021

Chuaigh an Leas-Chathaoirleach i gceannas ar 10.30 a.m.

*Machnamh agus Paidir.
Reflection and Prayer.*

Gnó an tSeanaid - Business of Seanad

An Leas-Chathaoirleach: I have received notice from Senators Ollie Crowe and Eugene Murphy that, on the motion for the Commencement of the House today, they propose to raise the following matter:

The need for the Minister for Housing, Local Government and Heritage to make a statement on the future of Galway city and county councils.

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

The need for the Minister for Housing, Local Government and Heritage to make a statement on the implications of the Flemish decree judgment on the national planning framework and county development plans.

I have also received notice from Senators Marie Sherlock and Ivana Bacik of the following matter:

The need for the Minister for Housing, Local Government and Heritage to implement a ban on the development of co-living schemes where construction has not yet commenced.

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

The need for the Minister for Health to make a statement on the redeployment of staff in primary care centres as a result of Covid-19, and to outline the measures in place to mitigate the reduction of services.

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

The need for the Minister for Further and Higher Education, Research, Innovation and Science to provide an update on the further capital development of the campus of Waterford Institute of Technology in the context of the proposal for a new technological university for the south east.

I have also received notice from Senator Sharon Keogan of the following matter:

The need for the Minister for Further and Higher Education, Research, Innovation and Science to establish a scheme of funded apprenticeships through local authorities.

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

The need for the Minister for Housing, Local Government and Heritage to designate the Curragh, County Kildare, as a national heritage site.

I have also received notice from Senators Malcolm Byrne and Barry Ward of the following matter:

The need for the Minister for Foreign Affairs to make a statement on the detention of pro-democracy and human rights activists in Hong Kong and on the operation of the national security law by the Chinese Government in Hong Kong.

I have also received notice from Senator Victor Boyhan of the following matter:

The need for the Minister for Housing, Local Government and Heritage to provide an update on the roll-out of An Bord Pleanála's e-planning system.

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

The need for the Minister for Transport to make a statement on the sign-off of the tender process for the completion of the Coonagh to Knockalisheen road which would be of benefit to the communities in Moyross and the wider north Limerick and Clare areas.

I have also received notice from Senator Gerard Craughwell of the following matter:

The need for the Minister for Foreign Affairs to provide an update on the provision of an overseas allowance for Irish citizens who represent Ireland as secondees on the Organization for Security and Co-operation in Europe, OCSE, special monitoring mission to Ukraine.

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

The need for the Minister for Media, Tourism, Arts, Culture, Sport and the Gaeltacht to introduce a policy on the repatriation of cultural objects.

I have also received notice from Senator Emer Currie of the following matter:

The need for the Minister for Transport to provide an update on the development of an N3 to N4 link road.

I have also received notice from Senator Lynn Boylan of the following matter:

The need for the Minister for the Environment, Climate and Communications to make a statement on plans to ban the importation of fracked gas.

The matters raised by the Senators are suitable for discussion and I have selected those raised by Senators Crowe and Murphy, who are sharing their time, Gallagher, Moynihan and Bacik, who are also sharing their time, Seery Kearney, Cummins and Keogan and they will be taken now. The other Senators may give notice on another day of the matters they wish to raise.

Nithe i dtosach suíonna - Commencement Matters

Local Government Reform

Senator Ollie Crowe: I welcome the Minister of State at the Department of Housing, Local Government and Heritage, Deputy Peter Burke, to the House and I thank for his time. He is familiar with Galway and I am hopeful that will help the case.

In Irish terms, Galway is a massive geographic county, inclusive of four offshore islands. It is the second largest county by land mass in the country. It takes two and a half hours to travel from west Connemara to the county border in Ballinasloe. It is too large an area to be served by one council. This will result in less connection with people of the county and diminish the importance of current electoral areas. The needs of Connemara and Galway city are very different and neither will be best served by a merger. My colleague, Senator Eugene Murphy, will elaborate further on that in his contribution.

International research of mergers of councils in other countries, primarily the UK and Australia, shows that bigger does not equal better. Irish local authorities are already large in size and they constitute some of the largest local councils in the OECD. Prior to the 2014 local government reforms, Ireland's average local authority size was approximately 40,000 residents. Now, with 31 local authorities, the average size is 150,000 residents, with the EU and OECD average less than 140,000. The population of County Galway is well in excess of 250,000 people. When combined with the geographic area already mentioned, it is clear both councils are required to serve the people of the county effectively.

The staffing and resources issue identified by the 2018 review, which found that both councils were significantly underfunded in comparison with other councils across the country, is a far more important issue to resolve. The advisory group stated that this funding shortfall must be addressed before any discussions regarding a merger could commence.

An Leas-Chathaoirleach: I remind Senator Crowe that as he is sharing time with Senator Eugene Murphy, his time is almost expired.

Senator Ollie Crowe: The Leas-Chathaoirleach is taking up my time. An allocation of €1 million was assigned to Galway County Council last September. In areas where synergies and savings can be made, for example, library services, fire services and salaries, this is already happening and this can continue in other areas, if justified, on a financial basis without the need for a merger. In the consultation process there was an almost united front on the part of elected representatives that this merger should not proceed. Aside from local representatives, the overwhelming majority of general submissions received did not support the proposed merger. Frankly, ignoring such widespread opposition to the proposal undermines the purpose of the consultation process and undermines the recommendation which ignored this opposition.

Senator Eugene Murphy: There are more than 275,000 people in the Galway city and county region. Senator Crowe and I spoke about this issue a couple of weeks ago, following which we decided to raise this matter jointly. I am concerned about the towns along the Roscommon-Galway border such as Ballinasloe, which I am convinced is suffering because its

town council was removed, but we are hoping to have reinstated. Other towns such as Ballygar, Glenamaddy, Dunmore, Williamstown and Newbridge will suffer if this merger goes ahead. It is the wrong decision, although I acknowledge it is only at the consultation phase. While we can share services, we must keep the two areas separate - the county council and the city council. We must remember Galway city has huge potential and is growing and, as Senator Crowe said, it has a big rural spread as well. I would be in favour of keeping the city council and county council in place.

An Leas-Chathaoirleach: I thank Senator Murphy for his exemplary timing.

Minister of State at the Department of Housing, Local Government and Heritage (Deputy Peter Burke): I thank Senators Crowe and Murphy for putting down this Commencement matter.

First, I will give the historical context. In 2015, a Galway local government committee unanimously recommended the establishment of a new unified Galway authority on the basis that it would maximise the potential of the region to maintain, secure and grow a sustainable economic base into the future, by combining the respective strengths of the two existing authorities in terms of resources, staff and expertise. On foot of that recommendation, the Galway expert advisory group was established in December 2016 to carry out further detailed examination and planning. The group engaged extensively with key stakeholders in the course of its work, including elected members from both councils, the County and City Management Association, the Association of Irish Local Government, the Local Authority Members Association and also with members of the public.

The merger of Galway City Council and Galway County Council to create a single administrative area was recommended unanimously by the advisory group in April 2018. It was noted that the merger would allow Galway to maximise funding opportunities under the national planning framework. It noted that this was all the more urgent in order to capitalise on the funding opportunities under the national planning framework and drive the development of Galway in the context of its regional, national and international remit. This recommendation was endorsed by a Government decision in June 2018 and provisions to give effect to the policy decision were included in the Local Government Bill 2018. The provisions to create a new unified Galway authority passed all Stages in the Dáil but were defeated in the Seanad and withdrawn to allow the rest of the 2018 Bill to proceed.

While the logic underpinning the recommendations of the advisory group remains, a review of those recommendations should include fresh consultations to take account of, in particular, the local government administrative and governance developments since 2018. The track record of previous mergers, such as those in Limerick city and county and those in Waterford city and county, have been positive and this should inform the reviews of the advisory group's recommendations.

While the new review has not yet commenced, I would welcome input from Members of the Oireachtas and I am grateful to Senator Crowe and Senator Murphy for giving me the opportunity to update the Seanad on this important matter. With the next local elections not due to take place until 2024, there is an opportunity to revisit the matter, to engage in very careful consultation and to revert in due course with a clear recommendation. Should any colleagues in the Oireachtas have any specific observations to make in this regard, I would be grateful if they could contact my Department and we will in due course commence the review and take

them into account.

Senator Ollie Crowe: I thank Minister of State, Deputy Burke, for his response. What I am asking for is that the Government would focus on addressing the funding issues which were identified previously. As my colleague Senator Murphy outlined, we want more people in our city and county involved in the political process. As the Minister of State knows, the census was deferred to this year, but one is talking about in the region of 250 to 275,000 people even though all councils have in the region of 150,000. As I have outlined, there is synergy and savings in a number of areas that are justified and welcome. However, when one looks at the broad range of the city and county of Galway, there is a vast geographical reason for this. I will leave it at that for now.

Senator Eugene Murphy: I welcome the Minister of State's statement. It is quite consolatory in terms of reviews and allowing for more points to be made if we need to make them.

The one region in Ireland that is underdeveloped, that needs to be developed and that would bring great hope to Ireland is the west. If we go through with a move like this in Galway, it will stifle proper community development centred in the county of Galway and Galway city. It is very important that we realise it is a very underdeveloped area. In my view - I disagree with the learned people on the advisory committee on this - having spoken to people on the ground, it would stifle the future development of Galway county and Galway city.

Deputy Peter Burke: I thank both Senators for putting down the Commencement matter and their outline of the financial circumstances that pertain in both local authorities.

Before the budgetary process, I met the city manager and their team as well as the county manager and their team in respect of the pressures on discretionary funding from our parking, swimming pools and leisure facilities. Both are very progressive and we look forward to working with them in the future and working with both Senators. The context and the discussions about mergers are controversial. There is no doubt in that. Hopefully, if we all work together through this review, we will be able to get an outcome that can meet the needs of the citizens of Galway, because there is huge potential in Galway. I spent probably the best three years of my life in the National University of Ireland, Galway, NUIG. It was very enjoyable. The city has huge potential as does the county.

Planning Issues

Senator Robbie Gallagher: A chara, ba mhaith liom fáilte a chur romhat go dtí an Teach seo ar maidin. I welcome the Minister of State to the House and thank him for taking time out of his busy schedule to make it here.

The Covid-19 pandemic is changing the way we look at how we live and how we work. Remote working has become commonplace out of necessity. The future of working is now seen in a different context with regard to location. Rural Ireland is seeing the arrival of new families, which is great to see, who are seeking a better quality of life while working for major, global companies. I am reminded of the advertisement on television with a guy sitting in a house on Arranmore Island while conducting business all over the world. This is great to see.

This can be a win-win for rural Ireland - for our services, schools, sports clubs, whether

GAA or soccer clubs, and local shops. Rural Ireland has the potential to be rejuvenated with new people arriving because it is the people who are the heartbeat of any community.

Where are these people going to find a home to live in or a site to build their house on? The current position seems to be that the funding required for necessary infrastructural development to allow building to take place, whether sewerage, water or roads, is directed, understandably so in one context, to large cities and towns. Throughout the country, it seems to be targeted in one or two major towns within a county at the expense of smaller towns and villages. It is stymieing development and the choices people have about where to live.

Trying to obtain planning permission to live in rural Ireland, even for those families born and bred there, is becoming increasingly difficult. I am sure the Minister will be aware of that as he comes from a rural county himself. This issue is being debated throughout the length and breadth of local authorities through their development plans. The concept of local needs only planning continues to be problematic for rural Ireland.

This brings me the Flemish decree, which dates back to 2009 in Belgium. It then made its way to the European Court of Justice in 2013 where the court made its deliberation and stated that the local needs rule with regard to planning was neither fair nor just in the eyes of the EU. The Department has been sitting on that judgment since 2013, which was almost eight years ago. It is past time that guidance was given to local authorities on this issue so they can adopt their development plans to take into consideration this new world based on that European Court of Justice judgment.

Rural Ireland, as I said, needs people if it is going to have a future. Incentives, not barriers, are needed for those who wish to live in rural Ireland.

Deputy Peter Burke: I thank Senator Gallagher for raising this important issue. The national planning framework, NPF, published in 2018, sets out the Government's overarching strategic planning approach underpinning the sustainable development of urban and rural areas in Ireland to the period 2040. To articulate the broad context of the NPF in clear and understandable terms, the framework contains the national planning objectives, NPO, to guide and inform the planning process.

National planning objective 15 of the NPF fully commits to the concept of sustainable development in rural areas. It seeks to encourage growth, arrest decline in areas that have experienced low population growth or decline in recent decades, while also highlighting the need to manage certain areas around cities and towns that are under strong urban influence and under pressure from unco-ordinated and ribbon-type development in order to avoid over-development in those areas.

This is supplemented by national policy objective 19 which points to the need to ensure that providing rural communities meet housing requirements, a policy distinction should be made between areas experiencing significant over-spill development pressures 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 or declining. Regarding weaker rural areas, objective 19 provides that determination of planning applications for single houses in the countryside should be based on general siting and design-based criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements. These criteria include matters such as landscape, vehicular access and waste-

water disposal.

On the other hand, where development pressures and the risk of haphazard development in the vicinity of cities, towns and centres of employment as designated in the local authority development plans are evident, objective 19 advises that it is reasonable that the determination of applications for housing in such rural areas should be informed by considerations beyond the siting and design criteria for rural housing contained in statutory guidelines and plans which I just referred to. In particular, account should be taken of whether there is demonstrable functional requirement for such housing in social, economic or occupational terms and whether such development, of itself or in combination with existing permitted development, would lead to detrimental, haphazard and unco-ordinated development.

I consider that these objectives represent a balanced approach, consistent with long-standing Government policies on sustainable development and previous planning guidelines issued in 2005 under section 28 of the Planning and Development Act. Planning authorities are required to have regard to these guidelines on sustainable rural housing in framing of the planning policies in their development plans and in the assessment of individual planning applications for rural housing. Under the 2005 guidelines, planning authorities are required to adopt a balanced approach that ensures the housing needs of rural communities are met, while avoiding excessive urban-generated housing and haphazard development particularly in those areas near cities and towns that are under pressure from urban-generated development. Accordingly, the NPF provides an important strategic basis for interpreting the 2005 guidelines as its objectives are aligned with the approach already expected of planning authorities under the current guidelines.

It is important to clarify that the Flemish decree was a March 2009 decree of the Flemish region, a federal region within Belgium, on land and real estate policy that made the purchase of long-term lease of all immovable property, for example, all land and buildings, in certain Flemish communes, which are local authority areas, conditional upon there being a sufficient connection between the prospective buyer or tenant and the relevant purchaser. The Flemish decree case refers to the successful challenge against the Flemish decree in the European Court of Justice which ruled that it was disproportionate and also deemed by the ECJ to be in breach of Article 43 of the EU treaty on the freedom of movement of citizens.

The principles of the judgment are being considered in the context of the review of the 2005 guidelines and given the superseding of the NSS by the NPF in 2018, together with the need to address any relevant aspects of the 2013 European Court of Justice ruling, a review is ongoing within my Department.

Senator Robbie Gallagher: I thank the Minister of State for his response.

I am disappointed to learn that the review is still ongoing almost eight years since the European Court of Justice gave its judgment. I plead with the Minister of State to expedite this matter. The world as we know it has changed since the Covid-19 pandemic started. People are looking at living in rural Ireland as an option. It is important that we have the necessary infrastructure in place and that we remove any barriers currently preventing those who wish to live in a rural area in a sustainable manner from doing so. I would welcome a commitment from the Minister of State, insofar as he can give one, to the effect that the Flemish decree judgment will be implemented in Irish planning law as a matter of urgency.

Deputy Peter Burke: I thank Senator Gallagher for raising this Commencement matter. The review has commenced. Coming from a rural constituency, I am very keen to protect the integrity of rural planning and to ensure that it is sustainable. That is key. We must think about the response to the judgment and what it will mean. The national planning framework provides great scope for rural communities, with plans for 50% of growth to take place outside the Eastern and Midland Regional Assembly, EMRA, region and for regional areas to grow twice as fast as Dublin. There is significant potential within the plan, and we must consider how we manage that. We need to grow and regenerate towns and villages and ensure we have policies that do not compromise them. We must also ensure that those who need to live in more rural areas can be facilitated to do that. What is key is that this must be done in a sustainable way. I am from a rural constituency and I understand the pressures relating to once-off rural planning and the need for it, but it must be done in a sustainable way.

Planning Issues

Senator Ivana Bacik: With the permission of the House, I will share time with Senator Sherlock.

Acting Chairperson (Senator Pauline O'Reilly): Is that agreed? Agreed.

Senator Ivana Bacik: This Commencement matter is in the name of all the Labour Party Senators – Senators Hoey, Sherlock, Moynihan, Wall and me. I welcome the Minister of State, Deputy Peter Burke, to the House and thank him for taking this important issue.

In late November, the Minister for Housing, Local Government and Heritage, Deputy Daraugh O'Brien, announced an eagerly awaited ban on the development of co-living schemes. His announcement was welcomed by all of us. The Minister was quoted as having expressed concern at the volume of co-living developments in the pipeline, their potential to put upward pressure on land prices and the standard of living involved. However, UCD's Orla Hegarty has estimated that, between developments already approved and those for which permission is currently being sought, there may be 3,000 co-living units in Dublin city by the time the ban is implemented. We are simply calling on the Minister to implement the ban with immediate effect, especially in respect of those developments where construction has not yet commenced.

In my area of Dublin Bay South two co-living applications are currently making the news, one in Merrion Road and one in Donnybrook in Dublin 4. The two applications are live. Submissions are going in to An Bord Pleanála. There have been quite a number of objections to both applications, including 115 objections to the Donnybrook Road development, and there are real concerns about standards of living. The Donnybrook Road development is more usually known as the Kiely's Pub development. In their report, Dublin City Council planners expressed serious concern about the bedroom size. Notwithstanding that, the council granted permission on 19 January for 91 co-living units, what one might call bedsits, but with communal kitchens and shared facilities. In addition to the small size of the bedrooms, shared facilities are not appropriate in a pandemic or to create sustainable communities. I will hand over to my colleague, Senator Sherlock.

Senator Marie Sherlock: I thank the Minister of State for coming to the House today and taking our Commencement matter. What was implemented on 23 December was not a ban on co-living in this city or indeed in the country. It is not a ban for the communities that

I live among and represent. There are two specific reasons for that. The first is the failure to retrospectively apply the ban. I will outline what that means for the communities I live among in Phibsboro, Stoneybatter and Dublin's north inner city. Over the next 12 months, 1,096 co-living beds may secure planning permission to be built within an area 1.6 km in radius. That is an incredibly small area for such a large number of co-living units. What makes it all the worse is that the Department sat on a report from September and then waited until November for the ban to be announced and until December to actually give it effect. The great irony of all this is that the Government made a song and dance about retrospectively applying income tax to pandemic unemployment payment recipients last year, and yet there is a failure to apply retrospectively a ban on co-living to the developments already in the planning system.

The second key reason that this is not a ban is because it allows a large exemption, which is if there is a proven need for this type of accommodation, then it will be permitted. The reality is that 55% of those on the social housing waiting list with Dublin City Council are individuals. These are single persons. It is not beyond the bounds of probability that at some stage co-living will be deemed appropriate for these individuals, such is the scale of the housing crisis in this city.

I make a particular appeal for the Government to revise this ban. I believe that a failure to do so will cast a real question over the Government's commitment to sustainable housing for communities in Dublin and throughout the country.

Deputy Peter Burke: I thank the Senator and Senators Moynihan and Bacik for giving me the opportunity to address this matter in the House. On his appointment, the Minister for Housing, Local Government and Heritage, Deputy O'Brien, undertook a review of co-living development. This work was prioritised among many other important matters. Further to that review it was indicated in a letter dated 23 November 2020 to all local authorities, An Bord Pleanála and the Office of the Planning Regulator that the preferred approach was to restrict the future development of commercial co-living development in Ireland. On completion of the necessary environmental assessment processes in the minimum time possible to ensure compliance with EU directive regulations, the Minister issued a subsequent letter to the planning authorities on 23 December 2020 giving notice that the updated Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2020 had been published as ministerial guidance under section 28 of the Planning and Development Act 2000, as amended.

The main purpose of issuing the updated apartment guidelines was to give effect to the conclusion of the co-living review process and to introduce a specific planning policy requirement for a presumption against the granting of planning permission for co-living development. The reasons informing this decision included: the inappropriate scale and location of co-living developments permitted and proposed at the time of the review; the need for a local authority-led evidence-based approach to guide the provision of this type of accommodation, which may be informed by the housing need and demand assessment process and which is being developed with local government sector; potential impact on land values if the number of proposals at the time of review were to continue to increase in current housing market conditions; new Government policy and priorities as set out in the new Programme for Government: Our Shared Future, with a strong emphasis on expanded social and affordable rented housing sectors; and the fact that at the time of review there was sufficient quantum of co-living units either permitted or subject to planning consideration to prove the co-living concept.

Accordingly, specific planning policy requirement No. 9 of the updated guidelines as pub-

lished in December 2020 provides that there will be a presumption against granting planning permission for shared accommodation or co-living development unless the proposed development is either required to meet the specific demand identified by a local planning authority further to a housing need and development assessment process or is, on the date of publication of these updated guidelines, a valid planning application to a planning authority, an appeal to An Bord Pleanála, or a strategic housing development planning application to An Bord Pleanála, in which case the application or appeal may be determined on its merits. As such, specific planning policy requirement No. 9 includes provision to preclude consideration of new proposals for co-living development, and was a proportionate, measured and swift response, in accordance with the Minister's powers under the Planning and Development Act.

The crucial point is that the Planning and Development Act 2000 includes explicit provision under section 30 of the Act to ensure the Minister shall not exercise any power or control relating to any particular case with which a planning authority or the board - An Bord Pleanála - is or may be concerned, notwithstanding section 28 relating to guidelines. This is to protect the independence and integrity of the planning system. It was not, therefore, within the powers of the Minister or the Government under the Planning and Development Act simply to ban the construction of co-living schemes in cases where applicants had already entered the planning process prior to issuing updated guidelines. Furthermore, it is not within the powers of the Minister or the Government under the Planning and Development Act simply to ban the construction of co-living schemes where construction has not commenced and there is a valid planning permission in place. Planning permission is granted in accordance with the policy and legislation in place at the time of the decision. A policy change after permission has been granted does not affect the legitimacy of that permission. Where planning permission has already been granted for a particular development, such as shared accommodation, the applicant generally has five years to implement that permission. It is noted, however, that there is a provision in the Planning and Development Act to revoke or modify a permission under section 44 of that Act, but this is not a ministerial function. Rather, it is a function of the planning authority.

Senator Ivana Bacik: I thank the Minister of State for setting out the legal position. Of course, all present respect the independence and integrity of the planning process. However, as my colleague, Senator Sherlock, stated, the unfortunate net effect is that the ban announced by the Minister, Deputy Darragh O'Brien, really does not amount to a ban. As Senator Sherlock and I have outlined, there is immense dissatisfaction and discontent in communities across Dublin about the manner in which these applications continue to be live and the manner in which permission has been granted subsequent to the announcement of the ban because applications were made before the announcement by the Minister on 23 December. We have heard just how many schemes, therefore, are going to proceed despite construction not having commenced and permission not having been granted prior to 23 December. That is the real concern. All present know why it is the real concern. It is clear that co-living schemes maximise profits for developers. Such schemes are not subject to the same minimum standard as other types of residential development are and they raise serious concerns about their potential to create sustainable communities. We all know there is significant need for housing and housing construction, but co-living schemes are not the way to build sustainable communities across Dublin.

Deputy Peter Burke: I thank the Senators for giving us the opportunity to clarify the matter. Within six months of coming into office, the Minister, Deputy O'Brien, has acted within the full powers available to him. I think this is key here. The law is the law. The law is very robust in the context of the planning authorities. The Minister has acted as best he can under

the powers available to him but also having regard to the integrity of An Bord Pleanála and the planning system. Obviously, retrospective treatment of the planning law is not appropriate. It is very different from Revenue law. It is like chalk and cheese.

Primary Care Centres

Senator Mary Seery Kearney: I thank the Minister of State, Deputy Feighan, for being here to take this Commencement matter. The Dáil constituency of Dublin South Central is my home constituency. It has a population of nearly 136,000 people, according to the most recent census. When those constituents were asked their views regarding their state of health, fewer than the national average reported being in good health and more than the national average reported their health as being only “fair”. The usual categories synonymous with increased hardship and financial challenge are shown across the board in Dublin South Central, whether that is one-parent families, renters in local authority properties or the private rental sector and lower-paid employment categories. The constituency repeatedly shows figures below average in categories that tend to imply financial advantage, such as the numbers of professionals employed. As a consequence, there is a greater likelihood of reliance on public health in the area and, as such, it is essential that primary care centres are working to their optimal capacity.

The former Minister for Health, Deputy Harris, and his predecessors built primary care centres in the heart of this community. There are such centres in Ballyfermot, Crumlin and Inchicore and at the old Meath hospital in Rialto. These were put in place both through good and bad financial economic times and it is acknowledged that they have been a vital resource to the community in terms of promoting healthcare, quick access to diagnosis and care in the community. There should be a sixth primary care centre in the constituency, that being the Drimnagh primary care centre. It was announced by the predecessor of the Minister of State, former Deputy Catherine Byrne, and the former Minister, Deputy Harris, in November 2019, with a view, albeit in a pre-Covid world, to there being sufficient movement and delivery of that in 2020 and 2021. It should be ongoing at present. I take this opportunity to press on the Minister of State, Deputy Feighan, the importance of delivering that primary care centre for the people of Drimnagh who have been waiting for it for a long time. I ask the Minister of State to make that a priority in the post-Covid actions.

I fully acknowledge that we are in the midst of the most difficult crisis for our country. Throughout the crisis we have seen extraordinary work on the part of our healthcare professionals and the administrative staff within the HSE. We know that the administrative staff have been redeployed to carry out contact tracing. Some nursing staff were redeployed for swabbing and testing. Others have been part of what is colloquially termed the nursing hit squad. They have been redeployed into private nursing home facilities where severe staff shortages are exhibited. They do that repeatedly, moving from crisis to crisis, to support the care of patients. They are extraordinary workers and, as a nation, we are extraordinarily indebted to them.

We know that our population is experiencing hesitancy in coming forward when they have symptoms, fearful of getting Covid, and that the delays in the identification of illnesses may be fatal where an opportunity for early detection in diseases such as cancer may be lost. I am also conscious that the schools vaccination programme has been moved into the GP primary care setting due to its obvious inability to be delivered within the schools when the children are not there. This has a knock-on effect of children not accessing the vaccination programme for

various reasons, including Covid fears when going out, lack of knowledge or information and delays due to redeployments. I am hearing complaints of a lack of access to physiotherapy and delays in speech and occupational therapy referrals and services. Of very serious concern to me are reports of delays in accessing the mental health teams.

I am concerned to know how the primary care centres are operating in Dublin South-Central in particular, how they are impacted by the redeployments and what mitigating factors are being put in place to ensure healthcare services for the population and those who so rely on them. I am mindful that next week we will see the commencement of the over-70s vaccination programme. That will be a great boost to the population at large. There are nearly 16,500 people over the age of 70 in Dublin South-Central, so I am anxious to ensure that that will be a smooth roll-out and will not be affected by any redeployments. I thank the Minister of State for his time and I look forward to his reply.

Minister of State at the Department of Health (Deputy Frankie Feighan): I welcome the opportunity to provide an update to the House on this matter. Covid-19, as the Senator will be aware, has had a significant impact on the primary care sector, including the redeployment of staff from their core roles to aid in direct response to the pandemic. Those staff who have been redeployed have taken on essential duties, including Covid tracking and testing and providing additional support to long-term residential facilities for older persons, disability services and mental health services. Significant progress was made in returning staff from Covid services to their core roles between June and October, reflected at least in part in the HSE's recruitment of a dedicated workforce for community swabbing and contact tracing. Figures from the latest staff census available show that the number of redeployed staff has fallen from a peak of 3,555 in April 2020 to 815 at the end of November, a reduction of approximately 77%. Regrettably, the surge in positive Covid cases in recent months has increased pressure on our health service and has meant that we have again needed to turn to primary care staff to support the wider response to Covid.

Turning to the specific question the Senator raised, I can inform her that as of 4 February 2021 the number of whole-time equivalent staff redeployed in the primary care centres she has identified is as follows: Ballyfermot primary care centre, 8.5 staff members redeployed; Crumlin primary care centre, three dental staff redeployed; Inchicore primary care centre, one dental staff redeployed; Meath primary care centre, five staff members redeployed; and, Rialto primary care centre, 0.5 staff redeployed. I stress that the HSE has advised that this level of redeployment is associated for the most part with only a small reduction in services. Further, I can assure the Senator that a number of actions are being taken to mitigate any negative impact of the redeployment. This includes the prioritisation of service delivery based on need as well as the use of tele-health and video calls to maximise service provision. In addition, to enable cross-cover of cases, staff have been relocated to assist in areas where staff have been redeployed. Where services are curtailed or reduced, this is being done in line with clinical advice, a shared national position with appropriate risk assessment and communication with providers, service users and families.

The global pandemic has undoubtedly disrupted our primary care services. I know the distress this can cause to those who need to access these services and supports. I assure the Senator that staff will return to their substantive posts as soon as it is possible for them to do so and that the focus will continue to be on ensuring those with the greatest need can continue to access services.

8 February 2021

Senator Mary Seery Kearney: My thanks to the Minister of State for the accuracy of the numbers. I really appreciate the investigation that went into that.

From next Monday we are going to see a major uplift throughout the country. People, including the likes of my father, would be queuing up already if they could with their deck-chairs. My father is hoping for and looking forward to his vaccination. As we see people like that getting the vaccinations, there will be a good lift, belief and hope for the future, because we will see vaccination in the community as opposed to behind the closed door of healthcare or residential settings.

My concern is that the minute that starts rolling out, the focus will turn to the other health issues. It will be important that we have the plan of getting back to full health. I appreciate that there are mitigating measures in place and I am thankful for that, but I believe we need to focus on getting everything back on track. Once vaccinations are rolling out, then we will need to get the appropriate focus back on all the rest of healthcare.

Deputy Frankie Feighan: I thank the Senator for raising this matter. The health service has faced an unprecedented challenge in the past 11 months. In some ways, redeployment of primary care staff can be thought of as the community sector turning to its own surge capacity to respond to the needs for testing and tracing services and, crucially, to provide additional supports to the residents of nursing homes and other long-term residential facilities, whether private or public.

The focus in the months ahead will be on the following: continuing to deliver Covid-19 and non-Covid care side by side safely; maximising the volume of non-Covid care and catching up, where possible, on any shortfalls; and bedding in reform of the delivery of services. This will be supported by the significant investment in the health service in 2021, including €150 million in new development funding to deliver an enhanced community care programme.

The Department of Health and the HSE are working closely together to ensure continued access to services to our most vulnerable people and those with the greatest need. As part of these efforts, staff who have been redeployed will return to their core roles as soon as it is possible and safe to do so.

Institutes of Technology

Senator John Cummins: I welcome the Minister for Further and Higher Education, Research, Innovation and Science to the House and thank him for taking this Commencement matter in person. I wish to acknowledge the interest and determination of the Minister in ensuring that Waterford and the south-east region finally achieve the long-held ambition to have a university of international standing.

I wish to put some statistics on the record of the House to assist me in making my case. According to the latest data available from the Higher Education Authority, Waterford Institute of Technology has 6,634 full-time undergraduate and postgraduate students, while Institute of Technology Carlow has 4,454. The budgets and full-time staff at WIT are essentially double that of IT Carlow owing to the relative size of both institutes. WIT is part of six Science Foundation Ireland networks and recent EU Commission data shows that WIT has attracted more research funding from the EU in the area of information and communications technology than

all other institutes of technology combined, and more than many Irish universities under Horizon 2020.

I mention these statistics not in any way to discredit the fantastic work that the staff at IT Carlow do but to emphasise that the headquarters of the new university should be located in the area that has the critical mass of full-time students and, more important, in one of the four areas which the national planning framework has identified for targeted ambitious growth of at least 50% out to 2040. In fact, the national planning framework specifically says that failure to address the economic underperformance of the south east and accelerated growth of Waterford city would have negative consequences that would further add to growth pressures within the Dublin region.

As the Minister knows from the several meetings we have had in recent weeks, there has been a lot of rumour and speculation circulating regarding the headquarters issue, the source and purpose of which I am unsure of. However, the assertion by some that the headquarters for the new TU will be in Kilkenny has been unhelpful to the process, and I ask the Minister to clarify that this will not be the case. I ask for this clarity not as a parochial request. This is a regional issue and anyone who looks at my record since my time as chairman of the regional authority in 2010 will see that I have always been a regional advocate and I firmly believe that any investment in the region greatly adds to our attractiveness and our offer. That option needs to be taken off the table because it has caused a great deal of anxiety among staff at WIT and I am acutely aware, as the Minister will be also, that they will be voting on a revised memorandum of understanding soon.

It is important to state that the vast majority of Oireachtas Members in the south east have the desire and ambition to deliver a multi-campus university of international standing in our region, and I know the Minister is also firmly committed to that goal. However, I am sure he will also agree that to get there and to grow student numbers, not just in Waterford but across the region, it will require significant capital investment. As the Minister knows, I have been engaged with stakeholders over recent months regarding the very exciting prospect of an expanded Waterford campus on the Cork Road. I would like some assurances from him regarding the commitment of his Department to the purchase and development of this site and its inclusion in the capital plan as well as his willingness to use innovative solutions to see work carried out in the short term.

Regarding the appointment process for the new president, chairperson and governing body of the proposed new university, I would appreciate it if the Minister could outline at what point this new board will come into play, should the application proceed as planned, and what process will be used to determine the individuals who will sit on the governing body and who will appoint same.

I again thank the Minister for his attendance here this morning. I would appreciate clarifications and reassurance from him on this very important issue for Waterford and the south east.

Minister for Further and Higher Education, Research, Innovation and Science (Deputy Simon Harris): I thank the Senator for raising these matters with me and indeed for doing so consistently over recent weeks and months. Certainly, a week has not gone by when we have not engaged on this at least two or three times and I thank him for his commitment. We have a shared desire to rectify a wrong whereby the south east is the only region in our country not to have a university. The lack of that university presence has had real impact on foreign

direct investment and the ability to access in the region every part of the national framework of qualifications. I join the Senator in praising Waterford Institute of Technology and IT Carlow. The figures relating to WIT which he put on the record speak for themselves. It is an incredible institution and one I am very proud of. While we are moving to a new era and it is one of excitement, we do that out of respect for and a desire to build on the success of WIT.

The establishment of a technological university for the south east is an urgent priority of the programme for Government. Indeed, it is the only technological university named in the programme for Government, such is the importance we attach to it. It will address the significant and glaring gap in the south-east region which I referred to. I really believe a technological university will bring considerable opportunities to Waterford city and county and to the entire south east to increase foreign direct investment, capital investment, research funding and international recognition. Even more than that, it can be a catalyst for regeneration, innovation and regional development.

I was somewhat bemused to see people mocking my geography recently when I talked about how it would be brilliant if students from counties Wicklow, Laois or others, instead of having always to look to Dublin, could decide to go to Waterford and spend their euro there, invest there and set up a family there. This is what we want for Waterford and the south east. We need to get rid of the silly mentality that all roads must lead to Dublin, which is exactly what I was trying to talk about, though some people decided purposely to misunderstand.

Students, staff, enterprise and the wider community are going to be able, for the very first time, to avail of the opportunity provided by a university within their own region. A lot of progress has been made by the technological university for the south east, TUSE, consortium of Waterford Institute of Technology and IT Carlow. My understanding is that the consortium aims to submit an application for technological university, TU, designation under the prescribed legislation by 28 April, which is soon. It is important to appreciate that we cannot count our chickens before they have hatched because the application will have to be evaluated by an independent international panel with a view to recommending whether to confer technological university status. Should that application lead to TU designation, there is a prescribed process under section 55 of the Technological Universities Act 2018 for the establishment of its first governing body, about which the Senator asked me. In addition to a TU president, this body comprises a chairperson, two external members and one member appointed by the relevant education and training boards in accordance with their own processes. Further appointments will be made within six months, following elections and an additional appointment process for external members.

I will turn to recent speculation about the location of a headquarters for the new TU. I stress that it is nothing more than idle speculation. The factual position is that no decision has been made on a headquarters and anyone stating otherwise or claiming it will be in one location is doing so baselessly. This speculation is uninformed and lacks a proper understanding of how a regional technological university with a strong multi-campus footprint will operate. The TU will have a distributed leadership led by the incoming president. There will be strong, hands-on and practical leadership. Universities are places of engagement between students, researchers, staff, enterprise and the wider community. Commentary regarding Kilkenny in recent weeks is misleading. I am not aware of any such plans for a headquarters in Kilkenny. Such conjecture, at this critical stage in the development process or, indeed, at any stage, is divisive and counter-productive. TUs can only come into being in the first place and prosper thereafter if all parties come together and work together. At this critical time, our concentration must be on getting the

application in and over the line.

I will also speak about capital investment. The Senator has talked to me about a site on the Cork Road. I want to see the footprint in Waterford expanded and capital will be forthcoming to facilitate that. Normal business plans and appraisal processes need to be gone through. This is an opportunity to significantly expand the footprint in Waterford. That will include more students and investment, and a wider availability of courses. That is what I want to see for Waterford and the new technological university for the south east.

Senator John Cummins: I thank the Minister and appreciate his comments about wanting to expand the footprint of the campus in Waterford. That is an important commitment that he has put on the record of the House. I look forward to engaging further with him on that process.

The Minister mentioned distributed leadership in the context of the headquarters and the new university, which is important. While I appreciate that, he will appreciate that there is considerable anxiety in Waterford about this issue. It would be helpful if he could at least say that the only logical location for a headquarters of the new university will be an area that has students. I ask the Minister to take that on board and perhaps he can clarify the matter in his comments.

Deputy Simon Harris: What the Senator has suggested sounds entirely logical to me. This decision, obviously, will be made by the TU governing authority but as I have said clearly, the speculation around Kilkenny is baseless and idle. It is misinformed, unhelpful and potentially divisive at a crucial moment for this project.

There have been many false dawns for this university in the south east. I am refusing to allow us to be sidetracked. The first part of the process has to be to get the application in, appoint the independent panel and get it over the line, and then have a technological university for the south east that will open its doors on 1 January next year. I have been clear about the speculation over a headquarters in Kilkenny.

There is absolutely no question about the centrality of Waterford to this undertaking. The project would not be possible without the centrality of Waterford. Equally, it would not be possible to do it alone. We need to work together and IT Carlow is playing a major role in this, as is all of the south east. It is my clear intention to use the establishment of this university to expand the imprint of higher education in Waterford. The Taoiseach also said that in the Dáil last week. We are going to make Waterford bigger and better for higher education. I will keep in touch with the Senator on this matter.

Apprenticeship Programmes

Senator Sharon Keogan: I thank the Minister for coming here this morning to reply to this matter. Last year, I addressed him in this House on the matter of apprenticeship schemes. In particular, I proposed that he provide funding to revive and reinvigorate local authority apprenticeship schemes. I was very encouraged at the time by the Minister's favourable response to this proposal. What progress has been made in implementing policy in this regard? With unemployment soaring again on account of the economic impact of lockdown, measures to breathe life back into the ailing economy are needed now more than ever. People need more than just politicians giving trite pep talks on social media. They need learning and employment

opportunities. They need supports and purpose in the present moment and they need real cause for hope for their futures.

Investing in real people by offering funded apprenticeship schemes is a tangible means of achieving these objectives. Lest it has escaped anyone's attention, the most recent Central Statistics Office, CSO, data demonstrate the gravity of the economic decline. The CSO website states:

The COVID-19 crisis has continued to have a significant impact on the labour market in Ireland in January 2021. While the standard measure of Monthly Unemployment was 5.8% in January 2021, the COVID-19 Adjusted Measure of Unemployment could indicate a rate as high as 25.0% if all claimants of the Pandemic Unemployment Payment (PUP) were classified as unemployed.

[...]

Breaking the results down by broad age group, the traditional Monthly Unemployment Rate for those aged 15 to 24 years was 15.7% in January 2021, while it was 4.6% for those aged 25 to 74 years.

[...]

If all claimants of the PUP were classified as unemployed, the upper bound, or COVID-19 Adjusted Measure of Unemployment indicates a rate of 25.9% for males and 24.1% for females in January 2021. Breaking the results down by broad age group, the new COVID-19 Adjusted Measure of Unemployment is 56.4% for those aged 15 to 24 years and 21.4% for those aged 25 to 74 years.

These are truly sobering statistics for every age group, but they are most notable and worrying for young people. Youth unemployment can have a dreadful long-term effect on the lives of young people and, indeed, on society. As this economic morass has been caused by a Government policy, the Government should introduce urgent policy measures to reverse it.

A Local Government Management Agency paper from 2013 highlights the need for funding support for local governments to provide apprenticeships. It states:

The current economic constraints being experienced by local authorities mean that the requirement that apprentices are paid by the local authority employing the individual is a barrier to many local authorities providing standard apprenticeship placements. Local authorities, as evidenced by their support of the Redundant Apprenticeship Placement Scheme, are supportive in principle of providing work training placement but at present the majority of the local authorities would not be able to pay apprentices whilst they complete their workplace training.

This report also advocated that a broader range of occupations be catered for. It also states:

Consideration should be given to expanding the range of occupations to cover areas such as

- Laboratory and Science Technicians
- Inspection services

- Water Services and wastewater service operations
- ICT

Broadening the range of skills available can be of real benefit and would modernise and add expertise to local government while also filling the gaps within the private sector labour market. One thing that stands out is the list of water services. Given the need to build 33,000 houses annually to cater for demand, we will surely need more skilled plumbers to expand and maintain our already inadequate water and wastewater service infrastructure. I suggest working in association with Irish Water to deliver those much-needed services.

I ask the Minister to provide the House with a comprehensive update on the status of all apprenticeship schemes. How have they been affected over the course of the past year? What progress has been made in broadening the range of skills covered? What action has the Minister taken to revive the apprenticeship schemes delivered by local authorities? Has funding been allocated in the budget to this end?

Deputy Simon Harris: I thank the Senator for giving me the opportunity to address the Seanad today, and also for her comments on this matter a number of months ago. They did have an impact and I acknowledge her leadership in recognising this untapped potential. There has been too much of the public sector talking the talk and expecting the private sector to walk the walk. We need to step up here. Apprenticeships are a hugely valuable route to both skills development and supporting economic recovery. There is much low-hanging fruit in our own country in this regard and there has been perhaps an elitist view on higher education for far too long. There is a great deal more we can do on apprenticeships. We have committed in the programme for Government to reach 10,000 newly registered apprentices each year by 2025. That is a massive increase which is up from approximately 6,000 apprentices a year at the moment. This will only happen if the private and public sector step up.

As of December 2020 there were 313 apprentices employed across 48 Departments, agencies and State bodies, 55 of whom were employed by local authorities in areas such as accounting technicians, plumbing, carpentry, cybersecurity and software development. While I thank each of those local authorities and Departments, the scale of that ambition is absolutely nowhere near adequate. Apprenticeships are employer-led offerings, are based on a contract of employment between the apprentice and the respective employer, and each local authority has its own human resources department which looks after local recruitment, supported by the Local Government Management Agency. As part of our consultation in developing our new action plan on apprentices, which I am due to bring to Cabinet next month, we have received much feedback from public sector organisations on what they believe will be required in order to be able to take on more apprentices. They have outlined things like relevant support and procedures that would need to be in place and the availability of mentor staff is also seen as critical particularly in the challenging Covid-19 environment.

When we publish our action plan on apprentices which is, as I say, due to go to Cabinet next month, the Senator can take it from me that there are going to be very clear commitments as to what every Department, State agency and local authority is required to do, to include what the baseline is for number of apprentices that each local authority and Department could take on and what extra packages of supports we need to put in place to make that happen. Without getting ahead of myself I can give the Senator an insight that this will be a core component, along with some of the gender equality issues on apprentices.

8 February 2021

The Senator asked more broadly about apprenticeships. There are now 59 existing apprenticeship programmes ranging in duration from two years to four years. They range in qualifications from level 5 to level 10 and there are also a further 19 programmes being developed at the moment. Where there is an identified need for a new apprenticeship programme, it is then developed by an employer-led consortium of employers together with education and training providers under a structured framework.

The action plan for apprenticeships for the coming five-year period is under development. We have already seen some considerable success with the financial incentive for the first time ever now being offered to employers to take on an apprentice. In addition to the programme for Government commitment the role of the public sector in apprenticeship recruitment was raised by a number of stakeholders during our consultation process. The Senator can expect also to see formal commitments in this area in the Government's new action plan.

I should mention that this following item ties together the gender equality issue, which is a big issue in apprentices, and the public sector issue in that I met Zoe Fitzgerald recently on Zoom. She is the 1,000th female apprentice registered in Ireland. We had 26 female apprentices in 2015, which is a shocking figure. We now have 1,000, which is still very low but is 1,000 up from 26 in 2015. The reason I mention that is that Zoe has taken up an apprenticeship in one of the local authorities in Cork. This is an example of how this State can do some real good here in policy development in giving young people a chance. We are very ambitious in this area and I am very eager to work with and benefit from Senator Keogan's insight and to keep in touch with her on this matter.

Senator Sharon Keogan: I thank the Minister. I fully welcome the work that the Minister has done to date in making my suggestion a real, live project throughout this country within local authorities. It is an untapped source. We have 31 local authorities in the country. Even if each of them was to create 100 apprenticeships over the next five years, that would be 3,100 apprenticeships created by his Department alone. Most people say that Governments do not create jobs but will create the environment. We can create the environment but this is something that the Government can actually do.

I also bring to the attention of the Minister, which he may not know about, that people under the age of 18 on apprenticeships could not access any payment whatsoever when it came to the closing down of their industry last March. They could not get the PUP because they were under 18. Those in Youthreach get a payment of €40 a week. They do not want to get the same as the PUP. Rather, they want something to acknowledge their value and worth to society. They are doing a full day's work on an apprenticeship and get no money. I do not know how long it will continue but there should be some money for those people who are unemployed as a result of the Covid pandemic.

The gender issue is significant. In the summer months, I run an apprenticeship programme in my town. Last year, for the time year ever, I found it extremely difficult to get employers to take on people. I found it very hard to get electricians, plumbers and carpenters to take on people because they did not have confidence in the market. The Minister can say things are going to get better, but it would help for him to lead the way on this. I find it very difficult to get girls to come in.

I thank the Minister. I will keep an eye on what he is doing and hopefully I will not see him back in here during my time in here.

Deputy Simon Harris: I hope the Senator and I have many chances to engage. She made a point about how we attract young people, be they male, female or even not-so-young individuals. One of the projects I am working relates to reform of the Central Applications Office. In this country, we narrow the discussion about the full range of options far too early. In my home town, the conversation is often whether someone is going to UCD or Trinity College rather than about what the person actually wants to do and how we can help him or her to get there, with an apprenticeship being seen as a viable route in this regard.

We need many more people in the craft space, but not just in that space. When I was a Minister of State, we worked at introducing an apprenticeship relating to financial services, which is going very well now. There has always been considerable untapped potential and this is even more important now in the context of the Covid pandemic. My sense is that the financial incentive we introduced for employers has helped stabilise the situation during the pandemic.

I will follow up with SOLAS on apprenticeships for people under the age of 18. Education has always been a priority area under the living with Covid plan. Without getting ahead of ourselves again, I would hope that as the community transmission goes down, we can see those apprenticeships resume quickly.

Sitting suspended at 11.47 a.m. and resumed at 12 noon.

An tOrd Gnó - Order of Business

Senator Regina Doherty: The Order of Business is No. 1, Dumping at Sea Act 1996 (Section 5(12)) (Commencement) Order 2021, to be taken on the conclusion of the Order of Business without debate; No. 2, Criminal Justice (Money Laundering and Terrorist Financing) (Amendment) Bill 2020 - Committee Stage, to be taken at 1.30 p.m. and to conclude after 90 minutes, if not previously concluded, by the Chair putting one question which shall, in relation to amendments, include only those set down or accepted by the Government; No. 3, statements on special education provision, to be taken at 3.30 p.m. and to conclude at 5 p.m., with the contributions of group spokespersons not to exceed eight minutes and those of all other Senators not to exceed five minutes, and the Minister to be given not less than six minutes to reply to the debate; and No. 4, a Private Members' Bill, Free Provision of Period Products Bill 2021 – Second Stage, to be taken at 5.15 p.m. and to conclude or be adjourned after 90 minutes, if not previously concluded.

An Leas-Chathaoirleach: I ask the Leader to indicate whether the Private Members' business is to conclude today or is to be adjourned.

Senator Regina Doherty: Second Stage is to conclude.

Senator Fiona O'Loughlin: I raise the matter of how we reimagine how we will live post Covid. We have all learned many lessons over the last 12 months about how we live our lives, including within our own 5 km. Our priorities have changed. The closeness of family is acutely important. There is an ongoing process in many of our counties, not least my own county, Kildare, regarding county development plans. We are now looking at issues papers and asking people to define what is important to them in how their communities and towns should grow in

the context of the county development plan. I would like to think that we have begun the process of reimagining how we can live post Covid. That means that we can look at making remote working permanent. No more would people have to get up as early as 6 a.m. or 7 a.m. to drive to railway stations or to clog up the roads and no more would they have to get on overcrowded and overpriced trains or drop very young children to childminders at that unearthly hour of the morning. We can look at remote working in such a way as to allow people to live in their own settlements, villages and towns. People should be able to build houses close to family members. I would like the Minister to issue a request to all local authorities that are dealing with county development plans to look at those plans again and to reimagine them in a way which would support those rural areas. People have been crying out to live in these areas for years so as to be close to their family units but they have not been allowed to do so. We need to do that.

We also need to reimagine how we live our lives as we get older. A Newbridge resident, Mr. Pat O'Mahony, has written an excellent book on community living and coming together. An example of such community living is McCauley Place in Naas. Some may have seen it or heard about it. Some documentaries about it have been shown. We in Newbridge have a once in a lifetime opportunity in this regard. The monastery has just come up for sale. It would be a wonderful place in which to provide for independent living for older people and, possibly, to provide day-care services for people with Alzheimer's disease because we are looking for a place to provide such services at the moment.

My last point relates to Mr. Pat Tinsley and amyloidosis, about which I have spoken here before. We were all devastated to learn on Friday that the request for funding for patisiran has been turned down. I would like to see a debate on how the extra €50 million for those diseases is to be spent.

Senator Sharon Keogan: A matter of deep concern to me over the course of this pandemic has been the cessation of cancer screening, delayed cancer diagnoses and the disruption to the treatment of cancer patients. I raised the matter of the shutdown of normal healthcare services in response to Covid-19, in addition to many other questions, in correspondence to the Minister for Health dated 16 November. To date, almost three months later, I have received no answers. The silence is as deafening as it is revealing. I had to write to the Minister because he did not stay in the Seanad Chamber to take questions on the response to Covid-19 on 10 November. The smug Minister of Health who uses the thumbs up emoji has not deigned to answer a single one of the questions I put to him in writing. He represents a Government that is totally out of touch with the suffering of ordinary people and which is failing them.

I want to recount the story of just one lady's experience in my area during the pandemic.

At the beginning of this year I was diagnosed with breast cancer having discovered a lump on my breast in December last year. I decided to see a breast surgeon privately, having encountered significant delays when attempting to access breast triple assessment clinics via the public system. Following initial investigations, the diagnosis of cancer was confirmed and I was recommended to have a mastectomy. I was shocked to hear that following my mastectomy I would not be offered reconstructive surgery at this time due to the Covid-19 pandemic. Breast reconstruction surgery has been deemed 'non-essential'. To me, this seems a cruel and unnecessary deviation from the usual standard of care in breast cancer treatment.

I received the news that I had cancer on my own, I went into hospital to undergo sur-

gery on my own and I was not allowed to have visitors. This was not easy but I understand the times that we are living in and what has to be done to protect the healthcare system and vulnerable members of our society. I cannot understand, however, the rationale for denying women reconstructive surgery at the time of a mastectomy during the pandemic. The reasons quoted were that it is a more extensive surgery which would involve a greater operative time and length of hospital stay.

The effect of deeming this surgery ‘non-essential’ means that I will go home without a breast, I will have to wait several months, embark on another surgery, another hospital admission and another period of recovery. Frankly, I cannot see the logic in this.

I would like to know how and by whom the decision to deem reconstructive surgery following cancer treatment ‘non-essential’ was made. I think those who made the decision failed to consider the huge physical and psychological impact a decision like this has on women who are undergoing treatment for breast cancer.

Once again, I ask that the Minister provide a comprehensive assessment of the impact of Covid-19 restrictions on the health of the nation, the healthcare system and the outcomes for diagnosis and treatment of all conditions in the short, medium and long term. That analysis is essential for forming good public health policy.

Senator Marie Sherlock: I wish to relay the frustration that is being communicated to me by email from many families across the country - they have also been in contact with the National Women’s Council of Ireland and the Irish Congress of Trade Unions - regarding the delay in extending parent’s leave from two weeks to five. It is worth recalling what was promised. Last summer, many mothers and families were unable to access childcare because so many childcare facilities would not take on children under the age of one. They wanted to return to their jobs, but were unable to access childcare. At that time, they were promised that there would be an extension of three weeks to parent’s leave, and I distinctly recall the dismay when it was announced that it would commence in November. That was last summer. In the autumn we realised that the promise of November would not happen. It has now been moved to April of this year. In December, I understand that the Minister for Children, Equality, Disability, Integration and Youth, Deputy O’Gorman, brought a memorandum to the Cabinet with the intention of initiating legislation in the Houses, presumably in the Dáil, in January regarding the extension of parent’s leave from two to five weeks. It is now the second week of February and that legislation has not been initiated.

It is important to reflect on what is at stake. Women are trying to hold on to their jobs and also to find childcare for their children and, in particular, babies. I have talked to many childcare providers. They are trying to do the best job possible in terms of keeping Covid-19 out of the premises and looking after the children, but many feel unable to take on children under one. The stakes are even greater for lone parents because there is no second parent to be able to share the workload. I ask the Leader to investigate when we will get this legislation, as it is urgent. As matters stand, the extension of parent’s leave is too late for many families, but we must see it sooner rather than later.

The second issue I wish to raise briefly is the first matter on the Order of Business, a motion that Seanad Éireann approve the regulations under the Dumping at Sea Act 1996, without debate. I and my party are deeply uneasy about this. I understand that it relates to dealing with offshore installations that are coming to the end of their use. I believe there must be a debate

now about the appropriateness of the 1996 and 2009 Acts with regard to dumping at sea and, in particular, the use of offshore installations. A question must be raised here. Given that there is a ban on the future extraction of fossil fuels in our seas, there is no point keeping something in the ground if we are going to pollute the sea as a result of these offshore installations.

Senator Vincent P. Martin: As we go through this tragic, third, Groundhog Day-type of lockdown, a growing number of people are of the opinion that it is time to try something different. That difference is espoused by the Independent Scientific Advocacy Group in the form of the so-called zero Covid strategy. While an increasing number of individuals believe in the compelling merits espoused by advocates such as Professors Tomás Ryan, Julien Mercille, Aoife McLysaght, Sam McConkey, Anthony Staines and Gabriel Scally, at the very least people want to be assured that the option has been fully explored. I am asking the Leader of this House to ask the three leaders in government to meet the Independent Scientific Advocacy Group to explore this option. The very least people deserve is that this option has been fully exhausted.

Second, it is clear an all-island strategy would have been the best approach. I am seeking assurances that the Taoiseach has fully engaged with the leader of Ulster unionism, including when the meetings were held and the length of those meetings. Again, there is a growing number of people who feel this option has not been fully explored. We are where we are in the Six Counties, if they could not work it out. I would like to know if the leader of the Republic of Ireland, An Taoiseach, fully engaged and explored with Ulster unionism the benefits for all of an all-island strategy? If he did or did not, has he engaged with Boris Johnson in the UK and with the EU in regard to applying pressure? Maybe it was an east-west approach. It is never too late. I would like to know the extent of the engagement An Taoiseach has had with Ulster unionism.

Third, the Brexiteers who advised their supporters that Brexit would in some way enhance their Britishness sold the electorate a fairy tale with a sad ending. In terms of the evidence, one has only to ask the people of Scotland or Northern Ireland if the union is stronger today. With the unrest in Larne, it has come back to haunt those who supported that strategy. A golden opportunity was missed. The Good Friday Agreement cemented the unionist position in the consent principle. They could have had that doubled down and cemented by doing it right here, but they did not. They chose to look the other way and the result is disquiet in the North. I hope this does not become an issue and a hot potato in next year's assembly elections. I caution everyone in Northern Ireland to sit down and have dialogue. Dialogue is the only way forward, not arguments that lack substance or foundation.

Senator Niall Ó Donnghaile: On 5 February 1992, members of a notorious UDA gang entered the Sean Graham bookmakers on the lower Ormeau Road and murdered five people. Several more were injured and untold devastation, pain and loss were brought to this proud, tight-knit and small inner-city community. Last Friday, on the 29th anniversary of the massacre, families and survivors gathered, as they do every year, but on this occasion in small, socially distanced numbers, to lay flowers and say a rosary at the spot where the attack took place. Their dignified service was violated when PSNI officers intruded on the peaceful scene. Mark Sykes, a man shot seven times in the bookies attack, and whose 18-year-old brother-in-law, Peter Magee, was murdered, was handcuffed and arrested while holding on to the flowers he had intended to lay in memory of his family, friends and neighbours.

The nationalist and republican people of the North did not sign up to the type of policing witnessed last week. Sinn Féin did not, and does not, support this aggressive and offensive form of policing. These tactics have no place in policing anywhere. Niall Murphy, the solicitor

acting for the families, said that the families had been denied access to justice and their right to truth recovery. He called for the immediate publication of the Police Ombudsman's investigation into the massacre, which deals with the collusion between the British intelligence agencies, the RUC and the loyalist killers and the weaponry used in the attack, which was brought in from South Africa by a British agent. As we know, these families and survivors have been not only victims of the massacre in 1992, they have endured continued denials of truth and justice, cover-up and the horrific situation whereby one of the weapons used in the massacre was found on display in Britain's Imperial War Museum when the police had told families and survivors that the weapon had been disposed of.

The appalling conduct of the police and the continued denial of justice for the families is a reminder to the nationalist people that all too often human rights are secondary to the operational needs of the PSNI. This culture of double standard is all the more obvious and telling when set against the recent tactics of the PSNI when dealing with unionist and loyalist paramilitaries. A few weeks ago, the PSNI escorted crowds of loyalist paramilitary thugs through the streets of east Belfast close to where I live, as they stamped their authority on a community already intimidated by drug dealers, seeking to inflict even more intimidation and threat. Families had to flee their homes and seek refuge in a nearby community centre. It is reported that the families are still in that community centre. On that occasion, there was no challenge from the PSNI and no attempt to stop them, there were no arrests, no handcuffs were produced, there was no taking of names, no one was put in the back of police cars and there was no mention of Covid rules. The contrast will not surprise those I represent. The PSNI Chief Constable's statement was inadequate and it did not go far enough and there is a deep crisis of confidence among the nationalist people of the North with regard to how the police are operating. I have no doubt that this will be raised directly with him when he meets with Sinn Féin leaders later today.

I am deeply disappointed the Irish Government, in public at least, has had absolutely nothing to say about last Friday's incident. The Taoiseach needs to urgently and directly involve himself and stay involved in issues of such fundamental importance. He needs to meet those who were attacked last Friday and the Chief Constable of the PSNI and above all else he needs to stand with the Ormeau Road families in calling for the publication of the ombudsman's report into the massacre that took place in the Sean Graham bookies 29 years ago.

An Leas-Chathaoirleach: I thank the Senator.

Senator Niall Ó Donnghaile: I have just a few lines left and I thank the Leas-Chathaoirleach for his indulgence.

As the Leader knows, we were promised a new, accountable, just and respectful police service. We are determined to have one. Many people are justified in their view that the PSNI is not that service yet but nationalists and republicans are determined that it will be.

Senator Eileen Flynn: Today, I wish to speak about a forgotten subject. Education is at the heart of discussions in Ireland right now and it is at the heart of the political argument and debate. Every single child has the right to an education but the pandemic has taught us that not every child has that equal right to be successful within the education system. Before the pandemic, we obviously knew of the inequalities of the digital divide but that has come to the fore. Every one of us has a responsibility to make sure that children in Ireland have equal access to education.

8 February 2021

I raised this issue in the House six months ago. I spoke about children who are living in very disadvantaged areas who do not have equal access, who do not have money to buy laptops and who do not even have a space to study. It is a topic and a conversation that is low on the Government's agenda but it should be brought up to the very top of the agenda right now.

If we look at some studies from 2020, the ESRI report tells us that children from disadvantaged areas suffered the most during the pandemic because of the digital divide. Also, young men, women and children in counties such as Donegal still do not have equal access to broadband. Companies such as Three provide SIM cards. It is not the responsibility of companies and volunteers to provide these services. This is something the Government and especially the Department of Education needs to take on because we cannot say that all children have a right to education when all children do not have access to that right of education.

I know of many young children who have to go to their local school once a week to get their books, copies, homework and week's work from the teacher. That child and mother and the extended family are put at risk by having to go to the school to collect that information and material. Last week a young mother got in contact with me. She had six children who were all sharing an android phone. The inequality in the context of the digital divide is very evident. More than 42% of Irish people say they are not well skilled in digital technology. We need to run a campaign on this.

This issue is so important and if I have to raise it every single week until it is heard, then it is something I will keep doing. It is an issue that has fallen between the gaps and it is the children who are unfortunately the ones losing out.

Senator Robbie Gallagher: Last week I called on the Leader to contact the Government on the non-essential cross-Border travel, which was taking place both ways, despite the current restrictions North and South. I welcome that the Government has moved on that request with the introduction of a €100 fine for anyone who travels into the State on a non-essential journey. Not alone is the person driving the vehicle subject to this fine but anybody else in that vehicle will also be subject a €100 fine, which I welcome.

However, I am disappointed to learn that a reciprocal arrangement is not in place in Northern Ireland. I again call on the Northern Ireland Assembly to consider implementing a similar arrangement so that anybody from the South who travels North on a non-essential journey be subject to a fine. It is deeply disappointing, frustrating and irritating that 12 months into a world pandemic where people are losing their lives on a daily basis we still seem to be falling short of an all-island approach to tackling this pandemic. I appeal to both the Government and the authorities in the North to make another effort to try to get that all-island approach to this killer disease. Let us call out those who resist it. It is time that resistance was called out and the finger was pointed in the right direction, namely, at those who are blocking that all-island approach.

I would like to comment on figures about which I learned over the weekend, that is, the 375 people who have stuck their two fingers up to the restrictions and the people by travelling on a foreign holiday. Even though they were subject to a €500 fine, and they knew that before they left the house, they decided to book that holiday. That tells me €500 is not enough and needs to be increased to a fine perhaps in the region €5,000, so they will not leave the house in the first instance and do as they are requested.

Senator Seán Kyne: There is a distinct chill in the air. Thankfully, it is not a political chill

but an actual chill. It is promised for the week, with snow forecast for later in the week. While I welcome the increase in the fuel allowance announced by the Minister, Deputy Humphreys, the €3.50 increase to €28 per week from 1 January, I acknowledge we have to look out for elderly people in particular during this cold snap.

The warmer homes scheme is important for those who qualified for the provision of attic, cavity wall and external wall insulation. The budget has been increased this year, up to €221 million for residential and community retrofit programmes. The increase has come from the carbon tax. I received correspondence from a constituent regarding the warmer homes scheme. I have been told their application for the scheme was generated on 28 June 2019. The status of the application is awaiting surveyor allocation. We have seen a large increase in applications to the warmer homes scheme over the past 12 months. This has led to a significant increase in demand. Covid-19 had an impact between March and June of last year. However, more than one and a half years after submitting the application, no surveyor has been allocated. I ask the Leader to contact the Minister and the Sustainable Energy Authority of Ireland, SEAI, about these delays.

We all want to see a transition to a low-carbon economy. It is worthwhile having a debate on this area, because it is something we all agree on, and on how we engage with people. We see from data provided by the Western Development Commission over the last number of weeks the number of homes in the west that still have to burn coal, oil and peat as their main source of fuel for central heating because they have no choice. This whole area is worthy of a larger debate.

Senator Gerard P. Craughwell: Members of the Oireachtas would be dismayed if they realised that a decision of Government on the recommendation of a Department almost ten years ago now has negatively affected mothers staying in State employment of their choice. That negative effect on State-employed mothers was not the intent of the Government decision but has become the unintended and regrettable outcome of it. It has not been brought to the attention of the Dáil or Seanad before now but I intend to rectify that today.

The mothers in question are the many former members of the Defence Forces for whom continuing their service as mothers post the disastrous 2012 reorganisation became untenable. It took some years for this particular law of unintended consequence to take effect on Defence Forces' mothers. Ireland assumed a rotating membership seat on the United Nations Security Council on 1 January of this year for a two-year duration. It is a singular honour and prestigious role for Ireland. The Minister for Foreign Affairs and Minister for Defence, Deputy Simon Coveney, has outlined the ambitions of Ireland's tenure on the Security Council. He has informed us all of the policy issues he intends Ireland to have at the core of that ambition. One of the most prominent of those is to energetically advance the women, peace and security agenda, a core principle of the United Nations peace support operations since the passage of the UN Security Council Resolution 1325 on 31 October 2000.

The intent of Resolution 1325 is to enshrine in UN doctrine the necessity of more women to be deployed and exert positive influence on UN military operations in UN-mandated or authorised deployments. Ireland is rightly a steadfast and vocal supporter of the UN women, peace and security agenda. Ireland continually repeated this commitment to Resolution 1325 when garnering support to be elected on the Security Council.

Due to time I cannot go as far as I would like to go but I ask that we have a debate in this

8 February 2021

House with the Minister for Foreign Affairs and Minister for Defence to discuss this important issue. It has led to women who loved their careers in the Defence Forces being forced to retire. They were chucked around the country to fill gaps when they could not travel overseas and the reorganisation has caused a problem.

Senator Paddy Burke: Is the Leader willing to ask the Minister for Finance, Paschal Donohoe, to come to the House for a debate on negative interest rates? The European Central Bank has pushed the idea of negative rates. This is going to affect a number of businesses. Banks are charging different rates and implementing them at different levels. Some banks are implementing negative interest rates on deposits of more than €3 million. AIB is implementing them on deposits of more than €2.5 million. The German bank, N26, is charging 0.5% on deposits in excess of €50,000. This also affects credit unions, pension funds and client accounts held by solicitors and auctioneers which are in excess of deposits held at the various banks.

Last week the UK central bank said that it is not going to implement negative interest rates for a long time yet. While the UK will not implement negative interest rates, the EU will, and has already, because the banks are charging these rates.

I ask the Minister to come to the House because this will have an effect on small deposit holders as well. It will affect people who want to buy houses as their money is being held in client accounts by the legal profession and auctioneers. It will affect people saving and buying houses and will have a knock-on effect. It is a far cry from the days when Charlie McCreevy brought in the deposit saving scheme. One would just wonder. The European Central Bank wants to do this so that the economy can push on. It wants people to use their money rather than leaving it in banks. A considerable amount of money is in banks in this country also. I would like the Minister to come to the House for a debate on the issue.

Senator Annie Hoey: I rise to raise an issue of serious concern for students across the further and higher education sector regarding their placement requirements and their inability to fulfil their obligations in that regard due to Covid. A number of courses have a required placement as part of their professional qualification in order for students to proceed through their degree.

I have been contacted by social care students, who for the second academic year in a row are not able to complete their placements. If they do not complete them, they cannot progress to the next stage of their degree. At least a couple of students to whom I have spoken have been advised by their colleges that if they do not complete their placements, they must work their placement hours over the summer, which as we know is not feasible for many who need to earn a wage during the summer months. If they do not do that, then they must repeat the year, which will cost them money and time.

These students cannot be expected to bear the brunt of costs associated with those repeats. The Minister must liaise with the relevant bodies and advocate for students in colleges and with qualification bodies. He also needs to reassure students that they will not be financially responsible for the cost of repeats, if that is genuinely where we are at come the end of the academic year. Social care students are not alone in this dilemma. The issue also applies to students working in healthcare settings. As always, the first cohort I am concerned about are student nurses and midwives. Placements have been cancelled again and there is concern about what will happen if they have to make up the time. I accept it has not affected their degree thus far, but it may begin to do so.

I was in Beaumont Hospital on Friday and I spoke to a healthcare assistant who is a student nurse. She is working in the hospital as a healthcare assistant but she is not allowed to go there on her placement. She said it is madness, given that she is working there anyway. SIPTU has called for an emergency meeting with the Minister over clinical placements for student radiographers who are working through the pandemic. The union has stated it is scandalous that up to 400 student radiographers that are making an essential contribution on the front line are not being recognised for their work.

I am sure the Ministers are sick and tired of me calling for students working in healthcare settings to be paid, but I will continue to raise it until I get a satisfactory answer from the Minister for Health, Deputy Stephen Donnelly, and the Minister for Further and Higher Education, Research, Innovation and Science, Deputy Harris. When are we going to recognise student nurses, radiographers, healthcare assistants and students completing vital work in the healthcare system? What are we going to do for the students who may face repeat fees in order to repeat their student placements?

Senator Ollie Crowe: I wish to address the landmark decision handed down by the High Court last Friday, which rightly found insurance companies must honour policies that provided cover for business disruption. While it should never have needed to be the subject of legal action, it is welcome that justice has prevailed, and the decision has been accepted by the insurance firm in question.

One of the publicans I spoke to who took the case paid a premium in excess of €240,000 per year. Similar large premiums were paid by the other three individuals who took the case. As the Leader is aware, three of the publicans are based in Dublin and one is based in Athlone. It is important now that the process for pubs to have their claims honoured is a speedy one without unnecessary complications or delay.

This decision must not be considered by insurance firms as a justification for raising their premiums. In 2019, the firm in question reported after-tax profits of more than €100 million and assets totalling more than €1 billion. For far too long the nature of insurance in this country has been, regardless of any outcome, that it never impacts their substantial profits. I accept the insurance market must be sustainable and insurance firms must be profitable enterprises over the long term, but there is no divine right for insurance firms to make significant profits year in and year out, as this company did in recent years. As the Leader is aware, SMEs are the backbone of this country's economy and are currently facing major challenges. That has been the case since the beginning of the pandemic. The very last thing they need right now is rising insurance rates. Finally, the Central Bank, as regulator for the insurance industry, must make clear to firms operating in the market that blanket rises on small and medium enterprises without justification will not be tolerated. I ask the Leader to bring the Minister with responsibility for financial services before the House at his earliest convenience.

Senator John McGahon: I would like to raise the difficulties facing more than 20,000 people living with type 1 diabetes in Ireland during the Covid-19 pandemic. The latest data from across the globe show, and HSE advice states, that those with diabetes face far worse outcomes if they contract Covid-19. The HSE also advises diabetes patients to avoid visiting hospitals and GP care at all times where possible, yet the same agency is dragging its feet when it comes to best in class care for these patients. To date officials have spent two years reviewing the addition of flash glucose monitoring to the long-term illness scheme for people over the age of 21. Flash glucose monitoring is cutting edge technology that allows doctors to monitor

8 February 2021

diabetes patients remotely instead of forcing them to visit their surgeries, use finger-prick tests or use outmoded 1980s technology to ascertain their condition.

The health arguments are clear at this time. There are other products on the market that patients advise me are at least €1,000 per year cheaper, so it makes no sense to continue to exclude them from the long-term illness scheme. This is especially the case at a time when the HSE budget is spiralling and patients tell me they have a strong preference for flash glucose monitoring sensors instead of being forced to apply for the more expensive continuous glucose monitoring sensors.

Six months ago, in its submission to the Oireachtas Special Committee on Covid-19 Response, Diabetes Ireland specifically recommended that the HSE develop a virtual clinical consultation service for type 1 diabetes patients and to extend access to flash glucose monitoring devices to all people with type 1 diabetes who have very complex needs. With several outbreaks of Covid-19 in hospitals in recent weeks, there is an acute need to keep vulnerable patients with chronic illnesses, including diabetes, out of our hospitals unless absolutely necessary.

I would appreciate the Minister for Health coming to the House to inform us what steps he, his Department and the HSE are taking to help diabetes patients in Ireland monitor their illness to keep them from requiring hospital care at this time of great strain on the health service.

An Leas-Chathaoirleach: I thank Senator McGahon. That is an exemplar of how to get a lot said in two minutes.

Senator Niall Ó Donnghaile: And it was on the button.

An Leas-Chathaoirleach: Yes, it was just on the button. That is an absolute exemplar. We will have to show that on video again.

Senator Paul Gavan: I want to raise the crucial issue for Limerick of the Coonagh to Knockalisheen road. I am sure that many Members will have heard about this over the past weeks. Let me begin by saying that anyone who knows Moyross will know that it is among the most socially disadvantaged and socially isolated communities anywhere in the State. There is a tremendously brave and united community there building and forging a better future for themselves and their children. The community is at a complete loss as to why this Government to date refuses to sanction the completion of this road.

Having met with the locals last week, they have emphasised their anger and distress. The school principal described to us how one of his most common experiences is saying goodbye to past pupils in cold graveyards. This community has been isolated from Limerick city. The road is about opening up this isolation. This road has been recommended since the 2007 Fitzgerald report. The road is in the programme for Government. However, only last week the Minister for Transport said they might build two thirds of the road. This completely misses the point about the opening up of the longest cul-de-sac anywhere in Ireland.

There is something truly offensive about a Minister coming down to the people of Moyross and effectively telling them that he knows better than they do about what is best for their community. I must be clear that Fianna Fáil and Fine Gael need to stand up to their responsibilities today. They called for the road to be built. This is a collective Cabinet decision. Every day this decision is delayed is a day of further failure for the people of Moyross. I call for an urgent debate on the matter. I call for urgent action and I call on the Minister, Deputy Ryan, to do what

everyone in Limerick wants him to do, which is to build the road.

Senator Catherine Ardagh: I ask the Leas-Chathaoirleach to allow me some indulgence in respect of my time. I raise the issue of cancer services during Covid and post Covid. I was shocked to hear that Professor Seamus O'Reilly, an oncologist from Cork, told the European Parliament that the impact of Covid will set cancer care services back ten years. I am asking the Minister and the Leader to ensure this does not happen. We cannot afford for cancer services to be held back or to go back in time by ten years. Very disappointingly, BreastCheck found that screenings fell by more than two thirds in 2020. That represents 600 cancers it has failed to diagnose. Breast cancer and other cancers are not going away. The numbers are not dramatically increasing out of thin air. All Members have family members affected by cancer and know that early diagnosis and early treatment are crucial. If a person with cancer is among the lucky ones whose cancer goes into remission, post-cancer screening is exceptionally important to ensure there are no relapses and that if there is a relapse, it can be treated and nipped in the bud immediately. I am asking the Leader to facilitate a debate in the House on cancer services. I know colleagues have raised this issue. It is really important that cancer services do not fall behind by five years.

I wish to raise quickly a second issue. As a result of the sitting arrangements in the context of Covid, I will not be able to attend Private Members' business later this evening to speak in support of the period poverty legislation brought forward by my colleague, Senator Clifford-Lee. I hope the Bill gets support from across the House. I know other Members have tabled similar legislation. It is great to see women-specific legislation on the Order Paper and being debated in the House. Senator Clifford-Lee has been working on this issue for a long time, including in the previous Seanad. She has helped councillors in Longford and Kilkenny to bring motions on the issue and has supported other councillors who will be bringing motions in their local authorities. I hope this legislation can be supported across the House.

Today is International Epilepsy Day. Some 40,000 people in Ireland have epilepsy. Many people do not realise so many people have it. We need to show awareness and a bit of education with regard to epilepsy.

Senator Pauline O'Reilly: I wish to use the brief time I have to discuss the issue raised by Senator Sherlock in respect of parental leave. I know she asked for clarity from the Minister. I hope to be able to afford her clarity. It is absolutely the case that the legislation will be retrospective. Everyone who has had a child since November 2019 will be entitled to the five weeks' leave. In spite of the length of time the legislation may take, there is no question of anyone not receiving that to which they are entitled. Changes have to be made to the Adoptive Leave Act to ensure that same-sex couples who may not be birth parents will also be entitled to that leave. I hope to give that clarity and assurance to people. I know there is anxiety around the issue but we need to make sure that anyone who has had a child in Covid times has that security and can know that, no matter how long they have to wait for the legislation, they will still be entitled to that leave. It is paid leave. This is a crucial part of the programme for Government. As all present will know, many parts of the programme for Government are around parents, children and women. We need to get those commitments onto the Statute Book to ensure that people have the support required so we have a society that is not only successful economically, but that also values its women, children and parents across the board, regardless of their gender.

Senator Frances Black: I believe I must raise an issue of great importance to people of all communities in the North who were bereaved or injured during the conflict. The relatives

8 February 2021

of persons killed by all armed actors in the conflict - republican, loyalist and the British state - need a human rights-compliant remedy in the form of the legacy mechanisms that were agreed in Stormont House and signed by both Governments and all parties. I have been contacted by the cross-community organisation Relatives for Justice, which provides support to the bereaved and injured relatives of all the actors in the conflict on an inclusive and non-judgmental basis. They have asked me to highlight their disappointment at the response from An Taoiseach to the question that was asked in the Dáil last week. The work being done by Relatives for Justice is of great importance and must be embraced by both Governments in line with their duties as signatories to the Stormont House Agreement. It must be of significant and increasing concern to the Government that there has been no progress by the UK Government on the legislation to implement the Stormont House Agreement framework to deal with the legacy of the past in the North. At this time of increased tensions in the North, all cross-community initiatives must be supported.

I wish to highlight the heavy-handed tactics of the PSNI in its assault on the relatives taking part in the commemoration of the murder of their family members in the Sean Graham bookies on the Ormeau Road 29 years ago. That attack on unarmed people in a bookies is an example of the collusion between the police and loyalist paramilitaries. The failure of the police ombudsman to publish the long-completed report on the collusion in the attack on the bookies has added to the grief of the survivors and the relatives. It is absolutely devastating for them. It is now time the report were published. I call on the Taoiseach today to give an undertaking that this Government will meet Relatives for Justice - it is not much to ask - and make representations to the British Government that it fulfil its obligations under the Stormont House Agreement.

Senator Barry Ward: Other Members have raised the issue of the landmark decision of the High Court last week in the FBD insurance case. It is welcome that the High Court has clarified the position, but those four individual businesses should never have had to take the case in the first instance. In January, the UK Supreme Court made a similar ruling. I know that the High Court here waited to see what the outcome of that would be and allowed the parties to make submissions to it on the matter. The case in the UK was taken by the Financial Conduct Authority, a state agency. It was not left up to individual businesses to put their resources on the line to bring such a case before the High Court. Other Members have raised this issue and have welcomed the fact that FBD has accepted the decision of the court in terms of its liability. I note that it has not yet accepted what the quantum of that liability will be. We will see on another occasion an opportunity for that company to challenge how much it will pay to businesses. We in this House should not be surprised at insurance companies that charge astronomical fees and premiums for business interruption insurance and then turn around and say to those same companies, when their business is interrupted and they go to claim on foot of that policy, that they are not going to pay out. Those are exactly the characteristics we have come to expect of insurance companies in this country. We see this particularly with small businesses regarding occupiers' liability insurance, on which there is no good faith between insurance companies and the people they purport to ensure. They continue to ramp up premiums despite the fact that there is no basis for doing so in terms of the cost to them of doing business. We in these Houses continue to bend over backwards to facilitate these companies when there is no *quid pro quo*.

The question is this: what is the Central Bank doing about it? It is the authority of the State and the body that is supposed to protect businesses, acting as a regulator and a consumer advocate, and it seems to have completely failed in that role. It did not take the case, it did not issue guidelines and the same is true of myriad other areas under its remit. The time has come,

I suggest, for there to be a debate in this House about what the Central Bank can do to serve the citizens rather than the companies of this State.

An Leas-Chathaoirleach: Did the Senator have a proposal to make?

Senator Barry Ward: Yes. Go raibh maith agat, a Leas-Chathaoirligh. I propose an amendment to the Order of Business to introduce the Criminal Procedure and Related Matters Bill 2021.

An Leas-Chathaoirleach: The Senator is proposing that No. 8 be taken before No. 1.

Senator Barry Ward: Yes.

Senator Seán Kyne: I second the proposal.

Senator Malcolm Byrne: I will start by echoing Senator Flynn's concerns about the digital divide and access to laptops and tablets. In that regard, I welcome the Government's announcement today, because it is a concern I also share, of the €5.8 million fund to mitigate the impact of educational disadvantage, particularly in the context of the digital divide. The fund will be administered by the education and training boards. I know that, in the case of Donegal Education and Training Board, €283,000 will be provided. It is really important that we address this.

What I wish to raise follows from Senator Hoey's comments on the reopening of higher education. I entirely agree with her concerns around mandatory placements, but I believe there is a bigger problem for students searching generally for internships apart from mandatory placements. In the context of the debate around the reopening of higher education, I call on all involved to ensure students are not placed at a disadvantage if they are unable to access either mandatory placements or internships.

I would like a broader debate around the reopening of our higher education institutions. A wonderful job has been done by the leadership, staff and students in coping through this period. In particular, our first-year students have lost out on the college experience. They will need considerable support and help to get back fully into the system. If they have some difficulty and are unable to attend college for whatever reason, I do not believe they should be penalised when colleges do reopen.

While it is great that the number of first-year places was expanded to 49,000 last year and that that number will continue to expand, the third level funding crisis continues. In March it will be five years since the Cassells report was published. It is a matter of urgency that we address the question of the funding of our higher education institutions. With the pace of technological change that we are now seeing, we will need far more upskilling and reskilling. I am asking for a full debate around how we are going to fund our higher education system in future.

Senator Regina Doherty: My thanks to colleagues for the variety of topics raised today.

I will ask the Minister for Further and Higher Education, Research, Innovation and Science to come and have a debate with us on reopening. I think we will have many debates on reopening society, communities and our economy in the coming weeks, but certainly a debate about the long-term future of financing third level education is relevant. I will send that request out today.

I am happy to accept the amendment of Senator Ward and allow the Bill to be published. I

8 February 2021

look forward to the debate. All the points raised with regard to the case taken last week against FBD by the four successful hospitality outlets are relevant. I agree with Senator Ward that there is a way to go on this. Certain questions are being asked from numerous quarters on the response of some of our State organisations. It might be worthwhile sending a letter to the Minister for Finance outlining the queries the Senator has or perhaps inviting the Minister to come in and talk about this in a Commencement debate. I will discuss it with the Senator later and he can let me know the best way to go.

I take on board all the comments made by Senator Black. What is obviously a difficult situation still is still arising, even though we continually talk year in, year out about looking for reconciliation from all sides, including those in the middle trying to represent everyone. It would be worthwhile to pass on the request from the Senator for the organisation to seek a meeting with the Taoiseach. I will ask, but I believe it would come better from the Senator if she sent a note to the Taoiseach asking him for his response with regard to communications with Boris Johnson and the Northern Ireland Assembly that were agreed in the context of and arising from the Stormont House Agreement framework but which have not been forwarded. I thank the Senator for the contribution she made this morning.

Senator Pauline O'Reilly answered in part some of the questions raised by Senator Sherlock on the issue of paid parental leave. What Senator O'Reilly did not tell the House is that the legislation is in pre-legislative scrutiny at the moment with the committee. Unfortunately, until that aspect is finished, it cannot be advanced. I only know this from my time in the Department, obviously. What is delaying everything is not us trying to be annoying. Paid parental leave was established some years ago. It will be set out. Year on year we will have similar legislation on the Statute Book until each parent gets nine weeks' consecutive or shared parental leave. An information technology system is required to go alongside this. As the Senator said, it is paid leave. The Department of Social Protection, as we are all aware, has done the work of probably ten Departments in the past ten or 12 months in serving the people who have had their lives entirely disrupted and are now dependent on the State until life turns back on again.

That IT system will not be ready until April. To reiterate what Senator Pauline O'Reilly said, the legislation will be retrospective which is unusual for these Houses and absolutely everybody who has had a baby since November 2020 will be entitled to the full amount of leave, both the mammy and the daddy. The legislation is in pre-legislative scrutiny at the moment and will be advanced as soon as that report is issued to us from the committee. Senator O'Reilly raised the benefits of it and I will be very happy when we get to having nine weeks' leave per parent per child born from 20 November 2020, or 2019 previously.

Senator Ardagh raised the issue of cancer services and indeed we started with Senator Keogan talking about them. I agree with both of them and do not wish to diminish the serious nature of what they have brought forward. However, alongside talking about cancer screening and how much it has been affected by Covid and how much we all want it back because of all the ramifications it will have, it is at the same time very fair to say that those working in the cancer services that continue to be in operation in our hospitals have done Trojan work since last year. I can say this on a personal experience as I had recourse to be a patient of Beaumont Hospital's cancer screening services for six months last year. They worked their absolute socks off. There were times they could not do clinics. When we went back to level 4 and level 3 and it was allowed, they worked clinics around the clock on Saturdays and Sundays to try to ensure they caught up with the women who were waiting in limbo for weeks. I must pay tribute to our

nurses and doctors for their Trojan efforts. Senator Keogan is absolutely right, as indeed is Senator Ardagh, that our screening services are absolutely vital to keeping our numbers down and to catching patients at the early stages so they can be treated, helped and cured. That is really important. The poignant letter Senator Keogan read out about the lady who had her own distress last year, which was probably compounded by the fact that she could not have her surgery, is really heartbreaking to listen to. The Senator's question to me was who made the decision and who was responsible. I do not know but I will find out for her. However, I must assume that it was the clinicians who made the decision in the best medical interests and outcomes for their patients but I will find out if she gives me the details later on.

Senator Ardagh raised cancer services and indeed we started with Senator Keogan talking about them. I agree with both of them and do not wish to diminish the serious nature of what they have brought forward, what we need too alongside talking about cancer screening and how much it has been affected by Covid and how much we all want it back, because of all the ramifications it will have, it is probably very fair at the same time to say that those cancer services that continue to be in operation in our hospitals have done Trojan work last year and I can only say this on a personal experience as I had recourse to be a patient of Beaumont for six months last year in the cancer screening services - they worked their absolute socks off. When there were times they could not do clinics, when it was allowed and we went back to level 4 and level 3, they worked clinics around the clock on Saturdays on Sundays to try to ensure they caught up with the women who were in waiting in limbo for the weeks that they were so I just have to pay tribute to them, to our nurses and our doctors, for the Trojan effort that they do. But you are absolutely right, as indeed is Senator Ardagh, that our screening services are absolutely vital to keeping our numbers down and to catching patients at the early stages so they can be treated, helped and cured and I think that is really important. The poignant letter that you read out about the lady who had her own distress last year, which was probably compounded by the fact that she could not have her surgery, is really heartbreaking to listen to but I can only assume, and your question to me was to ask who made the decision and who was responsible. I do not know but I will find out for you but I must assume that it was the clinicians who made the decision on the best medical interests and outcomes for their patients but I will find out if you give me the details later on.

Senator Gavan talked about a road that currently goes to nowhere. We do not often agree but I absolutely agree with him on this one. The road must be built. I think everybody that has any sense knows that it must be built but I will certainly ask for the debate the Senator wants. I am sure he will have many champions with him on the day to persuade the Minister for Transport and as he says, the Cabinet collectively, to ensure that programme for Government commitment is fulfilled.

Senator McGahon must forgive me because a lot of what he discussed and the technology he discussed went over my head. However, if I am clear what the Senator is looking for is for people with type 1 diabetes to get access to the long-term illness scheme so they can make the choice that is in their own best interest. I will certainly pass that message on to the Minister for Health.

Senator Crowe talked again about the landmark decision. Is it not shocking to hear the concerns of a company that is paying €240,000 per year to insure against what we hope is unimaginable, and yet when it does happen it was so badly let down? I think we all cheered when the courts found in favour of our hospitality sector last Friday but as I said in my earlier contribution, there is a long way to travel on that road and we will have to continue to support

the sector in every way we can.

Senator Hoey talked about something that is very relevant to tens of thousands of our students who cannot do their placements. I would be incredibly shocked if any university could not allow a student to go on to the following year or to graduate because of something that was absolutely not within his or her own control. That is not to say Senator Hoey is not telling the truth. I will talk to the Minister with responsibility for higher education today and will come back to the Senator with a response, hopefully in the affirmative. If not we definitely need to take that issue further. It is definitely not acceptable that our third and fourth level students, who are doing internship placements as part of their programme and their training, are not allowed to either carry that placement over to the following year so they continue on their course, or to have some other remedy associated with what has happened, which is that their lives have been interrupted for the whole year. Everyone's life has been interrupted.

Senator Burke referred to the Minister for Finance and what is going to become a very large issue regarding negative rates. I will ask for a debate with the Minister on that matter in the next couple of weeks.

Senator Craughwell asked for a debate on the idiosyncrasies that arise with the placement of females in our Defence Forces. I will ask for a debate on that matter.

Senator Kyne talked about the welcome increase in the fuel allowance but also referred to the difficulty that the interruption to life has caused for people in accessing the warmer homes scheme. A number of State services have stalled in the past 12 months and this is one of them. Access to driving licences is another. We all expect and hope that life will start to gear up again at some point in the next couple of months but in the absence of an assurance that this will happen, we will have to find different ways to provide services and cut through the red tape that has been created by Covid-19. I will today write to the Minister outlining the discrepancies and delays that the Senator has talked about and ask for a debate on the warmer homes scheme and the concept of retrofitting in its entirety.

Senator Gallagher raised the €100 fine. To be fair, he also raised this issue on the Order of Business last Monday. I, too, would welcome the imposition of a fines system in Northern Ireland. It never ceases to amaze me that at the end of the week, we are told by An Garda Síochána how many thousands of people have been fined as if it is no big deal. People seem to think that it is only 100 quid. I do not think that people understand how prevalent the virus still is in our communities. It is a big deal and we are continuing to put people at risk. It would be great if there were a scenario whereby we could have cross-community co-operation between the Northern Ireland Parliament and ourselves, including in the context of reciprocal arrangements. I will ask the Department of the Taoiseach to come back to us with a response on that matter.

Senator Flynn brought up the digital divide which has become evident to us all and which was evident to many people before the arrival of Covid. For many months, young people in universities and children in primary and secondary school have been educated from home. It is difficult to do that without access to broadband or to a computer to get onto the broadband. That is why I am proud that the previous Fine Gael-led Government backed the national broadband plan, despite the many objections to and reservations about it. We all know how empowered and changed lives can be by access to technology. There was €10 million given to secondary schools in November last year but, clearly, it has not provided every child and household with IT equipment. This morning's announcements are welcome but we will have to monitor them

to ensure that they provide access to education for every household as is our intention.

Senator Ó Donnghaile referred to the sad events of the weekend. It is an awful pity. I am loath to comment further than that, other than to say that I acknowledge Simon Byrne's apology and the actions that he took on Saturday evening, arising out of the event on Friday. There is a distance to travel on this issue but I will pass on the Senator's comments and reflections to the Taoiseach today.

Senator Martin raised the effects of the lockdown on us all and the weariness that has nearly seeped into the bones and mindset of everybody. Even the most positive people are fed up. The debate around zero Covid has been thoroughly assessed by the National Public Health Emergency Team and our clinicians but I will pass on the Senator's request to have the matter discussed further by the Cabinet and Government.

Senator Sherlock talked about the delay in extending parental leave, which I have already addressed. She also asked about the Dumping Sea Act 1996 and I will schedule a debate on the matter in the next number of weeks. That debate will perhaps apply not only to this particular topic, but on a wider range of topics, if that is okay.

Senator Keogan talked about cancer screening services. I hope to come back to her with the reopening of all screening services.

Senator O'Loughlin started the day by talking about two issues that are pertinent and topical. The remote working strategy was launched by the Tánaiste a number of weeks ago. We all know that the future probably lies somewhere in the middle of the road between people having access to the office - not just for reasons of sanity and sociability - and being able to work from home to enhance their lifestyles. I am sure these considerations apply not only to the Senator's county but to all counties. We are going through county development plans at the moment. It is important that we develop the plan today for the next six to seven years, cognisant of the changes that we expect to happen over that time. It will not just be business as usual and zoning a bit here and there. The remote working strategy needs to be integral. I will today ask the Tánaiste to write to every single local authority chief executive to ensure that before we finalise any county development plan, it will have a remote working strategy at the heart of its economic development strategy.

The Senator raised another important matter. We have talked long and hard for a number of years about delivering all types of housing. What is sometimes absent from the delivery or the plan is independent living for our older people. There are probably tens of thousands of houses in which either two grandparents or one grandparent is living where they do not need the space and there are many families who would value and relish the opportunity to make those houses their family homes. We should not be asking those people to independently move from their family homes and to the sticks up to 10 km outside the towns and villages in which they are living. Our county development plans must have strategic zones and strategic plans to make sure that independent living is at the core of all our villages and towns and that the services are there. I will write to the Minister for Housing, Local Government and Heritage and ask him to ensure that.

As regards Senator O'Loughlin's point, it is a tremendous pity that Pat Tinsley's funding did not come through. We need a debate on that €50 million to find out exactly where it is going and which new drugs, families and ailments we are going to support in the coming years.

8 February 2021

An Leas-Chathaoirleach: Senator Ward has proposed an amendment to the Order of Business: “That No. 8 be taken before No. 1”. The Leader has indicated that she is prepared to accept this amendment.

Amendment agreed to.

Order of Business, as amended, agreed to.

Criminal Procedure and Related Matters Bill 2021: First Stage

Senator Barry Ward: I move:

That leave be granted to introduce a Bill entitled an Act to make various amendments to aspects of criminal procedure and to make provision for related matters.

An Leas-Chathaoirleach: Is there a seconder?

Senator Seán Kyne: I second the proposal.

Question put and agreed to.

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

Senator Barry Ward: Next Monday.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Second Stage ordered for Monday, 15 February 2021.

Dumping at Sea Act 1996 (Section 5(12)) (Commencement) Order 2021: Motion

Senator Regina Doherty: I move:

That Seanad Éireann approves the following Regulations in draft:

Dumping at Sea Act 1996 (Section 5(12)) (Commencement) Order 2021,

a copy of which has been laid in draft form before Seanad Éireann on 3rd February, 2021.

Question put and agreed to.

Sitting suspended at 1.13 p.m. and resumed at 1.35 p.m.

**Criminal Justice (Money Laundering and Terrorist Financing) (Amendment) Bill 2020:
Committee Stage**

Acting Chairperson (Senator Eugene Murphy): We now have 90 minutes to deal with the Criminal Justice (Money Laundering and Terrorist Financing) Amendment Bill 2020 on Committee Stage. Does any Member wish to speak on section 1? No.

Section 1 agreed to.

NEW SECTION

Acting Chairperson (Senator Eugene Murphy): We move now to section 2 and to amendment No. 1 in the name of Senator Ward. Acceptance of this amendment involves deletion of section 2 of the Bill. Can I ask the Senator to move his amendment?

Senator Barry Ward: I move amendment No. 1:

In page 5, between lines 21 and 22, to insert the following:

“Amendment of section 2 of Act of 2010

2. The Act of 2010 is amended by the substitution of the following section for section 2:

“Interpretation

2. (1) In this Act—

‘Data Protection Regulation’ means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);

‘Fourth Money Laundering Directive’ means Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC;

‘Fifth Money Laundering Directive’ means Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018 amending Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, and amending Directives 2009/138/EC and 2013/36/EU;

‘Minister’ means the Minister for Justice, Equality and Law Reform;

8 February 2021

‘money laundering’ means an offence under Part 2;

‘personal data’ means personal data within the meaning of—

- (i) the Data Protection Act 1988,
- (ii) the Data Protection Regulation, or
- (iii) Part 5 of the Data Protection Act 2018;

‘prescribed’ means prescribed by the Minister by regulations made under this Act;

‘property’ means all real or personal property, whether or not heritable or moveable, and includes money and choses in action and any other intangible or incorporeal property;

‘terrorist financing’ means an offence under section 13 of the Criminal Justice (Terrorist Offences) Act 2005;

‘Third Money Laundering Directive’ means Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing, as amended by the following:

(a) Directive 2007/64/EC of the European Parliament and of the Council of 13 November 2007 on payment services in the internal market amending Directives 97/7/EC, 2002/65/EC, 2005/60/EC and 2006/48/EC and repealing Directive 97/5/EC;

(b) Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC.

(2) A word or expression used in this Act and also used in the Fourth Money Laundering Directive has, unless the contrary intention appears, the same meaning in this Act as in that Directive.

(3) In this Act a reference to an Appeal Tribunal shall be construed as a reference to the Appeal Tribunal established under section 101A (inserted by section 24 of the Criminal Justice (Money Laundering and Terrorist Financing) (Amendment) Act 2020).”.”.

I have tabled a number of amendments to this Bill, not just to this section but to a range of sections, and they all essentially seek to do the same thing. It relates to a matter that I raised on Second Stage, which is a tremendously important one nobody would dispute. It puts in place a streamline that is welcome and implements the provisions of the fifth directive from the European Union, which is important as well as being legally obligatory.

However, this is the third Bill in this vein. We had an initial Bill in 2010; it was amended in

2018, and is now being amended again, with the result that the final Bill which may be passed now will essentially amend the 2010 Act. It will be an extremely cumbersome instrument because anybody reading it must essentially refer to three Bills simultaneously to ascertain exactly what the Act we pass in the Houses under this guise will say and how exactly it will implement the directive.

I understand why that happens and there is a practice in these Houses that when we amend legislation, we put into the amending Bill the exact provision that is being changed and how it is being changed. What we do not do is list the new section and how the new section has been changed, or even the new subsection, with the result that one may have a single line in an amending Bill. The point that I made on Second Stage is that that makes it very difficult, if not nigh impossible, for an ordinary citizen or indeed any non-lawyer - although I suspect many lawyers as well - to read and understand the legislation without significant study and effort.

In this amendment, I have simply set out what the interpretation of section 2 of the of the 2010 Act would look like if the amendment of this Bill were put in place as we know or expect it will be. Essentially, I have restated section 2 of the 2010 Act as it will look after this legislation passes.

I am absolutely indebted to the work done by the Law Reform Commission in this regard. Members will be aware, as I have mentioned it in this House before, that the commission carries out a hugely important civic function by putting together consolidated Acts where we have amending legislation. Where there is a sequence of amending legislation, the Law Reform Commission undertakes a project to make freely available online the consolidated Act, as amended. It will show each step of the way through why, how and what operation has been done to change the Bill. That is very valuable, particularly for Senators and Deputies, but also for members of the public.

The argument I am making here is that we should be doing this all the time and going out of our way to make legislation accessible for everyone, and for people who have to read and live by the terms of the legislation. There are many issues involved in this. I am not even talking about any particular issue, merely about the accessibility and legibility of the legislation that is passed by these Houses.

The series of amendments - I am only going to speak on this one because I do not wish to delay the House - that I have tabled are to show how that can be done. I am just one person and I do it myself and I have prepared it in time for this Committee Stage. The Department with its vast resources - I am aware of the armies of people that the Minister of State has at his beck and call every day - could give effect to this relatively easily, but particularly where the Law Reform Commission has already done the work. It did not take very much for me to go on to its website to look at their work and to transfer that into amendments to this Bill. It can be easily done.

I understand the Department is reluctant to do this for a whole range of reasons. There is, for example, the loss of the legislative history which is one of the things that we can look at in this House. In the past year, for example, we have twice amended the Health Act 1947 with two successive Bills and it is very easy to go back and trace how the Health Act has changed since the 1940s. There is, however, another way of doing that. We do not have to record that in successive amending Bills. We can simply have, as we used to have, the chronological tables, for example, on the Statute Book that is available online and we could easily create a section which

shows the progress of a piece of legislation, how and when it has changed, etc. It could be linked into the debates that are recorded, again freely, on the Oireachtas website. I do not really accept that as an argument for not doing this. As I said on Second Stage, there is an administrative argument. It clearly creates an administrative burden on the Department and presumably on the Office of the Attorney General, which carries out the technical amendments and drafting of the Bill. I can see how the generation of paper etc. might be a problem. However, we must decide if that difficulty outweighs the benefit of having legislation that is much more accessible to members of the public. I am sure there are other administrative problems.

My fundamental reason for tabling this and succeeding amendments is to put down some kind of marker to let people know we no longer want to have a raft of legislation. In certain areas this is obvious, for example, in road traffic legislation. In the 1990s, we consolidated social welfare legislation. We could take many other steps. Certain streams of legislation are largely inaccessible to members of the public because of how we are passing them in these Houses. In tabling these amendments I am trying to say to the Minister of State, his Department and the people within government who are responsible for legislation that we should be taking steps to make legislation more legible and more accessible to the public and everyone else. I do not propose to press the amendment. I am tabling it really to have an opportunity to raise the point with the Minister of State.

Senator Michael McDowell: I agree with the Senator on the matter. We have the Statute Law (Restatement) Act. It is desirable to have an official version of the legislation to which the ordinary man or woman can have instant access. If we take the money laundering and terrorist financing legislation as a code, it should be available at all times in a readable form without having to do research. I strongly support that restatement should be done as often as possible.

I notice that the restatement provision, which was introduced, I think, in the early 2000s, really has been replaced by relying on the Law Reform Commission to do the restatement process. Therefore, there are issues such as production in court of a consolidated version. The Law Reform Commission report seems to have that status and it requires judges to agree to accept that as the law on the assumption that the Law Reform Commission has done its job. The statute law restatement legislation required courts to give recognition to a restatement issued by the Office of the Attorney General as if it were the law and to accord it the same degree of authenticity. I just make that point.

I accept what Senator Ward says that an administrative burden is cast on any Department to keep that work up to date. It is strange that it is effectively now delegated informally to the Law Reform Commission to carry out this work, whereas the proper way to do it is not done. I agree with the Senator's amendment.

Senator Robbie Gallagher: I welcome the Minister of State back to the House. We are blessed to have such expert legal minds as Senators Ward and McDowell among us. I certainly do not speak as one of those; I speak as a layperson. It is striking that we are so far behind the curve on what Senator Ward mentioned. I compliment him and the Law Society on their work in this regard. I agree that the restatement should be done as a matter of course in future. I look forward to hearing the Minister of State's comments in this regard. I believe legislation passed by both Houses should be accessible and understandable to any individual in the State. I would like to see this moving forward and I again compliment Senator Ward's work in this area.

Senator Ivana Bacik: I, too, support Senator Ward's amendments and the intention and

spirit behind them. I have raised the important issue of codifying our criminal law to ensure consolidation of criminal statutes over a number of years in successive Seanad terms. There are some glaring areas of criminal law, not just money laundering and financial offences as Senator Ward will appreciate, such as, in particular, sex offences, where the law is unnecessarily complex and we have never had a single codifying Act of the sort we saw in England and Wales some years ago. There is clearly a need for that sort of consolidation to be carried out. I echo the praise for the Law Reform Commission and its great work on this, and indeed for the codification group. Every time we have a criminal law Bill before us, these amendments are a source of concern and frustration. Miscellaneous provisions Bills are the worst. They are the most difficult to incorporate into the body of any substantive area of criminal law. It is long overdue for more general reform. I appreciate that the Senator is not going to press the amendments but it is important to make these points in the course of the debate.

Senator Niall Ó Donnghaile: Like my colleagues, I will be brief because I agree with the sentiments expressed about the complex and technical nature of this. Like Senator Gallagher, I do not have the legal background and expertise of others present, so I am acutely aware of the need to address the complex nature and tone of the legislation that comes before us and how we can support the work of ensuring that the public can absorb and understand this important and broadly encompassing legislation in a more informed way. While I appreciate that Senator Ward has indicated that he will not press his amendments, I commend him on a strong point, well made, and like other colleagues, I look forward to hearing what the Minister of State has to say.

Minister of State at the Department of Justice (Deputy James Browne): I thank Senator Ward for the amendments that he has tabled. I agree with the principle and intention behind them. As someone who has practised as a barrister for 14 years, I know the difficulty for ordinary citizens and for practitioners in trying to establish exactly what amendments have been made and where. It impacts on accessibility. When that is compounded with the sister to accessibility, which is the need for greater use of plain language, then we need consolidated Acts and plain language. This is, unfortunately, reflected across every Department. As Senator Bacik has pointed out, this is before we get into miscellaneous provisions Bills. One or two will be brought forward from the Department of Justice in the next year or two for those matters which really need to be addressed, but there is no question that they add to the greater complexity of accessibility.

It goes without saying that Bills of this nature are difficult to read and they have many short, and in some cases very consequential, amendments that only become clear when read in context. When added to that is the task of seeing what is in the fifth directive and how that amended the fourth directive, the whole process becomes even slower. The challenge in creating a consolidated Act is that it takes a long time. We have to make sure that every single comma and bracket is correct, because if we want to change the consolidated Act, having made a mistake, it will require amending legislation. The Government needs to look at how we will address these many amendments in future. Compared with 20, 30 or 40 years ago, the Legislature is passing much more legislation, which is compounding this issue.

The difficulty with the approach taken is that, on a practical level, I am not sure that anyone looking at the amendments without being aware of the context would be able to tell what was going on or, more to the point, what has actually changed, which might create another separate problem. When we consider the changes introduced by the amending Bill and making them comprehensible, we need to see what is changing, what the changes mean for the principal Act

in context, and what the end result will be. An even more complex process is probably needed. This would not only consolidate matters but would allow one to see what changes are being made. This is something at which the Department and the Government need to look with a view to future amendments. A body of work needs to be done in that regard.

I would like to see at least some Bills incorporate a version of the principal Act with the changes tracked. This would clearly show what was being amended in the existing text. It is not straightforward but it should be achievable. Officials are working on this at the moment. I believe the plan is to see if the system used by the Law Reform Commission to create revised Acts could be used at earlier stages as Bills are brought through. That would be very useful. When a Bill is brought before the House for debate, a document tracking any changes or amendments would be presented along with it. This might be in the form of an attachment to the Bill or some other format. It would make it easier for legislators to see what is being proposed, what amendments do and what effects they would have in real life. The Department of Justice is talking to the Law Reform Commission about its system and about whether it could be incorporated into the Department's system for future legislation. That would be very useful for these debates.

Senator Barry Ward: I welcome what the Minister of State said and I am delighted to hear that the Department of Justice is liaising with the Law Reform Commission. The commission does tremendous work and is often under-recognised. It has a small team and I marvel at the amount of work it gets through. The suggestion the Minister of State made regarding an official version of the principal Act with changes tracked and showing what it would be like when the legislation is passed is very valuable. That would be very helpful for Members and could also be made publicly available. I am not sure what is the best way to go about doing this but I welcome the suggestion and, on that basis, I will withdraw the amendment.

Amendment, by leave, withdrawn.

Section 2 agreed to.

NEW SECTION

Senator Barry Ward: I move amendment No. 2:

In page 6, between lines 5 and 6, to insert the following:

“Amendment of section 3 of Act of 2010

3. The Act of 2010 is amended by the substitution of the following section for section 3:

“Regulations

3. (1) The Minister may, after consulting with the Minister for Finance, by regulations provide for any matter referred to in this Act (other than section 106ZC (inserted by the *Criminal Justice (Money Laundering and Terrorist Financing) (Amendment) Act 2020*)) as prescribed or to be prescribed.

(2) Regulations under this Act may contain such incidental, supplementary and consequential provisions as appear to the Minister (or, in the case of regulations under section 106ZC, the Minister for Finance) to be necessary or expedient for the purposes of the regulations.

(3) Every regulation made under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done under the regulation.”.”.

Amendment, by leave, withdrawn.

Sections 3 and 4 agreed to.

SECTION 5

Question proposed: “That section 5 stand part of the Bill.”

Senator Barry Ward: On Second Stage, I raised an issue regarding the proposed amendments to section 25 of the Act of 2010. The figure of €10,000 is mentioned in section 5. Certain obligations are to be placed on art dealers and letting agents involved in transactions that amount to more than that figure over the course of a year. I have not put an amendment down but I suggested that we look at index-linking that figure because I suspect it will become outdated quite quickly. Has the Minister of State given any consideration to that suggestion?

Deputy James Browne: I thank Senator Ward. He mentioned this issue on the last Stage. I will give it some consideration and come back to him

Question put and agreed to.

Section 6 agreed to.

SECTION 7

Government amendment No. 3:

In page 9, to delete lines 1 and 2.

Deputy James Browne: This is simply a technical amendment to remove an incorrect cross reference.

Senator Michael McDowell: When this amendment is made, this Bill will have to go back to the Dáil. I believe that everybody wants the Bill to go through quickly. We do not want to delay it in any way, shape or form. However, in those circumstances, I ask that the amendments and the debate on them here today be fully considered. First, if this amendment is accepted we are not operating on the basis now that the Bill will go through without ever seeing the Dáil again. If it is going back to the Dáil, I ask that the Report Stage, insofar as we do not deal adequately with Committee Stage amendments here, should be sufficient to address the issues which may arise in the course of debate and certainly some of the concerns that I propose raising with the Minister of State. I know the Department wants this measure to be passed but, on the other hand, if it has to go back to the Dáil, let this House at least throw its measuring tape over a few of the provisions to see if this Bill can be improved.

Deputy James Browne: I will certainly give consideration to the Senator’s proposals.

Amendment agreed to.

8 February 2021

Section 7, as amended, agreed to.

Section 8 agreed to.

NEW SECTION

Senator Barry Ward: I move amendment No. 4:

In page 10, between lines 32 and 33, to insert the following:

“Amendment of section 36A of Act of 2010

9. The Act of 2010 is amended by the substitution of the following section for section 36A:

“Examination of background and purpose of certain transactions

36A. (1) A designated person shall, as far as possible, in accordance with policies and procedures adopted in accordance with section 54, examine the background and purpose of all transactions that—

- (a) are complex,
- (b) are unusually large,
- (c) are conducted in an unusual pattern, or
- (d) do not have an apparent economic or lawful purpose.

(2) A designated person shall increase the degree and nature of monitoring of a business relationship in order to determine whether transactions referred to in subsection (1) appear suspicious.

(3) A designated person who fails to comply with this section commits an offence and is liable—

- (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months (or both), or
- (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years (or both).”.”.

Amendment, by leave, withdrawn.

SECTION 9

Question proposed: “That section 9 stand part of the Bill.”

Senator Michael McDowell: I wish to comment on Senator Ward’s withdrawal of his amendment. There are issues relating to politically exposed persons which I wish to consider. Senator Ward’s amendment simply sought to consolidate the law in that regard, but in saying I agree to him withdrawing the amendment, I am not abandoning the issue of the need for reform in this area, which I will return to later.

Question put and agreed to.

NEW SECTION

Senator Barry Ward: I move amendment No. 5:

In page 10, after line 42, to insert the following:

“Amendment of section 37 of Act of 2010

10. The Act of 2010 is amended by the substitution of the following section for section 37:

“Enhanced customer due diligence — politically exposed persons

37. (1) A designated person shall take steps to determine whether or not—

(a) a customer, or a beneficial owner connected with the customer or service concerned, or

(b) a beneficiary of a life assurance policy or other investment-related assurance policy, or a beneficial owner of the beneficiary, is a politically exposed person or an immediate family member, or a close associate, of a politically exposed person.

(2) The designated person shall take the steps referred to in subsection (1)—

(a) in relation to a person referred to subsection (1)(a), prior to—

(i) establishing a business relationship with the customer, or

(ii) carrying out an occasional transaction with, for or on behalf of the customer or assisting the customer to carry out an occasional transaction, and

(b) in relation to a person mentioned in subsection (1)(b)—

(i) prior to the payout of the policy, or

(ii) at the time of the assignment, in whole or in part, of the policy.

(3) The steps to be taken are such steps as are reasonably warranted by the risk that the customer, or beneficiary or beneficial owner (as the case may be) is involved in money laundering or terrorist financing.

(4) If a designated person knows or has reasonable grounds to believe that a customer is, or has become, a politically exposed person or an immediate family member or close associate of a politically exposed person, the designated person shall—

(a) ensure that approval is obtained from senior management of the designated person before a business relationship is established or continued with the customer,

(b) determine the source of wealth and of funds for the following transac-

tions—

(i) transactions the subject of any business relationship with the customer that are carried out with the customer or in respect of which a service is sought, or

(ii) any occasional transaction that the designated person carries out with, for or on behalf of the customer or that the designated person assists the customer to carry out, and

(c) in addition to measures to be applied in accordance with section 35(3), apply enhanced monitoring of the business relationship with the customer.

(4A) A designated person shall continue to apply the measures referred to in subsection (4) to a politically exposed person for as long as is reasonably required to take into account the continuing risk posed by that person and until such time as that person is deemed to pose no further risk specific to politically exposed persons.

(5) Notwithstanding subsections (2)(a) and (4)(a), a credit institution or financial institution may allow a bank account to be opened with it by a customer before taking the steps referred to in subsection (1) or seeking the approval referred to in subsection (4)(a), so long as the institution ensures that transactions in connection with the account are not carried out by or on behalf of the customer or any beneficial owner concerned before taking the steps or seeking the approval, as the case may be.

(6) If a designated person knows or has reasonable grounds to believe that a beneficial owner connected with a customer or with a service sought by a customer, is, or has become, a politically exposed person or an immediate family member or close associate of a politically exposed person, the designated person shall apply the measures specified in subsection (4)(a), (b) and (c) in relation to the customer concerned.

(6A) If a designated person knows or has reasonable grounds to believe that a beneficiary of a life assurance or other investment-related assurance policy, or a beneficial owner of the beneficiary concerned, is a politically exposed person, or an immediate family member or a close associate of a politically exposed person, and that, having regard to section 39, there is a higher risk of money laundering or terrorist financing, it shall—

(a) inform senior management before payout of policy proceeds, and

(b) conduct enhanced scrutiny of the business relationship with the policy holder.

(7) For the purposes of subsections (4), (6) and (6A), a designated person is deemed to know that another person is a politically exposed person or an immediate family member or close associate of a politically exposed person if, on the basis of—

(a) information in the possession of the designated person (whether obtained under subsections (1) to (3) or otherwise),

(b) in a case where the designated person has contravened subsection (1) or (2), information that would have been in the possession of the person if the

person had complied with that provision, or

(c) public knowledge, there are reasonable grounds for concluding that the designated person so knows.

(8) A designated person who is unable to apply the measures specified in subsection (1), (3), (4) or (6) in relation to a customer, as a result of any failure on the part of the customer to provide the designated person with documents or information—

(a) shall discontinue the business relationship (if any) with the customer for so long as the failure continues, and

(b) shall not provide the service or carry out the transaction sought by the customer for so long as the failure continues.

(9) A person who fails to comply with this section commits an offence and is liable—

(a) on summary conviction, to a fine not exceeding €5,000 or imprisonment for a term not exceeding 12 months (or both), or

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years (or both).

(10) In this section—

‘close associate’ of a politically exposed person includes any of the following persons:

(a) any individual who has joint beneficial ownership of a legal entity or legal arrangement, or any other close business relations, with the politically exposed person;

(b) any individual who has sole beneficial ownership of a legal entity or legal arrangement set up for the actual benefit of the politically exposed person;

‘immediate family member’ of a politically exposed person includes any of the following persons:

(a) any spouse of the politically exposed person;

(b) any person who is considered to be equivalent to a spouse of the politically exposed person under the national or other law of the place where the person or politically exposed person resides;

(c) any child of the politically exposed person;

(d) any spouse of a child of the politically exposed person;

(e) any person considered to be equivalent to a spouse of a child of the politically exposed person under the national or other law of the place where the person or child resides;

(f) any parent of the politically exposed person;

(g) any other family member of the politically exposed person who is of a prescribed class;

‘politically exposed person’ means an individual who is, or has at any time in the preceding 12 months been, entrusted with a prominent public function, including any of the following individuals (but not including any middle ranking or more junior official):

(a) a specified official;

(b) a member of the administrative, management or supervisory body of a state-owned enterprise;

(c) an individual performing a prescribed function;

‘specified official’ means any of the following officials (including any such officials in an institution of the European Communities or an international body):

(a) a head of state, head of government, government minister or deputy or assistant government minister;

(b) a member of a parliament or of a similar legislative body;

(bb) a member of the governing body of a political party;

(c) a member of a supreme court, constitutional court or other high level judicial body whose decisions, other than in exceptional circumstances, are not subject to further appeal;

(d) a member of a court of auditors or of the board of a central bank;

(e) an ambassador, chargé d’affaires or high-ranking officer in the armed forces;

(f) a director, deputy director or member of the board of, or person performing the equivalent function in relation to, an international organisation.

(11) The Minister may prescribe a class of family member of a politically exposed person, for the purposes of paragraph (g) of the definition of ‘immediate family member’ of a politically exposed person in subsection (10), only if the Minister is satisfied that it would be appropriate for the provisions of this section to be applied in relation to members of the class, having regard to any heightened risk, arising from their close family relationship with the politically exposed person, that such members may be involved in money laundering or terrorist financing.

(12) The Minister may, with the consent of the Minister for Finance, issue guidelines to the competent authorities in respect of functions in the State that may be considered to be prominent public functions and each competent authority shall have regard to any such guidelines.”.”.

Amendment, by leave, withdrawn.

Section 10 agreed to.

NEW SECTIONS

Senator Barry Ward: I move amendment No. 6:

In page 11, between lines 19 and 20, to insert the following:

“Amendment of section 38 of Act of 2010

11. The Act of 2010 is amended by the substitution of the following section for section 38:

“Enhanced customer due diligence – correspondent banking relationships

38. (1) A credit institution or financial institution (‘the institution’) shall not enter into a correspondent relationship involving the execution of payments with another credit institution or financial institution (‘the respondent institution’) situated in a place other than a Member State unless, prior to commencing the relationship, the institution—

(a) has gathered sufficient information about the respondent institution to understand fully the nature of the business of the respondent institution,

(b) is satisfied on reasonable grounds, based on publicly available information, that the reputation of the respondent institution, and the quality of supervision or monitoring of the operation of the respondent institution in the place, are sound,

(c) is satisfied on reasonable grounds, having assessed the anti-money laundering and anti-terrorist financing controls applied by the respondent institution, that those controls are sound,

(d) has ensured that approval has been obtained from the senior management of the institution,

(e) has documented the responsibilities of each institution in applying anti-money laundering and anti-terrorist financing controls to customers in the conduct of the correspondent relationship and, in particular—

(i) the responsibilities of the institution arising under this Part, and

(ii) any responsibilities of the respondent institution arising under requirements equivalent to those specified in the Fourth Money Laundering Directive, and

(f) in the case of a proposal that customers of the respondent institution have direct access to a payable-through account held with the institution in the name of the respondent institution, is satisfied on reasonable grounds that the respondent institution—

(i) has identified and verified the identity of those customers, and is able

8 February 2021

to provide to the institution, upon request, the documents (whether or not in electronic form) or information used by the institution to identify and verify the identity of those customers,

(ii) has applied measures equivalent to the measure referred to in section 35(1) in relation to those customers, and

(iii) is applying measures equivalent to the measure referred to in section 35(3) in relation to those customers.

(2) A person who fails to comply with this section commits an offence and is liable—

(a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months (or both), or

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years (or both).”.”.

Amendment, by leave, withdrawn.

Senator Michael McDowell: I move amendment No. 7:

In page 11, between lines 19 and 20, to insert the following:

“**11.** The Act of 2010 is amended by the insertion of the following section after section 37:

“Guidelines For Enhanced Due Diligence – Politically Exposed Persons

37A. (1) The Minister, where he or she considers it necessary or expedient, may, with the consent of the Minister for Finance and having consulted the Central Bank of Ireland and such other person or body as he or she considers appropriate, issue guidelines to the competent authorities in relation to the operation by designated persons of the provisions of this Part of enhanced due diligence in respect of customers who are politically exposed persons or their immediate family members and associates.

(2) Guidelines issued under subsection (1) may deal with any or all of the following matters:

(a) whether it is appropriate or necessary to apply enhanced due diligence to conventional personal or domestic transactions of such customers and the extent of such application;

(b) whether it is appropriate or necessary to apply enhanced due diligence to decisions concerning the commencement or continuance of business relationships concerning conventional personal or domestic activities of such customers and the extent of such application;

(c) whether it is appropriate or necessary to apply enhanced due diligence

to specified types or classes of persons who may be customers mentioned in subsection (1) and the extent of such application; and

(d) the standard of due diligence and assessment of risk appropriate to enhanced due diligence in relation to such customers or to types or classes of persons who may be such customers.

(3) When issuing guidelines under subsection (1), the Minister shall have regard to—

(a) the terms and purposes of the Fourth and Fifth Money Laundering Directives,

(b) the provisions and purposes of this Act,

(c) the need for the provisions of this Part to be implemented effectively and proportionately, and

(d) subject to the provisions of this Act and the aforementioned Directives, the protected rights and freedoms of customers mentioned in subsection (1).

(4) Competent authorities and designated persons shall have regard to any guidelines issued by the Minister under this section when carrying out their functions or complying with their obligations under this Act.

(5) Nothing in this section or in any guidelines issued under subsection (1) shall operate to derogate from or relieve the general duties of designated persons under this Act to apply due diligence in respect of their business relations or transactions with customers or other persons, or in relation to their obligations in respect of suspected money laundering or terrorist financing.”.”

The purpose of this amendment is to insert a new section providing for guidelines in respect of politically exposed persons which would issue to the competent authorities for the guidance of designated persons when dealing with politically exposed persons. I will make a few general points at the outset.

There is great dissatisfaction among Members of the Oireachtas with the operation of this directive at present. The reason is that it appears to cast the net of political exposure and, therefore, the duty of enhanced due diligence in a comprehensively excessive manner to people who could not possibly be a risk in the issue of money laundering or, indeed, terrorist financing. It is worthwhile to remind ourselves about what we are dealing with here. Politically exposed persons are defined in the Bill, and I will return to the definition in a moment.

The enhanced due diligence obligation is extended not merely to the politically exposed persons, which includes Members of this House whether in opposition or in government, but to their spouses and civil partners, their parents, their children and the spouses and civil partners of their children. This means that every credit institution and person in Ireland carrying out particular forms of property services, including in certain circumstances insurance companies, is obliged to apply enhanced due diligence to a vast category of people who pose no threat of money laundering or terrorist financing above the ordinary risk of such activities.

To take one example, the legislation in its current form states that a politically exposed person includes a person who is on the governing body of a political party. If one applies the obligations, this means that if, much to the horror of a Member, his or her son or daughter joins a party he or she does not like and, worse than that, is enthusiastic enough to get appointed to its administrative council, Ard Chomhairle, national executive or other body of that type, not only will the son or daughter be subject to the requirement of enhanced due diligence, but so too will his or her spouse. Not only that, the parents of that spouse become liable to enhanced due diligence. I cannot imagine how this originally went through at the Council of Ministers for Justice and Home Affairs in Europe at the time. Had I still been Minister for Justice and Equality at the time these things first emerged, my antenna would have been raised to this being absurd. It is an absurdity to provide that in the case of a person on, say, the Fianna Fáil committee of 15, his or her son-in-law or daughter-in-law and his or her parents should be exposed to this provision. It is a nonsense and it has to be called out for what it is. It is a grossly excessive piece of nonsense. How it could possibly be thought that the son-in-law or daughter-in-law of a member of a national political party governing body is, by definition, somebody who deserves higher scrutiny as respects their ordinary financial affairs complete escapes me. It should never have been included in any of the directives. It is a shame that it ever was permitted to be included in the directives at that time. It came in sideways in that it came in extended to people in high-risk countries. In a fit of equality thought and the like, it was applied to members of the European Union without it having been carefully thought through. Some of the older member states, looking at some of the newer member states about which they are a bit sniffy, decided that it might be useful to extend it to countries such as Bulgaria and the like and they could live with it for their own. We need to realise that the actual practical consequences of this are very significant.

On the last occasion, Senator Ward mentioned an issue in respect of which I had forgotten I was in the same boat as him.

One financial institution asked me to provide audited tax returns for some extraordinary period of time - I have forgotten how many years but maybe it was 15 years - in respect of my income as a barrister. There are no such things to start with. I make my tax returns but to find all my tax returns for all those years and to regurgitate them would take hours and hours of work which most young Members of the Oireachtas are simply not in a position to do. To impose this on me is one thing, but to impose it on a child of mine who might be in the same position, say as a barrister or a self-employed person, is another. To require them, whether they are a self-employed barrister, a landscape gardener or whatever else, to produce audited accounts is nonsense on stilts and yet that has been requested by financial institutions.

In my naivety, I wondered whether the British legislature could possibly have the same approach. I discovered that there are financial conduct authority guidelines in Britain which are different from those in Ireland. The Central Bank of Ireland has issued very stringent financial guidelines to financial service providers as to how this Act should operate. The British have a little bit of common sense and have made the point that an opposition Member of Parliament, MP, is of a different order completely to somebody wielding executive power at any given point in time.

One of the things the directive in its present form, and as amended by the fifth directive, requires is that any institution dealing with a politically exposed person or an immediate family member or associate, and this includes all the people I talked about earlier, such as sons and daughters-in-law of, for instance, people on the administrative council of the Labour Party, to

ask, whenever such individuals open an account, to explain the origins of their property and wealth. How absolutely crazy is that? It is utterly indefensible because they have been dealing with a bank for donkey's years. By the way, it is not just opening an account that this obligation takes place but it is continuing to have an account. They have been dealing with the bank for years and have been dealing with a mortgage provider for years. They have been dealing with an insurance company for years and a solicitor has been handling their affairs for years. Suddenly it becomes incumbent on all those institutions because the individual's daddy or mammy gets elected to the administrative council of the Labour Party, or whatever the equivalent is in Fine Gael or Sinn Féin. Individuals are suddenly obliged as a matter of law to carry out a trawl to ascertain where he or she got all their property from retrospectively.

One might say, "For heaven's sake, people are not that unreasonable" but I know of my own experience. One credit institution had provided me with, I think, a 20-year mortgage, of which 18 years had elapsed when I received a letter. It had worked out that I was a politically exposed person because I was a Member of the Seanad. Frightened of the consequences of not making inquiries, it required that I should explain where the money had come from for paying the mortgage for the 18 years, when it was on a direct debit from my main bank account. The ridiculous thing was that it threatened to cut off any relationship with me as mortgage provider. I made it clear to it that if it did, then that would be the end of my mortgage. I did not give a damn if it did not want to provide me with a mortgage anymore. I would not make any further payments to it in such circumstances and I was not going to pay for an early determination fee of my mortgage because it was interpreting the law in that respect. However, it did not merely want audited accounts, as Senator Ward said. It wanted copies of wills under which I had inherited anything. My parents are long since dead. What possible interest was it to it to ascertain what I had inherited 18 years ago? This was how it interpreted the Central Bank guidelines.

The Central Bank guidelines on designated persons state:

Firms should take adequate measures to establish the source of wealth and source of funds which are to be used in the business relationship in order to satisfy themselves that they do not handle the proceeds of corruption or other criminal activity. [In order to satisfy itself that it is not handling corrupt money or criminal activity money, it has to find out where I got all my money over my life.] The measures which Firms should take to establish a PEP's source of wealth and source of funds will depend on the degree of risk associated with the business relationship.

That is not the person, but the business relationship. One might think paying off a mortgage would be very low on that. Current advice to these institutions is that "[f]irms should verify the source of wealth and the source of funds based on reliable and [wait for it] independent data, documents or information." I thought it was a bank gone slightly crackers, demanding to see wills and tax returns, but it was not. The Central Bank of Ireland is telling the bank it must do so. How bad can that be? It is not enough to take somebody's word for it but it is obliged to verify it. One is asked to show the documents that show how one came into possession of the property one owns. It has to be independent data, documents or information.

It is not just me taking exception to a letter which might appear to all of us as being slightly over-officious. This is what the Central Bank has directed every bank to do in respect of every Member of this House, Member of Dáil Éireann, their children, their parents and every member of every governing body of any political party. This is what the law, as interpreted by the Central Bank, now requires.

The Central Bank guidelines further state that “[w]hen determining the source of wealth and source of funds, the Firms should, at least consider: the activities that have generated the total net worth of the customer (that is, the activities that produced the customer’s funds and property);” The least they must do is assess the activities that have generated the total net worth of the customer. They have to ask one one’s total net worth before they do anything else. Then they have to decide to start assessing that. The guidelines refer to “the origin and the means of transfer for funds that are involved in the transaction”. I have no objection to that except for a matter I will come back to. If one has a main bank and is paying for a credit card, a mortgage and an insurance policy, politically exposed persons cannot delegate the function of monitoring to the main bank whereas non-politically exposed persons can. The British FCA admitted that the capacity to delegate due diligence of one’s accounts to other institutions is expressly excluded in the case of politically exposed persons.

Ulster Bank is my main bank. If it is feeding money into a mortgage payment or a credit card in a different institution, it is specifically stated that it cannot just take the fact Ulster Bank has my main bank and that this comes in by direct debit. It must independently examine this issue.

The provisions in the Act which allow for lesser institutions to rely on other institutions and to delegate the due diligence to them, which affects every normal person, is excluded in respect of politically exposed persons. All of that is simply wrong. I am not imagining it because when I looked at the guidelines I found that the Central Bank of Ireland is demanding these measures of credit institutions in Ireland whereas they are not being demanded elsewhere in the world. That is the background to this amendment.

I know the Department of Justice of old and admire it hugely. I presume that it does not want to get its fingers caught in the mangle of high finance and all the rest of it. However, the Minister for Justice is the one responsible for the operation of this Act. Ultimately, it is not good enough to say to Members of this House that the Central Bank has written a set of guidelines and she is sorry they are having the effect they are but there is nothing she can do about it. There is something the State can do about it. That is what this amendment to the proposed new section 37A is all about. It states: “The Minister, where he or she considers it necessary or expedient, [it does not oblige the Minister] may, with the consent of the Minister for Finance and having consulted the Central Bank of Ireland and such other person or body as he or she considers appropriate, issue guidelines to the competent authorities in relation to the operation by designated persons of the provisions of this Part of enhanced due diligence in respect of customers who are politically exposed persons or their immediate family members and associates.” It is simply saying to the Minister that he or she can, if it is expedient or necessary, opt to do it. If the Central Bank saw sense tomorrow it could write to every bank asking them to lay off the daughters-in-law of those on the administrative council of the Labour Party. It is an absurd requirement that they should be the subject of enhanced due diligence in anything except the most alarming circumstances in which there are reasons to suspect them of anything. The Central Bank could do that but it has not. It has said that every politically exposed person, PEP, is to explain the source of all his or her lifelong wealth, where it came from and to verify it by independent documentation. Since that is the view of the Central Bank at the moment, somebody has to say this nonsense must end.

The amendment states:

- (2) Guidelines issued under subsection (1) may deal with any or all of the following

matters:

(a) whether it is appropriate or necessary to apply enhanced due diligence to conventional personal or domestic transactions of customers and the extent of such applications...

In other words, if one has a Visa card, a Mastercard, a PayPal account or whatever it may be, is it really necessary, given that it is probably fed by a direct debit from another source, for an institution of that kind to delve into one's lifelong property history further?

The amendment further states:

(b) whether it is appropriate or necessary to apply enhanced diligence to decisions concerning the commencement or continuance of business relationships concerning conventional personal or domestic activities...

In other words, nobody in this House will get a letter from an institution proposing that it will no longer do any business with him or her unless and until that person documents for it where all his or her money has come from. It is not just reasonably well-to-do barristers I am talking about but self-employed people of whatever kind, and even employed people. They are expected to show where they got their money over the years. I am also talking about farmers. Are they to prove how they got the farm, how they have been doing over the previous X number of years, how much money has come in from Common Agricultural Policy payments and how much from selling heifers or whatever else, what profits and losses they have had and all the rest of it, and to produce audited accounts? Are they to do this? It is absurd.

The third proposed territory for the guidelines is whether it is appropriate or necessary to apply enhanced due diligence to specified types or classes of persons who may be customers mentioned in subsection (1) and the extent of such application. For instance, why in the name of heavens is it appropriate to ask Members of the Oireachtas, who have a mortgage on an apartment in which they live, to explain their wealth throughout their life before giving them a secured mortgage on a property they own? It may be an 80% mortgage or whatever.

The final point relates to the standard of due diligence and assessment of risk appropriate to the enhanced due diligence in regard to such customers or classes of persons who may be such customers. In other words, unless there is something remarkably suspicious or eyebrow raising about the daughter-in-law of a member of the Fine Gael national executive, forget it and do not even go there. Do not write any stupid letters.

These credit institutions are obliged to find out themselves. It is a duty of theirs to find out who is on the administrative council of the Labour Party and who is on the Ard Chomhairle of Sinn Féin. I will not say anything further about that. They are obliged to find these things out for themselves. They are not entitled to say nobody ever told us that, by a quirk, Michael McDowell is now on the Ard Chomhairle of Sinn Féin. They are obliged to go and find that out for themselves and to go hunting around for the information. Presumably, from time to time they are supposed to ask people who are the members of their family, who are their sons and daughters, where are their parents and are their parents still alive. This is the kind of nonsense that we are dealing with now.

Subsection (3) of the proposed new section states:

When issuing guidelines under subsection (1), the Minister shall have regard to—

8 February 2021

- (a) the terms and purposes of the Fourth and Fifth Money Laundering Directives,
- (b) the provisions and purposes of this Act,
- (c) the need for the provisions of this Part to be implemented effectively and proportionately, and
- (d) subject to the provisions of this Act and the aforementioned Directives, the protected rights and freedoms of customers mentioned in subsection (1).

Members will note that it is stated in the directives that these measures respect the rights and freedoms of citizens of the European Union under their charter. They claim that but do they really respect citizens' rights?

Subsection (4) provides that competent authorities and designated persons shall have regard to any guidelines issued by the Minister under this section and carrying out their functions or complying with their obligations under the Act. Subsection (5) states that nothing in this is intended to reduce in any circumstances the amount of due diligence that is applied to a PEP below that which is applied to anybody else in the community. Those are, I respectfully submit, reasonable provisions. They do not offend European law because the Minister is obliged by the terms of the proposed section to have regard in making any such guidelines to the terms of the money laundering directive. It does not entitle the Minister to tear it up but it does entitle him or her to give guidance along the lines of what has happened in the United Kingdom. I took the time to look at the British House of Commons' provisions. This probably applies to some Irish citizens also who are Members of the House of Commons. Whether they take their seats or not, it applies to them all.

Everything I said about family members also applies to people described as close associates. For instance, they apply if one is a solicitor with partners. They are people who are required to be the subject of enhanced due diligence. How ridiculous is that. If Senator Ward and I were members of the other side of the legal profession and we were elected to the Seanad, suddenly our partners in a solicitors firm, wherever they might be, would somehow be the subject of enhanced due diligence. The bank or building society would be obliged to regard our partners as requiring enhanced due diligence in case somehow somebody would fund corrupt money to a Member of the Seanad via their partner. That is utterly ridiculous.

One of the things I find disturbing is that a Senator or a Deputy is fair game because they are out there and there is no doubt about who they are or what they are. Nobody asks if other people in the community are the brother, the partner, the parent or the son-in-law of somebody else. We, however, are in the firing line for this.

With regard to public servants, the first paragraph of Article 20a of the fifth money laundering directive requires that "Each Member State shall issue and keep up to date a list indicating the exact functions which, according to national laws, regulations and administrative provisions, qualify as prominent public functions". The directive refers to members of courts for which there is no appeal, such as constitutional courts, and which would apply to the Supreme Court and perhaps the Court of Appeal in Ireland.

I do not know how we decide whether a principal officer in the Civil Service is above or below the line but it is open to member states to do so provided that they publish that information.

There are, however, many functions. Consider, for instance, membership of An Bord Pleanála. I am casting no aspersions whatsoever against its members, but I would imagine they are much more likely than any Member of Seanad Éireann to make decisions affecting the wealth of others. There must be other administrative tribunals that have the same function, such as members of the agencies involved in employment dispute resolution, the Labour Court and so on. They are much more in the firing line but I cast no aspersions on any of them, nor on any Senator in this House. However, sometimes it is well worth reflecting on how little power we have in this House. If one gave Senators €1 million each, I do not believe we could achieve very much by way of corrupt activity that would influence anything in the way in which legislation is passed or the way in which we carry out our constitutional functions. No matter what is said, the Department of Justice, and the Minister of Justice for the time being, is the political person to whom the Irish State has conferred responsibility for the operation of the money-laundering directives. It is put down as criminal justice measures; not a kind of Central Bank and Minister for Finance measures. It is within the bailiwick of the Department of Justice. All I am seeking to do by this amendment is to ask that the Minister of State, Deputy Browne, who is present, accepts the proposition that the Minister can lawfully issue reasonable guidelines for the guidance of the various institutions, be it the Law Society, auctioneers, banks, insurance companies, building societies, deposit takers of whatever kind or credit card providers of whatever kind, in default of the relevant authorities doing so themselves. I would normally say that one could depend on the common sense of people not to do this. That was my belief until I got a letter asking me to provide audited accounts of my Bar career to date. Senator Ward received a similar letter. One cannot depend on common sense in this instance. When one looks at the requirements of the Central Bank, one sees that the relevant authorities are mandated by the guidelines issued by the Central Bank to require independent verification of these things.

It is difficult enough to get decent people into politics and keep them in politics and it is difficult enough for them to explain to their family members - their spouse, children or parents - that they are motivated to serve the public good and to seek election at the will of the people or otherwise become Members of the Oireachtas. We should not deliberately pile on top of that obligations which make life very difficult for them and their spouses. What does my spouse have to do with any of this? What does the spouse of Senator Bacik have to do with any of this? I congratulate the Senator on her recent marriage. This is nonsense. We are not protecting ourselves or those who will wish to go into politics in the future from unreasonable requirements because the Department of Justice is not issuing guidelines.

I ask the Minister of State to accept the spirit of the amendment and the responsibility which his Department has to protect us from unreasonable enhanced due diligence of the grotesque kind that I have described in proposing the amendment to the House.

Acting Chairperson (Senator Eugene Murphy): I thank the Senator. He has opened up a very important debate with his contribution.

Senator Ivana Bacik: I should have welcomed the Minister of State to the House in my earlier contribution. I support the spirit behind the amendment tabled by Senator McDowell and I thank him for putting it forward. On Second Stage, I agreed with him and, indeed, with other colleagues who also raised this concern about what I might describe as an overreach of provisions relating to politically exposed persons. As I stated on Second Stage, I was not aware of how far the measures extended until I heard the comments of my colleague, Deputy Howlin, in the Dáil concerning a member of the Labour Party national executive who had discovered themselves to be included within a definition of a politically exposed person. As Deputy How-

lin stated in the Dáil, he was approached by the member, who asked what this meant and what it entailed for the member.

As Senator McDowell stated, this exposes an overreach that may have the very unfortunate effect of deterring people from getting involved in national politics. It may not deter people from entering politics and being elected. All those present are elected persons and it is clear that we are politically exposed. However, to deter people from being involved in the internal workings of political parties seems to be somewhat overzealous. I am not sure whether I would describe it as equality thought - I think that is the term used by Senator McDowell - but it does call into question the necessity of the reach of these provisions.

In tabling the amendment, Senator McDowell has done us a service in enabling us to interrogate how far these measures should extend. We all know the reasoning behind these measures and the importance of having strong and robust safeguards in place against political corruption, but there is a question mark as to how far these measures need to extend. As I said, until Senator McDowell spoke about his adult children being covered, I had not been aware of that aspect of the reach. I think all of us are aware that it extends not only to us but also to our partners and spouses. This can lead to serious implications in deterring people from coming into political office. Is this really necessary to guard against corruption? That is the question, particularly when one considers, as Senator McDowell so eloquently put it, our lack of executive power as Senators and indeed our lack of power in general, one might say. There is a question certainly about ensuring we distinguish appropriately between those who hold executive power and those who hold legislative power and indeed, in the Upper House, lesser legislative power, one might say, that is, power only to delay and amend, not power to veto legislation.

I also wish to draw a comparison involving this sort of overreach, as I have described it, and very zealous coverage of persons' partners and children and members of national executives and so on. An unfortunate comparison can be drawn in respect of the overreach of the measures to those people who are indirectly connected. The contrast I am drawing is between that and the appalling lack of sanction, it appears, against seriously corrupt and egregious breaches of human rights practices in other jurisdictions. I am thinking in particular of Russia. In my contribution on Second Stage I raised the need for us in Ireland to have a Magnitsky Act to ensure we have here the sorts of robust powers we should have to impose sanctions where we are concerned about serious breaches of human rights.

As this debate has been proceeding, I have been asked, as I am sure others will be, by people connected with Bill Browder to sign a letter initiated by a cross-party group of MEPs across Europe. The letter asks parliamentarians to express serious concern about the sentencing of Alexei Navalny, the opposition figure in Russia, and concerns about the breaches of human rights and the serious inroads into democracy we are seeing being perpetrated by the regime in Russia. That is where we see the sharp end of breaches of human rights and democracy, and of corrupt practices. It is really unfortunate that there seems to be a lack of capacity to impose sanctions in that context yet we are looking at Central Bank regulations that seem to go beyond what is necessary in the fight against corruption.

I renew my call for us to introduce a Magnitsky Act here that enables us in Ireland to implement a regime of targeted sanctions. I said on Second Stage that we have seen such legislation brought in in the US and in other European jurisdictions, including Britain, and it is long overdue here. I was happy to have heard Bill Browder speak in Leinster House some years ago, I think, about the need for such legislation. I know there is cross-party support for the sort

of legislation that should be brought forward. Deputy Howlin and others have spoken on it in the Dáil. I thank Senator McDowell for tabling this amendment and enabling us to have this debate. I hope we might see a positive response from the Government, particularly on Report Stage of the Bill.

An Leas-Chathaoirleach: I draw the House's attention to the fact that the debate will conclude at 3.05 p.m. so we have a limited window of opportunity for people to contribute. I ask Senators to bear that in mind.

Senator Barry Ward: I agree with what other speakers have said about this amendment. I raised this on Second Stage. This is a very reasoned approach to solving this problem. I recognise the difficulty with enshrining into primary legislation aspects that are not necessary to transpose the directive and update the law in this area. However, I also acknowledge and agree exactly with what Senators McDowell and Bacik have said. Perhaps most acute is the fact that we talk so often in this House about encouraging people to get into politics yet we seem happy to pass legislation that makes it exceedingly difficult for ordinary people to do so. The example given was of self-employed people who are required to account for income going back ten, 12 or 15 years, which is more than the Revenue Commissioners would require if an audit were conducted, for example. It seems quite unrealistic and counterproductive. The suggestion of Senator McDowell in terms of empowering the Minister to make rules in this regard seems to be the right answer. I also call into question how effective the Central Bank is in this regard, a point I raised on the Order of Business this morning. The Central Bank acts as a regulator and should be a servant of the people and the citizenry of the country as well. It does not seem to be doing the latter well.

Senator McDowell mentioned applications for mortgages. I regret to say that I am going through such an application myself at the moment and I have been at the wrong end of trying to gather documentation to satisfy the bank even that I am who I am, notwithstanding the fact that I have been banking with the bank for over a decade. I encountered an issue with the fact that the Central Credit Register included an entry about me that should not have been there and that was incorrect. Trying to get such an entry removed takes weeks. There seems to be a glacial aspect to bureaucracy in this regard.

None of us denies the importance of having in place measures that catch everyone in terms of ensuring that everyone is within compliance with the European legislation and that in a practical sense no one can be in a situation of getting away with any of the aspects this legislation is designed to tackle. I believe we can learn lessons from what those responsible have done in UK - it is seldom I say that in this House. On the Order of Business this morning I made reference to the FBD case in the High Court last week. The Financial Conduct Authority in the UK brought the case instead of leaving it to individual businesses to take the case here. I believe there is a gap at the moment between the principle, which we all support, of enshrining procedures and practices that protect and insulate the State from the practices the legislation is trying to tackle, and on the other hand the practice that is done in a way that actually takes into account the practical implications and what effects this onerous legislation can have. Allowing the Minister to make regulations to give guidelines to the Central Bank is an effective solution. I hope the Minister will give it serious consideration.

Senator Niall Ó Donnghaile: Given the advice from the Leas-Chathaoirleach around the impending conclusion of this Stage I will not take a prolonged period to speak. I believe colleagues have raised eloquently many of the concerns we have. My guess is that many Oireach-

8 February 2021

tas Members are not even aware of concerns about how intrusive elements of this guidance appear to be. That is why it is welcome that Senator McDowell, through this amendment and his contribution on Second Stage, has at the least begun a discussion on these issues.

Other colleagues have made the relevant points well. Without rehearsing the arguments, the key component for me is that we have agreed in this House and in the other House to try to work with the Minister of State and his officials to get this legislation through in a timely and orderly fashion. This amendment does not impede the sentiment, aspiration or practical outworking of this legislation in any way. I appreciate that it has injected a bespoke and nuanced element to it. A little common sense is required to move forward.

I will not prolong the debate. I am keen to hear the response of the Minister of State and I hope he can work with the amendment, Senator McDowell and all of us to ensure we can address this well.

Senator Robbie Gallagher: I too will be brief bearing in mind the clock is ticking and that we have to conclude at 3.05 p.m. I wish to acknowledge the contribution of Senator McDowell. As on Second Stage, his contribution went some way to educating me in respect of the far-reaching extent of this legislation. I was smiling to myself when I heard the Senator use the phrase “nonsense on stilts”. That sums up much of what we are talking about. Senator Bacik talked about overreach and excessive provisions and I agree wholeheartedly with all those comments.

Most reasonable individuals who have listened to this debate will clearly see that this is far-reaching and excessive, to put it mildly. I look forward to the response of the Minister of State. The fact is that this is an EU directive. What flexibility do we have to take on board and act upon the common-sense proposals that have been made this afternoon?

Senator Vincent P. Martin: I will be brief because the ground has been well covered. I followed the debate on Second Stage remotely and from my recollection, there was a further example given of a member of school board of management being put through the hoops on this. As has been said a number of times, a member of the national executive of the Labour Party - and, no doubt, of the Green Party even though we do not take corporate donations - will be fair game for this unnecessary nonsense.

The credit institutions are sending out what have been described as stupid letters. I would love to know the expenses incurred by consumers for these. Our interest rates are among the highest in the EU. If this so-called nonsense on stilts and steroids is causing a lot of unnecessary letter-writing, I would be interested to know if there are any indirect, negative or unintended consequences on banking charges for consumers.

I am also very concerned about the potential for what have been described as impositions on the daughters-in-law of democratically elected representatives. This is happening at a time when, if we do not move in respect of county councillors, I predict we will soon see the day where only four people will be interested in seeking election in local electoral areas with five seats. This is because we are putting up so many obstacles and not making these roles attractive. The proof is in the pudding as we are losing county councillors who just cannot financially stay around.

That is not the only issue. In Ireland there is a culture of pernickety form-filling and this is a great manifestation of it. Many years ago, I tuned into a contribution by the then Senator,

Brian Hayes, who stated he was coming down with forms, including SIPO forms. This year, a deadline has just passed by which I was required to account for two years as a county councillor. I had to get peace commissioners to sign the form. A number of signatures were needed to become a general election candidate and, as a Senator, I had more forms to fill in last week. We are coming down with form-filling culture.

This matter has been teed up very nicely today by the use of the word “reasonable”. It is in the spirit of being reasonable. No one wants to throw out the proverbial baby with the bathwater. By all means, go after those who must be gone after with full vigour and all available resources. The Minister of State has not yet indicated if he will accept the amendment. If not, can he provide any succour or assurance that enough is enough and this must stop because it is a waste of resources? The Government should by all means direct more resources to where they are needed but it should not waste resources or direct them in ways that are not fruitful and cannot be justified. As countless Members have said today and on Second Stage, it is a nonsense and these letters are stupid.

Deputy James Browne: I thank Senator McDowell and his colleagues for raising this very important point. We had a good discussion on this matter on Second Stage as well. I relayed my experiences of being the chairperson of the board of a primary school which received requests. I find it somewhat interesting that I have accounts with two banks and while one has been quite vigorous on this issue, I have not heard from the other about it at all. One would, therefore, wonder about the different approaches to the issue.

(Interruptions).

Deputy James Browne: That is possible. The account with the latter institution, even though I use it to this day, was opened when I was a student at Waterford Institute of Technology, so perhaps it still has those details for that account. I might check that. I have a concern, as I previously expressed, about a chilling effect on people going into politics. It is a concern not only at a national level but also at a local level. At the most recent local elections, none of Fianna Fáil, Fine Gael, Sinn Féin and the Labour Party had a contested convention in County Wexford. That would have been unheard of 20 or 30 years ago because people would have been climbing over each other. There is a problem developing in this country of people not going into politics. We should encourage people to go into politics.

The first point I will raise is that Ireland has very limited discretion under the directive. The fourth directive, implemented by the 2018 Act, broadened the application of the politically exposed person, PEP, regime to include PEPs from Ireland. What is considered a PEP is set out in detail in the directive, and while there is provision that the exact functions will be clarified by guidance, some categories are set out unambiguously, such as the members of the national parliament, members of political party executives and so on. We may well have views that it extends too far when applied in an Irish context, but these are international standards that are conceived broadly. Article 3 within the directive includes members of parliament as prominent public functions. Article 3 also provides that “family members” includes children and spouses of such members. Article 20 provides that enhanced due diligence is required in respect of PEPs, and article 23 provides that due diligence in respect of PEPs shall also apply to family members. The directive has been quite specific on this matter. We cannot, therefore, simply exclude or modify the application of the directive in respect of Members of the Oireachtas or the other categories that are required, and once a person falls under the definition, his or her family members are also automatically brought within its scope. Unfortunately, we cannot decide to

change that in this case.

That does not mean that exactly the same measures must be applied in all cases. However, sources of wealth must be identified and senior management approval is required. That is also provided for in article 20 of the directive and we do not have discretion in that matter.

The rationale that has been put forward for the very wide application, despite the real inconvenience that it causes ordinary citizens, especially the children of a politician or senior civil servant, is that the nature of the anti-money laundering, AML, regime more broadly requires the policy decision to apply on an international level. The inconvenience is, therefore, warranted by the objectives of tackling money laundering and political corruption. If there were significant national discretion to disapply these measures, those countries to which they most need to apply would probably be the first to disallow their application.

I have no doubt that it is true to say that most people in politics are not at high risk, and that is particularly true of their children and spouses. However, we have seen examples of assets being transferred between family members under questionable circumstances. It is sometimes the most obvious means of circumventing enhanced due diligence, and one of the many issues that both the EU and the Financial Action Task Force are moving to address is the capacity to address money laundering on an international basis.

The application of enhanced due diligence to domestic PEPs is still a relatively new development. The 2018 Act brought domestic PEPs into the enhanced due diligence requirements for the first time. It is clear from our discussions that practical issues are arising in many cases. That being said, I remain to be convinced that the issue is with the legislation itself. It is perhaps more to do with the application by the Central Bank or financial institutions under its guidance.

As Senators are aware, the AML regime operates at multiple levels. The directive and the Act are at the top level. The regulation of banks and other financial institutions in how they implement the provisions sits with the Central Bank of Ireland, which also provides guidance to the firms it regulates. I understand the Central Bank of Ireland conducted a formal public consultation on the guidance that it provides under this regime. However, the ultimate responsibility for identifying a PEP sits with a designated person, for example, a bank. One is obliged to gather sufficient information to support identification and to apply appropriate measures thereafter.

In my view, the legislation takes a reasonable and measured approach in section 37. It appears to me that the issue is with how the legislation and the guidance are applied by individual banks in individual cases rather than with the Act itself. That being said, I acknowledge the point of the amendment and share the concerns of the Senators. I am also particularly conscious that the obligations on PEPs run wider than financial services and it is not only for the Central Bank to address these issues. Other designated persons and competent authorities are involved and I want to see a consistent and proportionate application of these requirements across the board. I have taken in the Senators' concerns and intend to look at inserting a subsection (13) to section 37 of the 2010 Act which will provide for the Minister, with the consent of the Minister for Finance, to issue guidance to all competent authorities where it is necessary to promote consistent, effective and proportionate application of the section. The hope is that guidance would not be issued and it certainly would not be issued in the short or medium term. We expect competent authorities and designated persons to develop an appropriate and reasonable approach without top-down guidance. However, the provision would be there should it ultimately be

needed by the Minister and if it were required, having seen how the regime develops.

There is a balance to be struck. I cannot in good faith put an amendment down that implies we could disapply measures like determining sources of funds or that we could decide that enhanced diligence is not needed where it is clearly required by the directive. Similarly, the Minister for Justice is not the appropriate person to be issuing detailed operational instructions to financial services firms. These are matters for the Central Bank. That is not her intention. However, I also do not envisage an extended delay in respect of this issue. We are consulting the Department of Finance, the Attorney General and the Office of the Parliamentary Counsel on this drafting. I expect to be in a position to have a final decision by Report Stage in the Seanad.

As regards the prominent public function guidance, Senator McDowell raised the issue of principal officers, An Bord Pleanála and even reports by people at other levels. Under section 10, prominent public function guidance is due to be issued after the commencement of the section. There will be strong guidance as to who should or should not be included within that.

Senator Bacik referred to the Magnitsky Act. The Department of Justice is seriously considering Deputy Howlin's and the Labour Party's proposal in that respect and it is with the Attorney General. It is a very important proposal and should be facilitated.

Senator Michael McDowell: I thank the Minister of State and I understand that he could not take the amendment on board. I am not proud of any particular version of it but the idea that there should be some way in reserve of bringing common sense into the administration of this legislation is important. In the amendment, I tried to tiptoe through the minefield of not offending European law in doing it.

I will say two things by way of a footnote to all of this. I welcome what the Minister of State is doing and thank him for listening to us. One of the most amusing aspects of this is that organisations write one a letter saying that one is a PEP and the first thing they ask for is proof that one is the person to whom they are writing, which is a complete joke.

Second, I ask the Minister of State to take a look at the provisions of section 40 in respect of the capacity of one institution to take on board the due diligence of another. It applies to everybody in the community except PEPs. When it comes down to opening a credit card account, having to prove it all again just because someone is the son-in-law of a Senator is excessive. That could be tweaked in the manner I have set out in a subsequent amendment. I am grateful to the Minister of State for his reasonable approach to this and I look forward to being able to deal with this properly on Report Stage.

Senator Ivana Bacik: I also thank the Minister of State for his very constructive response, both in respect of Senator McDowell's amendment, which we all support, and as regards my question about the Magnitsky legislation. I am grateful and delighted to hear that plans are under way to introduce an Irish version of the Magnitsky Act. It is long overdue and my Labour Party colleagues and Deputy Howlin will be very glad to hear it too.

Amendment, by leave, withdrawn.

Section 11 agreed to.

Senator Barry Ward: I move amendment No. 8:

In page 11, between lines 23 and 24, to insert the following:

“Amendment of section 38A of Act of 2010

12. The Act of 2010 is amended by the substitution of the following section for section 38A:

“Enhanced customer due diligence – high risk third countries

38A. (1) Subject to subsection (2), a designated person shall apply the following measures to manage and mitigate the risk of money laundering and terrorist financing additional to those specified in this Chapter, when dealing with a customer established or residing in a high-risk third country:

(a) obtaining additional information on the customer and on the beneficial owner;

(b) obtaining additional information on the intended nature of the business relationship;

(c) obtaining information on the source of funds and source of wealth of the customer and of the beneficial owner;

(d) obtaining information on the reasons for the intended or performed transactions;

(e) obtaining the approval of senior management for establishing or continuing the business relationship;

(f) conducting enhanced monitoring of the business relationship by increasing the number and timing of controls applied and selecting patterns of transaction that need further examination.

(2) Subsection (1) shall not apply where—

(a) the customer is a branch or majority-owned subsidiary of a designated person and is located in a high-risk third country,

(b) the designated person referred to in paragraph (a) is established in a Member State, and

(c) the branch or majority-owned subsidiary referred to in paragraph (a) is in compliance with the group-wide policies and procedures of the group of which it is a member adopted in accordance with Article 45 of the Fourth Money Laundering Directive.

(3) In the circumstances specified in subsection (2), the designated person shall—

(a) identify and assess the risk of money laundering or terrorist financing in relation to the business relationship or transaction concerned, having regard to

section 30B, and

(b) apply customer due diligence measures specified in this Chapter to the extent reasonably warranted by the risk of money laundering or terrorist financing.

(4) A designated person who fails to comply with this section commits an offence and is liable—

(a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months (or both), or

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years (or both).”

Amendment, by leave, withdrawn.

Section 12 agreed to.

3 o'clock

NEW SECTIONS

Senator Barry Ward: I move amendment No. 9:

In page 12, between lines 7 and 8, to insert the following:

“Amendment of section 40 of Act of 2010

13. The Act of 2010 is amended by the substitution of the following section for section 40:

“Reliance on other persons to carry out customer due diligence

40. (1) In this section, ‘relevant third party’ means—

(a) a person, carrying on business as a designated person in the State—

(i) that is a credit institution,

(ii) that is a financial institution (other than an undertaking that is a financial institution solely because the undertaking provides either foreign exchange services or payment services, or both),

(iii) who is an external accountant or auditor and who is also a member of a designated accountancy body,

(iv) who is a tax adviser, and who is also a solicitor or a member of a designated accountancy body or of the Irish Taxation Institute,

(v) who is a relevant independent legal professional, or

(vi) who is a trust or company service provider, and who is also a member of a designated accountancy body, a solicitor or

authorised to carry on business by the Central Bank of Ireland,

(b) a person carrying on business in another Member State who is supervised or monitored for compliance with the requirements specified in the Fourth Money Laundering Directive, in accordance with section 2 of Chapter VI of that Directive and is—

(i) a credit institution authorised to operate as a credit institution under the laws of the Member State,

(ii) a financial institution (other than an undertaking that is a financial institution solely because the undertaking provides either foreign exchange services or payment services, or both) and authorised to operate as a financial institution under the laws of the Member State, or

(iii) an external accountant, auditor, tax adviser, legal professional or trust or company service provider subject to mandatory professional registration or mandatory professional supervision under the laws of the other Member State,

(c) a person who carries on business in a place (other than a Member State) which is not a high-risk third country, is supervised or monitored in the place for compliance with requirements equivalent to those specified in the Fourth Money Laundering Directive, and is—

(i) a credit institution authorised to operate as a credit institution under the laws of the place,

(ii) a financial institution (other than an undertaking that is a financial institution solely because the undertaking provides either foreign exchange services or payment services, or both) authorised to operate as a financial institution under the laws of the place, or

(iii) an external accountant, auditor, tax adviser, legal professional or trust or company service provider subject to mandatory professional registration or mandatory professional supervision under the laws of the place,

or

(d) a person who carries on business in a high-risk third country, is a branch or majority-owned subsidiary of an obliged entity established in the Union, and fully complies with group-wide policies and procedures in accordance with Article 45 of the Fourth Money Laundering Directive and is—

(i) a credit institution authorised to operate as a credit institution under the laws of the place,

(ii) a financial institution (other than an undertaking that is a financial institution solely because the undertaking provides either foreign exchange services or payment services, or both) authorised to operate as a financial institution under the laws of the place, or

(iii) an external accountant, auditor, tax adviser, legal professional or trust or company service provider subject to mandatory professional registration or mandatory professional supervision under the laws of the place.

(1A) Without prejudice to the generality of paragraphs (b) and (c) of subsection (1), for the purposes of those paragraphs, a person is supervised or monitored for compliance with the requirements specified in the Fourth Money Laundering Directive, in accordance with section 2 of Chapter VI, or requirements equivalent to those requirements, where—

(a) the person and the designated person seeking to rely upon this section are part of the same group,

(b) the group applies customer due diligence and record keeping measures and policies and procedures to prevent and detect the commission of money laundering and terrorist financing in accordance with the Fourth Money Laundering Directive or requirements equivalent to those specified in the Fourth Money Laundering Directive,

(c) the effective implementation of the requirements referred to in paragraph (b) is supervised at group level by a competent authority of the state where the parent company is incorporated.

(2) A reference in subsection (1)(b)(iii) and (c)(iii) to a legal professional is a reference to a person who, by way of business, provides legal or notarial services.

(3) Subject to subsections (4) and (5), a designated person may rely on a relevant third party to apply, in relation to a customer of the designated person, any of the measures that the designated person is required to apply, in relation to the customer, under section 33 or 35(1).

(4) A designated person may rely on a relevant third party to apply a measure under section 33 or 35(1) only if—

(a) there is an arrangement between the designated person (or, in the case of a designated person who is an employee, the designated person's employer) and the relevant third party under which it has been agreed that the designated person may rely on the relevant third party to apply any such measure, and

(b) the designated person is satisfied that the circumstances specified in paragraphs (a) to (c) of subsection (1A) exist, or on the basis of the arrangement, that the relevant third party will forward to the designated person, as soon as practicable after a request from the designated person, any documents (whether or not in electronic form) or information relating to the customer including any

information from relevant trust services as set out in the Electronic Identification Regulation that has been obtained by the relevant third party in applying the measure.

(5) A designated person who relies on a relevant third party to apply a measure under section 33 or 35(1) remains liable, under section 33 or 35(1), for any failure to apply the measure.

(6) A reference in this section to a relevant third party on whom a designated person may rely to apply a measure under section 33 or 35(1) does not include a reference to a person who applies the measure as an outsourcing service provider or an agent of the designated person.

(7) Nothing in this section prevents a designated person applying a measure under section 33 or 35(1) by means of an outsourcing service provider or agent provided that the designated person remains liable for any failure to apply the measure.”.”.

8 February 2021

Amendment, by leave, withdrawn.

An Leas-Chathaoirleach: Amendment No. 10 has already been discussed.

Senator Michael McDowell: I thank the Minister of State for his consideration that the provisions of section 40 seem to prevent any relaxation in respect of transferring the obligation to another institution in regard to politically exposed persons. I do not think that is necessarily mandated by the directive. In the circumstances, with the leave of the House, I am not moving this amendment.

Amendment No. 10 not moved.

Senator Barry Ward: I move amendment No. 11:

In page 12, lines 10 and 11, to delete “including any information from relevant trust services as set out in the Electronic Identification Regulation” and substitute the following:

“, including any information from relevant trust services as set out in the Electronic Identification Regulation.”.

I am unsure if the Minister of State is prepared to accept this amendment. If he is not I will withdraw it as it is a technical and small amendment.

Deputy James Browne: Unfortunately, from a technical point of view I am unable to accept this amendment.

Senator Barry Ward: Tarraingím siar an leasú sin, I withdraw that amendment.

Amendment, by leave, withdrawn.

Section 13 agreed to.

SECTION 14

An Leas-Chathaoirleach: Amendments Nos. 12 and 13 are related and may be discussed together.

Government amendment No. 12:

In page 12, line 18, to delete “any” and substitute “and”.

Deputy James Browne: These are merely technical amendments.

Amendment agreed to.

Section 14, as amended, agreed to.

Sections 15 to 24, inclusive, agreed to.

SECTION 25

Government amendment No. 13:

In page 27, line 24, after “from” to insert “the”.

Amendment agreed to.

Section 25, as amended, agreed to.

Sections 26 to 30, inclusive, agreed to.

Title agreed to.

Bill reported with amendments.

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

Senator Robbie Gallagher: Next Monday.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Report Stage ordered for Monday, 15 February 2021.

Sitting suspended at 3.05 p.m. until 3.30 p.m.

Special Education Provision: Statements

An Cathaoirleach: I welcome the Minister of State to the House for this very important debate. I know many parents throughout the country are anxious to hear the update on the provision of special education for their children, an issue that has many families under stress at the moment. I hope the Minister of State will outline how we can relieve the stress on those families.

Minister of State at the Department of Education (Deputy Josepha Madigan): I welcome the opportunity to address Senators in the House. We are all aware of the challenges and difficulties faced by all sectors of society over recent months as we tackle the threat of Covid-19. Restrictions, although necessary, have not been easy and the burden has been particularly heavy on those who are most vulnerable. As Minister of State with responsibility for special education and inclusion, I am particularly focused on those young people with additional needs as well as those who support them.

At the start, it is important to acknowledge the challenges faced by these young people and their families at this time, as well as all the staff who support them. These students have been at the heart of our commitment to ensure in-person special education could continue in some form during the current restrictions for those who need it. This has been a clear priority for the Government.

We all know that distance learning does not work for all. This has also been proven by international evidence. Furthermore, we know that previous school closures have impacted many young people with special educational needs, causing regression and loss of key skills. Recent weeks have seen consistent engagement with our education partners, including teachers and special needs assistant, SNA, unions. Furthermore, intensive engagement continued following the initial pause which was requested by stakeholders. This built upon the significant collaboration which had taken place with stakeholders throughout this pandemic, including weekly

8 February 2021

meetings involving various educational stakeholders. Through discussions with primary and special educational stakeholders, it had been hoped that a shared objective to support children with special educational needs returning to in-school learning could have been reached. The Department listened closely to the issues raised by trade unions and school management bodies, which included requests for clear messaging on public health to be given directly to members by public health specialists, temporary arrangements during the current phase of reopening for high-risk staff and indeed those experiencing childcare difficulties. In response, the Department set out a proposal for how it would address these concerns. This included greater work flexibility and distance working for high-risk and pregnant teachers and special needs assistants. These temporary arrangements were only possible due to the significant reduction of children on-site under the proposed phased reopening.

A health education webinar that had significant attendance by front-line education staff was hosted by my Department at the request of unions and partners and was attended by the deputy chief medical officer, Dr. Ronan Glynn, and senior public health consultants, Dr. Abigail Collins and Dr. Kevin Kelleher. The purpose of this webinar was to provide clarity about prevailing public health advice and to answer questions from participants. It was reaffirmed that schools with risk-mitigation measures in place provide a safe environment for staff and students. While the general advice, as we all know, is that people should stay at home, this does not apply to essential workers who provide an essential service for priority groups such as children with special needs. Teachers and SNAs are essential workers.

Our aim, as always, is to work collaboratively with our education partners. Their work is invaluable. Where there are concerns, we have always sought to provide assurances so that staff could have confidence to return to in-person learning. We provided guidance about how special schools can operate at 50% capacity to offer these schools a return to learning, knowing that the vast majority of these students cannot engage with remote learning. We provided guidance and flexibility for staff members who are at high risk from Covid-19 to ensure their safety. We put in place flexibility for schools to manage the situation and return to in-person learning over the coming days, and to organise and manage their staff in that context. This was part of an effort to prioritise in-school provision for just over 23,000 children with special educational needs.

This will hopefully be the first step in a wider return to school for all students. It was positive to be able to announce last Monday that agreement had been reached with all partners for students with special educational needs to return on a phased basis from this coming Thursday. The return of special schools on a 50% in-person basis is a first step in the wider return to school for students with special educational needs who have the greatest level of need. This is a commitment to begin in-person learning for students in primary school mainstream classes from 22 February. Discussions are ongoing with all partners about the next steps for students with additional needs at post-primary level and in mainstream primary schools.

As Minister of State, I meet regularly with parents and advocacy groups representing young people with additional needs. I know the importance of ensuring the continuation of education at this time, so I was delighted to announce that in addition to the phased full reopening of schools, a supplementary programme of in-person tuition or care for students with additional needs will be available in home settings. It can commence from 11 February and can be undertaken at any point up until the end of April. It is intended to facilitate five hours of home tuition or care per week for a four-week period. The purpose of the programme is to enhance the learning experience for these pupils and build on the learning taking place as part of the remote provision by the school. These hours supplement existing school provision provided

remotely and therefore they will be delivered outside of the normal school day and-or at weekends, if necessary.

Parents will be able to bank the hours to be used at Easter if they are unable to utilise the hours during this period. As this will be a supplementary programme, participation by teachers and SNAs is voluntary. This is a unique programme which recognises the challenges faced by students with the greatest level of need and will help to support them as they make the transition back to the school setting. Eligibility is based on the expanded criteria of last year's in-home summer provision programme.

In addition, the Department has been working closely with schools and providing guidance since the start of the Covid-19 pandemic. This guidance was first issued to schools in the spring of 2020 and was subsequently updated and agreed with stakeholders later last year to reflect the experience and feedback of staff and students. The guidance was reissued at the start of this year with the incorporation of these updates, which have now been brought together into one dedicated guidance document for schools and families supporting students with additional needs. Some of the themes in the special educational needs, SEN, guidance document are the role of schools and teachers in engaging with pupils with SEN, teachers and school leaders working to support pupils with SEN, keeping in touch with parents and guardians, keeping pupils with SEN safe in the distance learning environment and resources for teachers.

The guidance also provides information on the role of the class teacher, the special education teacher and SNAs. For special classes at primary level, the guidance makes clear that class teachers should phone parents three times per week and should have daily phone engagement with pupils. SNAs should have twice-daily engagement with parents to support them in developing and maintaining the child's schedule. For special classes at post-primary level, the guidance sets out that the SEN co-ordinators should be in daily contact with students in special classes so that programmes of work, individual timetables and structures are planned collaboratively with parents.

For students with SEN in mainstream classes, the guidance indicates that, at primary level, the special education teacher should be the nominated school liaison who engages with parents by phone twice per week. There are currently more than 13,550 special education teachers allocated to mainstream schools, supporting the additional learning needs of pupils. The teacher will also have prepared an at-home support plan. All of this is in addition to the support of the mainstream class teacher who provides for all pupils in his or her class. At post-primary level, the subject teacher will continue to have overall responsibility to differentiate tasks to match the learning needs of students with SEN. The output will be reviewed and regular feedback provided to parents at agreed times. SEN co-ordinators will also have regular communication and engagement with students on their caseload. SNAs will also engage with parents and students as a liaison between home and school as well as supporting delivery of the education of the students. Class teachers will also work with SEN co-ordinators and the pastoral care teams to support an integrated whole-school approach to students with SEN.

Detailed support and advice for schools regarding the delivery of distance learning is available through the Department's support services and agencies and this includes support and advice regarding those students with special educational needs. The Department also has a professional development service for teachers which provides extensive support and advice for teachers and schools on the provision of remote learning. Schools can also apply for the assistance of a professional development service teacher adviser for tailored school support in

all subject areas at primary and post-primary levels. This includes support on the use of digital technologies to support remote learning. This leadership team is also available to support school leaders through direct school support, national programmes and localised networks.

The National Centre for Guidance in Education has developed a variety of resources including articles, recorded webinars and information notes about guidance counselling incorporating remote and online support. Guidance for parents is also available in a number of languages at *gov.ie* to support the continuity of learning during this period. Information and guidance on online safety is also available at *www.webwise.ie*. The Department of Education's portal, Scoilnet, of which Senators may have heard, contains some 21,000 curriculum-tagged resources which can be used by teachers, students and parents to support the continuity of learning in the remote environment. The Department's National Educational Psychological Service, NEPS, has developed an updated series of resources and animated videos for parents and students during this period of school closures. These build on previous materials that proved popular with parents. The videos feature important updated well-being advice and guidance and include tips on how students can stay positive, active and connected and on how parents can support their children's daily routine. This is bearing in mind the fact that the ideal is in-person support, which is what we want to return to in due course for all children. Irish language and Irish Sign Language interpretation versions are also available and are posted on the Department's Twitter feed and on *gov.ie*.

There are also dedicated supports through the National Council for Special Education, NCSE. Schools that established their first autism spectrum disorder, ASD, special class in 2020-21 were assigned an NCSE link adviser during the four-day training course in September and October of 2020. These advisers remain assigned to these classes and are available to offer support and advice to the special class teacher. The NCSE is also providing support to parents and teachers through dedicated helplines. These telephone lines are operated daily and offer advice and contact with local special educational needs organisers, SENOs. The NCSE has developed a suite of short videos for teachers on how best to support children and young people with special educational needs when they are learning remotely. These videos include strategies and advice for engaging learners with distance learning as well as more general advice about protecting student well-being. The NCSE has a visiting teacher service, which provides direct support to children who are blind and visually impaired and deaf or hard of hearing, as well as their teachers. These teachers remain available to provide advice and support.

The Department's inspectorate has resolved to engage closely with schools catering for students with additional needs to ensure the supports are being provided effectively. The inspectorate confirms that all special schools have a plan in place for remote learning. Schools have distributed digital devices to parents. Daily contact with the parents and students forms part of its planning, mostly by telephone, email or on any dedicated school platform.

I understand the frustration and fears of parents and families with children with additional needs. They want their children to be in school with their teachers, SNAs and friends. They would be in their regular routine at school and be happier and healthier in a holistic way. I also understand the queries and concerns of our education staff. It is important to remember that we are all committed to the common goal of supporting young people with special educational needs in their education and development. Everybody on all sides of the education system is dedicated to their role and tireless in their duties. While all of society is facing challenges at present, this commitment and dedication should not be forgotten, for it is this that will ensure that solutions are found to support those who need it most. It is this single-minded focus that

drives all of us.

Senator Aisling Dolan: I am sharing time with Senator Conway.

I welcome the Minister of State, Deputy Madigan, and, in particular, her remit of special education and inclusion. I thank her for the detailed update. I am delighted there is a resolution for children with special needs and their parents. It has been a difficult and traumatic time. The lack of structure and routine has led to very serious outcomes, such as children not sleeping and not eating. They just do not have the structure they had when they were attending their schools. A recent Health Research Board-funded study was carried out under one of the Covid-19 rapid response grants in the Dublin City University school of psychology. The study was carried out in particular on children with autism. It shows there was a decline in abilities and skills. There is a decline in ability to self-regulate emotions and more challenging behaviours. It is proven beyond doubt that there has been regression for children with special needs. This takes an incredible toll on the parents and other members of the family.

I wish to acknowledge the principals, teaching staff and special needs assistants who support in-person learning. We have a robust special needs educational system and it will deliver the best education and care to children. On Thursday next, 11 February, more than 124 special needs schools across Ireland will return to a form of normality, and on Thursday, 25 February, we look forward to seeing special classes in mainstream primary schools. In the broader context, it is the wider community and people who have done everything possible in recent weeks to bring Covid-19 numbers down that have helped to bring us to the point where we are able to reopen our schools in accordance with the updated work safety protocol. An extremely detailed guide has been sent out to special schools with regard to how this will work. It is positive that the public health guidance from NPHET notes that infection control and prevention measures in place for schools since September are still considered highly effective for risk mitigation.

The intense efforts of the Minister of State, Deputy Madigan, and the Department of Education are very much appreciated. In meeting with many of the groups of stakeholders and working together a successful outcome has been achieved. I understand that the Minister of State has met organisations representing parents of children with additional needs, as well as the National Association of Boards of Management in Special Education, AsIAM, Down's Syndrome Ireland, Inclusion Ireland, Family Carers Ireland and the Ombudsman for Children. I welcome her update in regard to school liaison for parents and pupils, Scoilnet and NEPS supports for well-being.

I have spoken with principals and teachers who are very eager to reopen schools. They understand that supports are needed for parents and they want to engage again with children and offer respite. I have a number of questions for the Minister of State. First, in regard to the 50% return to classes this week on alternate days, can the Minister of State confirm that school principals will decide the measures around how this takes place? On transport, can we consider dedicated buses to schools in this period to reduce mixing of children from different schools? In my home town of Ballinasloe, children attending the special school, St. Teresa's, and children from a special needs class at the town primary school, Scoil an Chroí Naofa, would take the same bus. What measures can we put in place to reduce that mixing? In regard to the supplementary support programme and the numbers of SNAs and teachers, which the Minister of State mentioned is a voluntary-type programme, is consideration being given to providing additional supports for principals to deliver this programme?

We are very aware that the supports that are being put in place will allow children to return to some type of normality. That is what we are all fighting for and what the Minister of State has achieved in getting these schools reopened. In terms of my queries, it is important there is engagement from the relevant departments to ensure a successful first few weeks because the eyes will be on us.

Senator Martin Conway: In the first instance, I too welcome the Minister of State, Deputy Madigan, to the House and I acknowledge the work she has done. The narrative and the media coverage up to just after Christmas was about the leaving certificate. Up to that point, the only person focused on special needs education and the need to get these young people back to school was the Minister of State, Deputy Madigan. I know it is her job, but she is doing a good job advocating within her Department for special needs children. It is my considered view that this issue was kept on the agenda and that we are where we are today because of the dogged determination of the Minister of State, Deputy Madigan. Since taking up her role eight or nine months ago, her engagement with the various groups has been fantastic. On occasion, I have asked her to meet groups and she has readily and willingly met them. The engagement has been proactive and substantial and very productive.

We have come a long way in terms of special education in this country. It has been very regrettable that children who require the supports have not been able to access them for significant chunks of the last 12 months. I was one of the children who in the late 1980s-early 1990s would have been considered a special education student in terms of needs and requirements. At that time, there were no support or resource teachers and no SNAs but there was a visiting teacher for the visionally impaired who visited a school once a year and had a chat with the teachers. The teachers were the SNAs and the support structures. They were committed to ensuring that someone who had ability was able to progress through the system to university. Today, thankfully, we have a much more structured system, one that, by and large, has seen significant increases in funding year-on-year for the past number of years.

Very little good comes out of a pandemic. I am convinced that going forward the toolkits, support structures and alternative mechanisms that have been devised by the Minister's officials and teachers at national and local level will serve to enhance the experience from which young people with special educational needs will benefit. We will be looking at a range of supports, for example, toolkits to support parents at home. Unfortunately, some children with special needs have to be at home for periods. The structure and infrastructure are there now to be able to support them with equipment, toolkits, videos, work plans and work programmes that have been designed to help with home schooling. That is extremely welcome.

I spoke to the Minister of State previously and I raised in the House the need to review the visiting teacher system for those who are visually impaired and hearing impaired in mainstream schools. Lockdown has shown that some visiting teachers have gone above and beyond the call of duty in terms of engaging and liaising with parents but, sadly, that is not the case universally. During the first lockdown in particular, some parents of visually impaired children did not receive even one telephone call from the visiting teacher. The Minister has committed to reviewing the structure of the visiting teacher system within the Department. I know she has taken on board my proposal that a parent of a visually impaired student would participate in the review. I ask her to provide an update on the status of the review. I commend the Minister of State and her team on getting us where we will be next Thursday and going forward.

Senator Victor Boyhan: I thank the Minister of State for coming to the House. I have

known her a long time. We soldiered together on Dún Laoghaire-Rathdown County Council, so I, too, know of her absolute commitment to be successful at whatever she does in every walk of political life. She has demonstrated that time and again in her commitments in other areas of politics. I acknowledge that and I welcome her to the House.

As the Minister of State is aware, education is about enabling all children in line with their abilities to live full and independent lives so that they can contribute to their communities and interact with others. That is most important. All children, including children with additional or special needs, have a right to an education which is appropriate to their needs. That is important. I want to spend most of my time talking about special needs because it is an important aspect of the debate. Everyone involved in children's education has had difficulty, be they teachers, SNAs, guardians or whoever else, those on the front line or the back line.

In recent weeks I was drawn to the major contribution made by Adam Harris of AsIAM. He has done amazing work. I know of him and his commitment in this area. He is someone who has personal experience of supported education and the needs around that. Education for people with additional needs is much broader. There is no one-fit solution or answer. I think the Minister of State said that in her opening comments. Adam Harris has given an awful lot of consideration and advocacy in this area.

I have spoken to parents who have children at home. One parent has two boys at home, one aged seven and the other aged eight. The challenges are enormous. One child has a hearing disability. The challenges and difficulties resulting from the Covid restrictions are enormous for all of us, but when one has two children with many complex and diverse needs, it is very difficult to communicate with them and explain why they are not going to school. Other children consider that they are somehow locked out. School is more than just education, it involves interaction, social engagement and personal development. When we talk about education, it is important that we talk about the cognitive aspects of education, but also about the emotional, imaginative, artistic, physical and spiritual aspects of it. Education is holistic and all of those aspects are critically important to children's early formation. For that matter, it is important for the formation of us all as we evolve, grow and learn. I thank the Minister of State for her comprehensive and detailed presentation. I also thank her officials in the Department and the Minister, Deputy Foley, for their engagement. Above all, I thank the teachers.

I know teachers who are afraid to go back to school.

I know care workers who are involved in schools who are afraid to go back. I know canteen ladies who work in schools who do not really want to go back. However, we all know the importance of getting back at some point. These workers need reassurance and must have confidence that supports are available for them too. This is not a question of the Government pushing everybody back to schools. It is encouraging all of those who participate in education to return to some form of education in a controlled way that supports all of them.

It is important that we consider people who have specific educational needs. For many years, I was a director of Irish Guide Dogs for the Blind. Blind people have never been able to have a proper educational programme for their young children. They have one-to-one home schooling. For children without eye sockets, the only education they have is a one-to-one session for three hours per week. This was long before Covid-19 came along. The only interaction they had was a pilot scheme in Munster, based in Cork, that has been going on for 15 or

20 years and now needs to be re-evaluated. They cannot be left out either. People who have a visual or hearing disability face challenges and they are also important. There is an obligation and commitment to provide education for all of our children and citizens. I think of the work the Cathaoirleach has done on Irish Sign Language and for people who are deaf. Long before Covid, many people were locked out of having meaningful development in their lives and achieving their full potential in order that they can play a meaningful role in their communities and as professionals. Having a disability does not mean someone is not academic or capable of great things. That is another misconception among members of the public.

I do not doubt the Minister of State's commitment. This needs resources. Covid has thrown up a number of additional challenges. When it has passed, we need to ask how we can provide real opportunities for everybody to learn. I ask the Minister of State to do that. I will drop a line to her Department on the visually impaired and blind children who need support.

While the Minister of State is here and given her portfolio of special education and her commitment to that area, I note the importance of constantly updating our literature. I looked at some literature on special education today. There are always new circumstances and new families starting off with a child who may have additional or special needs. They have simple questions. What, for example, is special educational need, learning disability or inclusive education and what supports are available to their children? How are special education needs being assessed and met? What will their children learn in school and how will they make the transition from primary to second level school? How can parents support children more in their education? These are the fundamental questions asked by families when they want a simple A to Z of how to interface with the education system. It is a lonely road for many people and it is not simple. I took the time to visit the Department's website and other websites. There seems to be an absence of updated information. While there is good information, it needs to be more relevant and up-to-date.

I wish the Minister of State well. She has many challenges and I know she is up for them. The start will be to see our children going back into mainstream schools next week. I have no doubt that everyone is here to support everyone else, be it the lollipop man or woman, the person working in the school canteen, the special needs assistant or the teacher. It is a positive but difficult step. I thank the unions which represent the teachers. They more than anyone know the value and importance of educating our children.

Senator Fiona O'Loughlin: We are discussing 18,552 students with complex needs who attend 124 special schools. I know two of these schools, St. Anne's School in the Curragh and St. Mark's School in Newbridge, very well. We are also discussing 1,836 special classes in 964 schools across the country. When we refer to that number of students, we are talking about individuals, families, parents and siblings. Those tight family units are very much part of their child's struggle to achieve their potential within an educational setting. There is no more important work that any parent can do than that which they do for a child with special needs. From the time the child is born or receives a diagnosis, the world is a battle. Parents have to try to get assessments, therapists and an appropriate place for the child, which it is to be hoped will be within the community in which the family live. As Senators are aware, all too often that is not possible.

There is no doubt that the path through life is more difficult for those with special needs. A child may be slower to walk or his or her speech may be difficult to understand. Some may differ in terms of their physical appearance. We use the word "special" in the context of special

schools and people and students with special needs, but I can honestly say there is a very special ability to love young people with intellectual or special needs and, indeed, for them to love us. There is no doubt that every milestone that is reached is a special blessing. Every time a young person has the opportunity to excel at something, we all excel as a class, as a family and, indeed, as a community in terms of some of their significant achievements.

In the past 20 years, we have seen many improvements in special education. We have a long way to go but we certainly have seen many improvements and that must be acknowledged. I thank the Minister of State for the work that has been done and for the amount of consultation and engagement that has been carried out to get to the point whereby special schools will open next Thursday. We were all very disappointed that the two dates proposed for reopening did not come to fruition. I appreciate the difficult and hard work with all the various stakeholders to get to this point. It is very welcome that there is a concrete plan in place to support children with special educational needs to return to in-person schooling. The Minister of State referred to remote learning for children with special needs. I have no doubt that it is a help for some of them, but I do not think it is a help for the majority. However, I appreciate the efforts being made in that regard. The plan we have gives certainty to children and their families regarding when they can return to school, which is very important. The Government originally decided not to reopen schools in order to minimise the mobility of the entire population and so that 1 million people would not be travelling around at the same time. This was done to support the suppression of Covid-19 in communities.

I acknowledge and agree with the decision by the Minister of State and the Government to really try to provide for children with special needs because all Members saw how many of those children regressed during the first lockdown. We have heard story after story of heartbroken parents who want only the best for their children and who have been bled dry in so many situations in the context of trying to provide for them. Their frustration, despair and the sense of deep love that goes with parenting a child with special needs were evident.

Schools not being open has had significant adverse consequences at societal level. The loss of the regular attendance at school, the social interaction with friends and peers, the direct, face-to-face access with teachers and SNAs and the therapy interventions has all presented a huge challenge and, again, a real risk of regression to the learning, social and emotional development and well-being of these pupils.

There is one cohort we have not really discussed in all this, namely, the thousands of children with special needs who attend mainstream classes in mainstream schools. The Minister of State says talks on getting them back to school are ongoing, and I have absolutely no doubt but that they are, but I am really concerned about them. I am concerned, as we all are, about all children who are not in school, but those who were in mainstream classes have in a sense been forgotten about. I have had contact from a number of parents who are concerned about their children regressing. We have to appreciate that, like the July provision, this new provision has been put in place, and I commend the Minister of State and the Department on doing that. It is really important. However, parents who are doing their best to make sure that their children with special needs have the opportunity to push themselves and be in mainstream classrooms feel discriminated against. It reminds me of my brother, who has Down's syndrome. One day, to try to get out of some mischief he had caused, he turned around and said to the person who was in charge, "I have a little bit of Down's syndrome", to explain that perhaps a special dispensation should be given to him. Of course, it should not have been given to him. Is that what we are talking about now, that because somebody has "a little bit" of Down's syndrome or

“a little bit” of autism and they are in a mainstream setting, they will be forgotten about? I am very concerned about this cohort, and I would appreciate it if the Minister of State could give us a little more direction in that regard.

Senator Ivana Bacik: I welcome the Minister of State and thank her for outlining the position on special education provision. I think all colleagues across the House very much welcome the announcement that special schools will reopen from this Thursday at 50% capacity. As others have done, I acknowledge on behalf of the Labour group the hard work that has gone into ensuring that reopening and I commend the hard work of all those involved: parents, parents’ representatives, unions, staff and education partners. I welcome the fact that children in special classes in mainstream schools will return on 22 February. The Minister of State also outlined other plans.

On a broader level, however, we need to acknowledge much more - not just acknowledge but actually put in place practical recognition for - the enormous deprivation for all our children, particularly children with additional needs, who have missed out and been denied education not only in recent weeks but also for a number of months last year. Others have mentioned children with additional needs in mainstream schools. I am thinking of children I know with autism or children with Down’s syndrome who participate in a normal school year in mainstream classes. They and their peers in the mainstream classes still do not have any clarity or certainty as to when their classes or schools will reopen. I know there are enormous operational and logistical difficulties with partial reopenings and blended teaching at primary and secondary level of in-person and remote learning. That is very difficult for school boards and principals. Any of us on school boards are well aware of the difficulty of trying to manage that. It may well be that a more practical resolution is to open all schools for all pupils when transmission rates allow, but we have to acknowledge the enormous impact on children with additional needs, and children more generally, of the lack of certainty or clarity as to when they will be going back to school. I see various indications being given that once special classes in mainstream schools have reopened fully from 22 February, it may be that primary schools, including all classes, will be in a position to reopen in full from early March, with less certainty about reopening dates for secondary schools. It is this lack of clarity that is causing such trauma and distress to so many students. All of us have been contacted by individual parents who have children with additional needs. The parents can really see the regressive impact on those children of being deprived of education. There was a heartfelt article in yesterday’s *Sunday Independent* by Sarah Caden giving voice to some of the children affected. The article quoted a mother who voiced her feelings of being left behind. She has a child who has additional needs and who is in a mainstream class. Therefore, she has no certainty about when the child can go back. I know the Minister of State is putting in place five hours per week of home-based teaching and care support, but clearly this is not a sustainable long-term resolution and does not address the real needs of such children.

In the Dáil my colleague, the Labour Party education spokesperson, Deputy Aodhán Ó Ríordáin, has called on the Minister of State to remain in contact with the Minister for Health, Deputy Stephen Donnelly, to secure more clarity on vaccinations for teachers and special educational needs staff as soon as possible. These are issues on which clarity and certainty is needed.

Although we have not really seen practical recognition of this, it is clear school closures have already had severe impacts on children with additional needs, vulnerable children and children in special schools. We need to ensure there is recognition in practice of what these detrimental impacts have been. We need to see clarity on the impact this has had.

I have seen far more in the British press about this. The British Government has done so badly generally on Covid-19 in so many ways. Yet, as long ago as last summer the British Government was putting billions of pounds into a catch-up fund to ensure that all children, including those with additional needs and children in mainstream schools, would be able to catch up on the education and related benefits that they had missed out on through the school closures.

We have to recognise that generation Covid-19 are greatly impacted by this. Our children and young people have missed out on so much. We are not seeing acknowledgement of the long-term effect on those children. We have not seen any plan to put in place a catch-up mechanism of the sort that we have seen elsewhere. We need to be looking now at post-Covid supports. We need to look in the short term at our dates for the return to school for all children in mainstream classes. We need to look beyond to post-Covid supports and how we make it up to the children who, because they have additional needs, have seen regression as well as to all of our children who have been deprived of education over such a long period.

We have debated Covid-19 policy more broadly. The Labour Party put forward a proposal for a national aggressive suppression strategy, the equivalent of looking to a way of achieving zero-Covid while we await the longer-term roll-out of vaccinations. Unfortunately, there has been resistance from Government to that. I believe that resistance is changing and I welcome the proposed introduction of mandatory hotel quarantining. I have looked at Dublin Airport arrivals and departures. I see a flight arriving this evening from Lanzarote. We have all seen the reports about people using Ireland as a back-door route. Still, flights are allowed into Ireland from Dubai whereas Britain has banned them.

We need to be far stricter about ensuring we have a containment policy and an elimination policy on Covid. It is simply not good enough to say it is not practical to close down flights from particular locations, where travel is unlikely to be essential, while saying it is practical to keep children with additional needs deprived of school or of any clarity on when they will return to school. We have all come to accept almost like Stockholm syndrome that it is practical for us to be stopped from going more than 5 km for exercise, for children to be engaged in home schooling and remote schooling for lengthy periods, and for parents to try to work around all of that. Many of us are experiencing that. Yet, we are told it is not practical to take up the lessons of New Zealand and Australia and so many other countries that have adopted far clearer policies. As a result of those policies they have been able to see their children return to school and have reduced the negative impact of Covid within their communities. I will end with a plea to the Minister of State. Let us see from Government a clear acknowledgement of the impact upon children of the closure of education, particularly the impact upon children with additional needs, which is the Minister of State's direct responsibility. Let us also see clarity in the short term as to when children in mainstream classes will be returning to school.

Senator Fintan Warfield: I am very pleased that children are returning to special education. As others have said it is a very positive step for the more than 8,000 pupils enrolled in special schools. The later return of the 7,500 pupils enrolled in special classes in mainstream primary schools is also very welcome. Some of these children suffered the most during the first lockdown and we all know that it is vital that that routine, that friendship and that learning are continued in this incredibly difficult time. There were two attempts to return these children to the classroom, attempts that failed in part due to a lack of communication. I hope the communication that was previously lacking is re-established.

It is vital that any future attempts to open up further sectors of both primary and secondary

8 February 2021

education are done with the full consultation of those involved. I was disappointed by some of the commentary around the role of teachers' unions in the reopening process. In fairness, the unions had the safety of children and staff to the fore in their considerations. It very much seems to me that relationships need to be repaired. I would like to hear how the Department has sought to mend relations with teachers and their unions and that is particularly important as we face into major decisions around the leaving certificate. To address that matter very briefly, the Minister, Deputy Foley, has announced two distinct processes for the 2021 leaving certificate, namely, planning for examinations and scoping out a corresponding measure different from examinations that can also be offered to students. A clear line of communication with trust and respect on all sides will be vital in the roll-out of whatever format is adopted, and this must include students and their representatives as well.

I ask about a support line for principals to help them with any issues they may encounter in the reopening process. Other Senators have spoken about this already but will the Minister of State give more details about the assistance provided? Will they be able to ask for extra resources such as PPE, surgical masks or testing kits if they become concerned about Covid-19 trends in the locality? In a situation where students are returning on alternate days it is vital supports be provided to parents for those days when the children are not attending school. I am keen to hear what outreach there will be and that it is communicated to parents in good time. School transport also poses a logistical problem. How will children be collected on the designated days they are attending school? Once again clear communication will be important. Parents must be given notice in advance of pick-up times. For many of the children we are talking about in this debate routine is essential and parents must be able to plan for the week ahead and explain this to their children.

Over the next few weeks we are bound to hear lots of varying opinions and predictions about when various sections of the economy will reopen. I ask that the Cabinet not second-guess the return of all schoolchildren and the possible format of State examinations. Debating the merits of the various options should be done with parents, stakeholders and the unions using trusted lines of communication. I wish, as do all Members, every child, teacher, SNA, parent and principal all the best for Thursday and next Monday. These teachers and SNAs do such important work and they are going back to work in very uncertain times. The recent frustration of the families of these children during the lockdown shows how valuable the work they do is so go n-éirí go geal libh ar fad.

Senator Eileen Flynn: The Minister of State is very welcome to the House. I am delighted to have the opportunity to speak on this critical issue. We have to bring ourselves back to a few weeks ago when parents of children with special needs did not know where they were. One moment, they were told that the schools were to open and the next moment, they were told the schools were not to open. Many parents who contacted me felt they were not heard. I know that as Minister of State with responsibility for special education and inclusion, Deputy Madigan is working with the likes as AsIAM, Down Syndrome Ireland, Inclusion Ireland and Family Carers Ireland, and I would like to acknowledge that.

I am glad to hear that special schools are opening this week. Mainstream classes are also to open later this month. My colleague, Senator Higgins, and the Committee on Disability Matters wrote to the Minister of State and stakeholders about the need for a safe return to personal education for children with special or additional needs, and the importance of other options and supports for children who are at high risk and their families. Like me, the committee was clear in calling for special needs assistants to be prioritised on the list for a vaccine. We welcome

that.

I will not repeat what has already been outlined by others in the House today. I have only one question about the most vulnerable children in our society, going forward. We must remember that children with special educational needs are children from all communities. We have to think about our children with special needs who will be sitting the applied and traditional leaving certificate examinations this year. There are few supports, if any, in place for children with additional needs in second level education. We have seen over the past year that our most vulnerable children are being left behind. My question to the Minister of State and the Department is what is to happen, going forward? What if, in two years' time, something else hits us, perhaps another pandemic? What will be the solution for these children, going forward, so that we will never again see this happen to the most vulnerable children in our society? Other Senators have outlined studies that have shown that many of our children with special needs have dramatically lost out on life skills. Instead of me speaking for eight minutes, I have only one question and I would be more than delighted if the Minister of State could answer it. What is the solution, going forward? That is my only question.

Senator Timmy Dooley: I thank the Minister of State for her outline. There is little doubt that this pandemic has probably had a greater impact on young adults, students and schoolchildren than any other element of society. There are, for sure, people whose incomes have been affected, who have lost their jobs and businesses, but in terms of real stress points, and there are many, the younger cohort has undergone the greatest degree of stress and pressure. Those young people did not have worldly experiences to assist them through it. There is little doubt that the area for which the Minister of State has responsibility has been a particular crunch point. We have seen that during the various lockdowns. There is no doubt that parents who have a child with special educational or additional needs are under enormous pressure. The normal supports that they might have had available to them, whether through grandparents or extended families, have been restricted because of people's inability to move between households. I am acutely aware, from speaking to the people who have been in touch with me, of the real pressure and trauma in households. I know of one family with three children with special needs, all of whom are on the autism spectrum. Anyone who has had experience of dealing with children with autism will see the pressure that is being put on families when that is multiplied by three in a Covid environment and total lockdown. There was much hope that children would be back to school earlier, but for various reasons, of which we are all now well aware, that did not happen. There is a great expectation now from parents that there will be a relatively quick return to the normal structure of education for children with special needs, insofar as there can be.

While the provision of 50% attendance is welcome, parents have communicated to me that they would prefer a half day five days a week rather than a full day every second day. For parents who work with children with special needs, particularly those on the autism spectrum, the notion of regularity and consistency in their routine is important. I accept where the Minister of State has had to get to but she might look at that. If we are to continue in this vein for a number of months, that suggestion should be looked at in order that they would have the same routine every day, even if it is for a number of hours rather than for the entire day. I acknowledge that there are complications relating to school transport and all that goes with it but that is something that needs to be addressed.

The Minister of State has identified a range of additional supports, which are welcome. As always, we would like to have more if possible because families have come through what in many cases is an intolerable burden. Parents have been taken to the brink of mental collapse.

8 February 2021

There is no doubt about that. That is something of which we need to be mindful as well. Any additional supports the Government can put in place for parents through access to personal counselling would be welcome. While that falls within the remit of another Department and the Minister of State, Deputy Butler, is making great advances in that area, the two areas are inextricably linked. We need to do more on that. I thank the Minister of State for what she has done to date and I wish her well.

Senator Mary Seery Kearney: I thank the Minister of State for being here today and for the considerable work she has done in bringing us to this stage of phased reopening. On Thursday, children with special educational needs will return to school on a shared basis. They will be afforded the opportunity to experience school life and in the current environment we can iron out the emerging issues before we go into the mid-term break. Following the break, children with special educational needs in mainstream schools will also return to the education setting. This is very much welcomed by those children and their parents.

We are all aware that online learning is not for every child and takes an amount of supervision and support that cannot always be delivered in the home. In-person learning is the most appropriate and effective method. School is not just about education. It is also about personal development and social and life skills. The entire experience of getting ready for school, attending, making friends and falling out with them, working together, taking turns and all the little moments of school are about learning for life. Children with special needs live for this and look forward to the routine, the faces, and the surroundings. They have been denied this since before Christmas so it is heartbreaking that it has taken until now for this reopening to occur, through no fault of the Minister of State's own diligent work.

I am mindful that the Covid numbers in the country are frightening. Every day, the numbers of people losing family members is strikingly high. Behind every statistic is a person whose life has been impacted by the lives of others and who is mourned and missed. I understand the reservations aired by SNAs and teachers about the return to school. I appreciate that considerable work has gone into providing the supports demanded. Medical advice, personal protective equipment, PPE, and reassurances have been provided and accommodations have been made for those with personal medical concerns or loved ones they care for who are in a vulnerable category. I hope the 50% return will become a 100% return as quickly as possible. While 50% is a vast improvement on none at all, it is not however in the best interests of the child for the return to routine to be denied even half of the time.

I thank the Minister of State for her in-person supplementary programme which is another great initiative which will benefit up to 23,000 children. I cannot waste the opportunity but to beat the drum for the autism spectrum disorder, ASD, units and for the children who do not have an opportunity to go to school in their local community. There are areas and postcodes without ASD units in schools. We need to keep going with the work on that area which I know is being wholeheartedly done by the Minister of State.

I am aware that the argument of older, outdated and restrictive buildings has been the reason for many of the delays but, frankly, some of the schools are getting away with blatant discrimination against children with autism and their right to be accommodated in their local community.

This time last year I attended a public meeting of Involve Autism and it was heartbreaking to listen to parent after parent citing the extremes that they are obliged to go to to secure a place

in school for their child. The Minister of State has brought this along and provided many more units, way beyond what would be expected in the very short time that the Minister of State is in the Ministry. I congratulate her for that. I ask her to keep the pressure up and not to allow the school boards abdicate their responsibility and accountability to her in that regard.

I cannot let education go by without congratulating the Minister of State most sincerely for the extraordinary work she has done in the decision to open Scoil Choilm as an ASD specific school. Today I ask, even though I have asked more formally in another context, for a progress update in that regard. Is everything going full steam ahead and are we ready for the September of this year opening? There is great anxiety on the part of all those involved to obtain the reassurance that in the midst of Covid-19 and in all that is going on, together, naturally, with all of the other issues which occupy her Ministry at the moment, that we are still advancing towards the opening of that school, equipping it, together with attending to its governance and oversight. I know that the Minister of State is preparing a report in a more formal sense in another context for me on that issue. Can she kindly give a little nod to them as I know that they are out there listening in this afternoon? I thank the Minister of State very much for her continued, dedicated work which is very much appreciated.

Senator Gerard P. Craughwell: Gabhaim buíochas leis an Leas-Chathaoirleach. I thank the Minister of State for coming to the House and I express my sincere thanks to her for being available to all Members of this House, and not just party members, and for her response when we come to her looking for assistance.

The first thing I want to do today is to thank the principals of the schools who have managed to keep their schools running, albeit remotely. They are managing staff, parents, students and boards of management, all of which is taking place from their own homes. I also want to acknowledge administration staff, porters and various other people like cleaners who are going into schools and maintaining them while students are not there. To my former colleagues in the teachers' unions, it is wonderful that they have sat down and found a way forward with the Minister of State. She is to be congratulated on having managed to do that.

One of the things upon which I wrote to the Minister was the need to start looking at antigen testing in schools. The Austrians, Germans and Italians are doing this and it is being done in Taiwan and China. I cannot for the life of me understand what the blockage is in this country. Professor Luke O'Neill talks every single week about why we are not using antigen testing because it will detect very high rates of virus and will allow people to manage the situation in a much better way. I ask that the Minister of State bring this issue back to her Department and to the Minister to ask if we had antigen testing available to us, could we have schools open and working in a much better way?

On the voluntary aspect of this issue, I want to compliment both special needs assistants and the teachers who have stepped up to the plate. This brings forward a question on the vaccine issue. To my mind these are now front-line workers and they are putting themselves at risk. We are telling them not to visit other houses, yet we are asking them to engage with parents and families and put themselves at risk. In my view, both the special needs students and the staff engaging with them daily should be moved up the risk categories, be referred to as front-line workers and treated in the same way a nurse or doctor in an emergency department would be treated with respect to Covid-19. I have been told that I should thank the Minister of State for not reopening mainstream schools straight away and that we must have a more co-ordinated move forward. That is a good idea.

8 February 2021

A number of parents have spoken to me about speech therapy and occupational therapy and how they come under the remit of the HSE when, in fact, the therapies are dealing with children in schools. Covid-19 has provided us with an opportunity to re-examine how we deal with those two issues and to see if we could get speech therapy and occupational therapy assigned to a pool of schools or something similar. There is a major case to be made for that.

On the issue of vulnerable teachers, apart from the vaccine, early in the pandemic the authority to allow a teacher in a high-risk state to remain at home or to stay outside the school was thrown over to boards of management. It is not good enough to allow that to happen. I do not believe it came from the Minister of State, but from the Department. The boards of management are not in any way qualified to determine whether somebody should or should not be in the school. I ask the Minister of State to have a look at that issue.

I must speak about the leaving certificate and junior certificate examinations. I believe it is folly to plan for an examination this year. We saw what happened with the flip-flopping last year. I realise this is outside the Minister of State's remit, but perhaps she would convey it to the Department. It was a flip-flop whereby the examinations were on, off, on again and eventually off. In that context, we must make a final decision. The leaving certificate is either gone or it is not, and we can find an alternative. I recall that when I was in the teachers' union the members would have hanged me if I said we needed to opt for local assessment. They stood up to the plate in 2020 and did it. I do not see any reason that they would not do it again.

Finally, I am concerned about the panel of teachers we are told is available. I am not so sure there are as many teachers available as we are led to believe. I thank the Minister of State for coming to the House today.

An Leas-Chathaoirleach: I appreciate Senator Craughwell making it possible to include everybody. I call Senator Byrne, who has three minutes.

Senator Malcolm Byrne: I echo many of the comments that have been made by my colleagues. I was particularly struck by Senator Bacik's remark about how we can address problems with regression. This is a particular concern, and I hope a plan is put in place for children with special needs who have regressed. This is obviously based on speaking to their teachers and their families. We must put measures in place.

I agree with Senator Seery Kearney about the importance of continuing to roll out ASD units. If the Minister of State, as one of her legacies in the Department, can ensure this will happen, she will have done a very good job. I also agree with Senator Craughwell about antigen testing.

I wish to raise two issues. One is the question of transport provision, as was mentioned by Senator Warfield and others. The school bus scheme is something of a nightmare every year, as everybody knows. It is particularly important for families of children with special needs. Depending on how long we have to deal with this pandemic in whatever form it takes, the challenges with regard to school transport are going to continue. Perhaps the Minister of State will outline how we can address some of the challenges.

The other matter follows up on what Senator Craughwell mentioned about boards of management in schools. We had a situation in which some boards of management and some schools were prepared to open and wanted to offer provision. They felt they could safely open and the teachers in the schools wanted to meet the special needs concerns of children in their ar-

eas. They were able to point to the fact that adult day care and respite services remained open in that period. They felt that they could open safely. In many cases, they pointed to the fact that similar schools and classes in the North were often able to open. I disagree with Senator Craughwell in that I think, if there is an appropriate set of guidelines in place from the Department, schools and boards of management should be able to make the necessary decisions. The most important group in all the decision-making has to be the students and their families. They have to come first, ahead of everybody else. If a school is prepared to open, provided that the Department puts clear guidelines in place, then that should be allowed to happen.

Senator John Cummins: I put on record my thanks to the Minister of State, her Department and her staff for the significant work and commitment that they have put in, night and day. I know that from the communications that we have had. They have worked to get students with additional needs back to in-person learning in the classroom. I have worked in this area for many years as a secondary school PE teacher. We have made significant strides as a nation in integrating students with additional needs into the mainstream school setting. That has been a positive experience for staff and students in the wider school population and for students with additional needs. I have seen first-hand the toughest of students take students with additional needs under their wings in that PE setting to help them to progress in class. That has been great for them. It has created empathy. It has nearly done more for that student than it has for the student with additional needs and it is heartening to see.

The fact that we are getting students back to in-person learning is positive. It cannot be understated, as other Senators have said. School closures have had a serious impact on our youth and their families. Everybody has been inundated with correspondence and communications from families who have struggled badly. One of the main lessons that we have taken from Covid-19 and the school closures is that we must prioritise the most vulnerable in society. That includes students with additional needs and older people. That is what we are attempting to do as a Government.

I would like to focus on the students we are not quite getting to at present. I have spoken to the Minister of State about secondary school students. I emphasise the importance of catering for those students in mainstream and specialised settings. We have a fantastic new autism spectrum disorder facility in the school that I taught in, St. Paul's Community College in Waterford, which opened in September and which the Minister of State is more than welcome to visit when Covid and time allow.

Senator Micheál Carrigy: I welcome the Minister of State, Deputy Madigan, and thank her for her work in the role so far. I know that she is passionate about it and making significant improvements. I have to express my annoyance, which is probably an understatement, at the situation over the last four weeks. Unfortunately, the voice of the unions was louder than the voice of those in our community who are vulnerable. We have a responsibility to parents and to children, the vast majority of whom are regressing and losing previously developed skills. We must recognise the strain the closures have placed on the families, guardians and carers of children with additional needs every day. I will quote a letter I got from a parent. I quoted it last week. It says "I hold you accountable for his blocked access to his constitutional right for education." I welcome the agreement reached last week which the Minister of State explained in her introduction but it is not enough. Asking parents to send their children to school on a day on, day off or week on, week off basis is not good enough. I do, however, know that her hands are tied in this regard. Children with special needs need structure and consistency. I speak as a parent. The unions who represent the essential workers, the teachers and special needs assis-

8 February 2021

tants, have a responsibility to make sure that our support for children with special needs returns in full. I ask my colleagues, especially those in the Labour Party, to pass on that message. The unions have a responsibility to ensure a full return.

A parent I spoke to this morning had a question. What percentage of staff have indicated that they will return to work? Is there a commitment to ensure that substitutes will be available to cover any shortfall in staff? I echo what Senator Byrne said; the children must come first.

I welcome the Minister of State's strong support for the school inclusion model under which students receive occupational therapy and speech and language therapy in the school setting. I fully support this and look forward to seeing it rolled out in my area. I also welcome the strong role the Minister of State has played with regard to the provision of special needs classes and autism spectrum disorder, ASD, units in both primary and post-primary schools. We have a shortage of schools providing such places. In my county, there was recently a case in which there were ten applicants for two available places in a special unit at post-primary level. At present, there are no other available places in the county. Along with my colleague, Councillor Garry Murtagh, I am encouraging more schools to facilitate special classes. I welcome the application by St. Mel's College, Longford, to open a class in September. I am working with the Minister of State's office on that matter. Should it be mandatory for all schools to provide such classes?

I again thank the Minister of State for her commitment and for the work she has done in the Department since she was appointed. I ask for some clarity as to when children in mainstream classes are to return. Clarity on the leaving certificate is also extremely important. I thank the Minister of State for her support.

An Leas-Chathaoirleach: Senator Lombard has a longish two minutes.

Senator Tim Lombard: I thank the Leas-Chathaoirleach for his kindness. I welcome the Minister of State and acknowledge my party colleagues for sharing time. It is very appropriate and very helpful. The Minister of State is very welcome to the House. In many ways, she has what is one of the most burdensome jobs in public life at the moment - trying to ensure that children have the opportunity to go back to school. That will be a very significant issue. I acknowledge the work the Minister of State has done in this very important area.

Over the last four weeks, society has been divided. There were children who wanted and needed to go back to school because they were, unfortunately, regressing and their parents and guardians but there were also issues regarding unions and teachers wanting the opportunity to express their view, which is that they wanted a safe environment. Achieving a compromise in that regard was very awkward and hard so I compliment the Minister of State and her Department on working to deliver a compromise.

We have seen great changes in the roll-out of the ASD units. This is something I welcome and acknowledge. Most of the primary schools in my part of the world have applied for units and seen them built over recent years. We have a major issue in respect of secondary schools and second level education. That is one of the gaps. I have often mentioned the case of Bandon Grammar School in Bandon town. The Department has denied the school the opportunity to put in such a unit because it is fee-paying. That is an issue at which we need to look. It is an issue of policy. This Church of Ireland school is denied the opportunity to provide the level of education it wants to provide to its community. The fact that the Department will not back the

school in this matter is a major issue for me. The governors of the school have even agreed to waive fees for any child attending that unit if it can ever be built, which we hope it will be. I raise this issue with the Minister of State again because it is key. We need access to these units in all schools, whether fee-paying, Church of Ireland or mainstream. We need to look at this issue because this is only one case. I have often had the argument that if it were the other way around and such a fee-paying school did not want the unit, there would be uproar. This case is worthy of reflection by the Department. I ask the Minister of State to consider if we could have a change of policy so that fee-paying schools could have the opportunity to get into it.

An Leas-Chathaoirleach: I call the Minister of State to sum up and respond. In so doing, I personally join in welcoming her to the House. She has six minutes.

Minister of State at the Department of Education (Deputy Josepha Madigan): It is hardly sufficient time to try to answer many of the queries, but I have done my best to try to take a note.

In my opening remarks I repeated our collective welcome that students with special educational needs will start to return to their classrooms from Thursday of this week. This will be an important milestone from which we can build towards a full return for all students. I thank all the Members here today who have shared their views and experiences. It is clear that the whole House is motivated by a desire to support students with additional needs, particularly at this challenging time.

Many issues and questions have been raised. My officials and I will certainly take account of most of these and try to come back to Senators.

Senators Craughwell and Byrne talked about antigen testing. Ultimately that is led by public health. The HSE does not recommend it at present and the WHO does not recommend it in schools either.

Senator Bacik talked about clarity and certainty, and planning post Covid. The Department keeps that under consideration all the time. We are very concerned about regression. We need to learn from this period of time and bring that forward with us.

In response to Senator Dolan, letters and guidance were issued to all schools regarding the supplementary program. She mentioned school transport, which has safety measures in place. It is, obviously, not logistically possible to provide separate transport arrangements.

Senator Conway mentioned engagement by the NCBI with the NCSE regarding a visiting teacher service for the visually disabled. I will follow up on that as well.

I appreciate Senator Dooley's comments. We are working on all those issues.

I take Senator Boyhan's point about updating documents and the holistic approach he spoke about in education. They are very valid points and I will look further into them.

I know Senator Seery Kearney is a strong advocate of ASD units. I am aware of the work of Involve Autism. Obviously, we will open about 1,200 special class places and about 200 special classes. The work is ongoing. Section 37A of the Education Act is always available to me. It is not a mechanism I want to use. In the first instance we want to work with the schools, but I take the Senator's points on board.

8 February 2021

In response to Senator Flynn, the lessons we have learned from the whole of society for how to deal with the pandemic is something we need to bring forward as well. I appreciate her comments also.

Senator O'Loughlin has a brother with Down's syndrome and she knows acutely of the needs of children with special needs. Again, I take her contribution on board.

In response to Senator Cummins, I hope to visit St. Paul's in Waterford at some stage when the school has opened. I appreciate his comments about prioritising the most vulnerable, which we must do at all times.

Senator Warfield talked about building good relations and ensuring we have good relations with our education partners. We are in continual engagement with them at all times. There are many constituent parts within the education sector, and we all need to try to work together to ensure that we continue with the reopening of schools and indeed to a full reopening over the coming weeks.

I say to Senator Carrigy that we want to collaborate and work with our education partners. I know that, along with Senator Dolan, he has an interest in all these issues. I hope we can get children with special educational needs back into mainstream schools soon. It was a mobilisation issue which meant that thus far they have not been reopened, but we hope that will happen in the coming weeks.

Obviously, we hope there will be an announcement on the leaving certificate in the near future as well. This matter does not fall under my remit but I will bring it to the attention of the Minister. I know the advisory council group is meeting on an ongoing basis to try to come up with solutions, but I understand that there is a need for clarity as soon as possible.

Senator Lombard spoke about ASD units in Bandon in County Cork. I will take all his comments on board. I only have a minute left.

An Leas-Chathaoirleach: There will not be a difficulty if the Minister of State wishes to continue.

Deputy Josepha Madigan: The Government's commitment to special education has been clear from the start of this pandemic. It is the first time that the public health advice was not taken on board. This has been a difficult time for families of children with special needs and we must ensure we try to get all of them back to school as soon as possible. It is positive that some of them will be back into a school environment on Thursday next but we want to ensure that this continues. There are approximately 18,500 children with special needs across the education sector so it is only approximately 4% of the entire education environment. As I said, we hope we will be in a position to do that over the next number of weeks. We are continuing our collaboration and intensive engagement with all our education partners, however, because, obviously, teachers and SNAs also have concerns. We are endeavouring to meet all those concerns. As Senator Bacik mentioned, the numbers are coming down as well. Hopefully, that will auger well for the future.

Sitting suspended at 5.03 p.m. and resumed at 5.20 p.m.

Free Provision of Period Products Bill 2021: Second Stage

An Cathaoirleach: I remind Members that under the new procedures, the proposer and seconder have a combined total time of 16 minutes. I call Senator Clifford-Lee.

Senator Lorraine Clifford-Lee: I move: “That the Bill be now read a Second Time.”

I will be sharing my time with Senator O’Loughlin, who will second the Bill.

I warmly welcome colleagues, the Minister of State, Deputy Feighan, and all those who are watching this debate online. Because of our reduced number many Members could not come to the Chamber but I know many of them are tuning in tonight. Today is an historic day. The Second Stage debate of a Bill is always significant as it allows Members to discuss the general principle of a Bill and to find common ground and purpose. It is a fitting tribute to the women, girls and trans people of Ireland that we are gathered here this evening to discuss the topic of period poverty. As we know, it is they who have suffered the disproportionate economic pain of the pandemic, leading to an even further widening of gender and economic inequality in Ireland. In addition to the economic hit, they are holding households together, undertaking the majority domestic and home-schooling tasks and, unfortunately, domestic violence has increased.

The progress of this Bill and the continuing of the wider conversation around period justice is another step on the road to dealing with our historically dysfunctional relationship with female reproductive health in Ireland. We have a lot of catching up to do. There has also been historical underfunding of female healthcare in this country. The passing of this Bill and the establishment of a free period product scheme would be a significant investment in female public health. It would also send a strong signal to the world that Ireland can be a world leader when it comes to gender and reproductive health and rights issues, and that Ireland is a good place for women, girls and trans people.

Period poverty refers to an inadequate access to period products, washing, waste management facilities and education. This leads to many adverse consequences. It is estimated that between 53,000 and 85,000 women, girls and trans people in Ireland are at risk of period poverty. However, the true level of period poverty is not known due to the historical shame and stigma associated with menstruation and the lack of data on the issue. Those at particular risk are people in active addiction, people who are homeless and those in abusive and controlling relationships. One-parent families are at particular risk of consistent poverty and this also includes period poverty. This also applies to members of the Traveller and Roma communities, as well as other minorities, as it is recognised they are the most marginalised people in Ireland. However, we know period poverty stretches beyond these groups and, therefore, I welcome the data gathering recommendation contained in the recently released report of the period poverty sub-committee of the national strategy for women and girls because it is only with this information we can truly address the issue comprehensively. I wish to acknowledge the work of all those involved in the sub-committee, as well as all those who gave their time and expertise to the committee.

The direct health impacts of period poverty include an increased risk of infection due to the use of improvised products, infrequent changing of products and toxic shock syndrome. The inability to access suitable volumes of period products can lead to leakage, risking embarrassment, which then leads to people missing school, college, work and necessary appointments, and it reduces female participation in sport and other community activities.

8 February 2021

Plan International Ireland undertook a survey of 1,100 girls in Ireland between the ages of 12 and 19 in 2018. It found that approximately 50% of respondents occasionally experience period poverty, with 10% using unsuitable products as a result of cost barriers. It also found that 61% reported absence from school as a result of their period and 70% needed pain relief. It is known that girls' participation in school rapidly declines at the onset of puberty and it is my belief that period poverty plays a significant role in this decline. There are wider health impacts of the lack of knowledge and also the typical issues associated with menstrual health. Endometriosis affects 10% of women, but they often find that when they seek medical help their pain is dismissed as simply being a period pain and they face a long uphill battle to get a diagnosis and treatment. I have spoken to several women suffering with endometriosis and they were all of the belief that it is only when we break down the stigma and speak about periods as a normal part of life that awareness around endometriosis can increase.

The provision of free period products would help reverse the gender inequality that is so apparent when one considers the burden of costs associated with managing routine reproductive biology, which nearly always falls on women, girls and trans people. It is bizarre to think that toilet paper, soap and paper towels are universally provided in public toilets, but period products are not. The system was clearly designed by men but now is our chance to design the system.

Many people played a part in getting period poverty onto the political agenda. I thank them all for their campaigning and action on the issue. The 2019 motions in the Seanad and Dáil tabled by the Irish Women's Parliamentary Caucus was a significant development in the fight for period justice. The cross-party motions were passed unanimously and led to the establishment of the period poverty sub-committee of the national strategy of women and girls, to which I referred. The sub-committee published its report today and it is a welcome step on the journey to achieving period justice. The programme for Government made a commitment on period poverty, which was an historic first for an Irish Government.

Local authorities around the country have passed motions highlighting period poverty and committing to providing free period products in buildings operated by them. Many of the motions were tabled by my colleagues in Fianna Fáil who are on councils across the country, so I want to give them a particular mention today. I also acknowledge that Senator Moynihan tabled one such motion when she was a member of Dublin City Council. I commend her and her colleagues in the Labour Party on their work on this issue and sponsoring a Bill on the topic. Senator O'Loughlin played a significant role in getting the cross-party motions tabled in 2019, along with the then chair of the women's caucus and now the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media, Deputy Catherine Martin. Senator Boylan raised the issue in the European Parliament when she was an MEP. That was very much welcomed at the time. All of our efforts have resulted in this issue being progressed to this point. Go raibh míle maith acu go léir. Ar scáth a chéile a mhaireann na daoine.

I will turn now to the Bill, the Free Provision of Period Products Bill 2021. The Bill requires the Minister for Health to establish a scheme to provide free period products for all who need them. The Bill allows for the development of a scheme for the provision of period products, which is suitable for the Irish experience. It is based on the recommendations in the report of the sub-committee, the 2019 cross-party motion and the commitment relating to period product provision contained in the programme for Government. The Bill requires the Minister for Health to lay the scheme, when drafted, before the Seanad and the Dáil so that Members can approve or reject it. This is significant as it gives parliamentarians oversight of the scheme to

control its shape now and in the future.

I thank the Minister of State, Deputy Feighan, the Minister, Deputy Stephen Donnelly, and the other Ministers in the Department of Health for their robust support of the Bill. I also thank the Taoiseach, Deputy Micheál Martin, the Minister for Children, Equality, Disability, Integration and Youth, Deputy O’Gorman, the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media, Deputy Catherine Martin, and the other members of the Cabinet for their support. Having strong political backing is essential for a sufficiently funded scheme to operate and serve the people who so desperately need this to become a reality.

I look forward to hearing all the contributions this evening and I hope to progress the Bill on a cross-party basis with support through the women’s caucus. We should not play politics with periods. Nobody wants to hear negativity tonight. We should work together to deliver as quickly as possible for the women, girls and trans people of Ireland.

Senator Fiona O’Loughlin: I am very proud and honoured to second the Bill brought forward by my colleague, Senator Clifford-Lee. I thank her for all of the work and consultation that she has undertaken to bring the Bill before us tonight. I say that both as a Fianna Fáil colleague and as chair of the women’s caucus.

It is almost two years since the women’s caucus decided to put a cross-party motion on period poverty to the Dáil. That motion was subsequently debated in the Seanad. It is great that less than two years later, the report is published today, we have this Bill in front of us and a commitment on the issue in the programme for Government, which my party and the Minister for Tourism, Culture, Arts, Gaeltacht, Sports and Media, Deputy Catherine Martin, and her party ensured was included. The Bill that is before us is a natural progression of that effort.

According to research conducted by Plan International Ireland, 50% of women between the ages of 12 and 19 struggle to afford sanitary products. I was absolutely shocked when I came across that statistic two years ago. It is very hard to imagine that approximately half of young women in Ireland and, indeed, some older women and trans men, cannot afford a basic product. Another thing that I discovered two years ago, as part of an exercise in which we looked at how many times menstruation had been mentioned in the Dáil record over the previous 100 years, was that it was mentioned 27 times. That shows the lack of debate on periods, which are a very normal part of girls’ and women’s lives. When menstruation was mentioned, it was in the context of fertility as opposed to an individual’s health and well-being. That was worrying because period poverty is a real issue for women in Ireland. It is good to see the debate we are now having and not one but two Bills on the issue. It is also good to see women around the country, including councillors in Dublin, Longford and Kilkenny, putting this matter on the agenda and ensuring we have a debate on it. It is an issue of equality and dignity as well as one of trying to ensure that all women have access to the products they need. There is an element of poverty, with women who are living in poor conditions finding it difficult for many reasons, particularly in the context of their own dignity.

I pay particular tribute to Claire Hunt, who is pretty much a one-woman show in running the Homeless Period Ireland organisation. She has been doing tremendous work for years. Two years ago, she gave a presentation in the Oireachtas audiovisual room on the impact period poverty has on many women. It was wonderful to see so many schools involved in that initiative. There were pupils from two schools, in counties Meath and Cavan, in attendance at the presentation who were doing projects for the Young Social Innovators awards. That is really

to be commended.

There is a massive stigma surrounding periods and the cost of period products. That has very real consequences. As well as the finding that 50% of women and young girls found it difficult to afford products, the Plan International Ireland survey also found that 61% of Irish girls have missed school because of their period. That is absolutely shocking. If 61% of any student cohort said that they had missed school because of some type of virus, it would be a national emergency.

Opening up the conversation, as well as providing free sanitary products, brings greater dignity and well-being to women and girls. Those of us in the women's caucus were delighted to have the opportunity to bring attention to the issue. We will be having a meeting tomorrow to discuss what we have achieved in the past two years. It is very timely that this Bill, which was sponsored by Senator Clifford-Lee, is before us this evening. Periods are an entirely normal part of life for every woman worldwide. Both the UN and the leading NGO, Human Rights Watch, have repeatedly recognised menstrual hygiene as a human right. They have said that irrespective of income, background or circumstance every woman should have access to sanitary products in a discreet and dignified way. No woman should be left unable to manage her period. It is an issue and a matter of promoting and maintaining public health. It is an important conversation we need to have in the Seanad and Dáil and on the streets as well as in schools, communities, homes and offices.

The progressive legislation we are discussing today is welcome. It will be a major public health measure. It is welcome that the Government is supporting the Bill. Irrespective of what anyone says, no one woman or particular party owns this issue. This is an issue for all women and young girls of Ireland and of course for trans men. There are many different conversations that we need to have.

Gloria Steinem once said that the world would be a very different place if men had periods. I think she is absolutely right. If men had periods I do not believe we would be having this particular debate at this time. The debate is continuing around the world. We know that in Scotland a little over two years ago Ms Nicola Sturgeon was the first First Minister to introduce legislation supporting period poverty. Other countries have taken that example and I look forward to Ireland taking that lead and progressing the legislation we have before us. Again, I thank my colleague, Senator Clifford-Lee, and I look forward to the debate and to further support.

Senator Victor Boyhan: I welcome the Minister of State to the House and thank him for attending. I note the press release that was issued with the half of the Department in which he is referenced. The press release relates to the launching of the Period Poverty in Ireland report. It is timely, wise and pragmatic - whatever we like to call it - that it should be today given what we have on the agenda.

I wish to acknowledge some important points that need to be looked at and addressed. It is positive and welcome. I thank Senators Clifford-Lee and O'Loughlin for using their Private Members' time for this important issue. It is an important issue. It is important that we have engagement and a conversation.

While I have heard people talking about this being a matter for women and girls - and it is - it is also a matter for men. We have male teachers in our schools. I heard a story from a mother of someone who works here. She told me today that her 11 year old was in school last

year. The gym teacher blew a whistle and called to two of the students and said they were out. The reason was they were having their periods. The humiliation and the stigma they felt were acute. Considerable learning is needed and conversations need to be had.

I wish to acknowledge the work of Senator Moynihan of the Labour Party. She has done a good deal of work on this issue in the past two years. She was the champion of this in local government and in Dublin City Council especially.

The two Bills are considerably different in size and content. Senator Clifford-Lee talked about accepting or rejecting the Bill. There is a middle ground. There is accepting the Bill, rejecting the Bill and, more important, amending the Bill. The Bill will need polishing up - we all accept that. We need to bring more to the Bill. It is right to point out that no one owns this tranche of important work. We all need to bring our experiences and stories as well as the stories of other people's experiences to this debate. I welcome that and I believe it is an important point and one that needs to be made.

For too many people and for too long menstruation has been a hidden topic dealt with in silence, rarely spoken about and then only in female company. Menstruation is the most natural thing in the world. That is a simple sentence and I do not understand why that somehow has not been got out, because it is really important. It is hard to believe that the stigma of shame still exists around the natural female bodily function of menstruation in some families. Remember that in some families this is an issue. It is not talked about in schools, workplaces or, dare I say it, in care settings. Recently, I spoke to someone whose daughter had a mild disability and was in care. Again, she felt ashamed and got no help or support or the appropriate sanitary care that she required and needed. This is a broader and bigger issue that is important.

Multiple barriers exist, such as the lack of emergency supplies of menstrual products, bins for disposal and simple warm water and soap in some of our schools. People keep speaking about secondary schools. I spoke about the girl of 11. This is not just 12, 13 and 14-year-old girls. Let us be realistic. We are speaking about girls and women. We need the support. They should not feel ashamed or that there is a stigma.

I am very aware of the work that Plan International has done. It was interesting to read in its report some examples of girls whom it spoke to and the feedback in its latest survey. One girl said when she is bleeding she does not go to school. Another said when she first arrived at the training centre they did not have anything and that she felt ashamed to mention what she thought was her problem but that perhaps it was their problem. Another said that when she grew up in care she did not get the assistance, the support or the care required for her severe endometriosis. She felt ashamed and dirty and thought she was going to die. These are real words, real conversation and real stories that young girls have had to tell.

The language in the Plan International report is interesting as it is overwhelmingly negative, and this was commented on in the survey. Words such as "annoying", "inconvenient", "painful", "hurtful" and "uncomfortable" were used. When describing the start of menstruation, words and phrases such as "scared" and "horrible" were used. One person said she had no idea and not a clue what was going on and not a clue what was going to happen. She said she was shocked, confused, embarrassed and unprepared. What does this tell us about our schools and about our families, social services and care services? We need to have a conversation.

There was a mention of Scotland. I am on the British-Irish Parliamentary Assembly and I

have had some talks with the Scottish National Party on this issue through a social committee on which I was involved. At the end of the day, I want girls and women to know it is okay to talk about their periods and to have easy access to a safe and, more importantly, an appropriate range of products, and people know what I mean by this. There should be an appropriate range of products suitable to their needs and their choice. Choice is so important.

I thank the proposers of the Bill. I thank everyone who has brought it forward today. We need a broader conversation, and what is more important is that it is not all about schools. It is about workplaces. It is about this workplace and it is today. Go to the bathrooms and see what is on offer. This is the challenge. If we start here, within weeks we will see progress. We do not need legislation to tell us to put in place facilities for women or girls visiting here with their mothers or guardians. We start here and we roll out the appropriate sanitary requirements that girls and women need, and we end the taboo and speak about what is the most natural thing in the world.

Senator Martin Conway: I welcome the Bill to the House and commend Senator Clifford-Lee on tabling it. As a matter of fact, it was not long after the Senator was elected to the House in 2017 that she spoke on this issue and highlighted it. It is good to see that Bills are finally coming to the House on such an important issue. The motions that came before the Seanad and the Dáil in 2019 set the agenda. In my opinion, it was far too late but at least it set the agenda. I acknowledge my colleague, Senator Seery Kearney, who has also been campaigning on this issue for a long time, as has Senator Moynihan. The work done by Dublin City Council and all of the other councils is commendable. I would like to see it rolled out to every council in the country.

It is important that men speak about this issue. There is a phenomenal level of ignorance among males when it comes to this issue. This is not, to a large extent, the fault of the male. Rather, it is the fault of the education system and sex education which, in my view, has been pitifully poor in this country for decades. I agree with everything Senator Boyhan said and the eloquent manner in which he said it. What he said is true and accurate.

It is shocking that globally 50% of women experience period poverty. This should not exist in our society and it needs to be eliminated as a matter of urgency. This is a serious political issue. I agree this House needs to come together on it. It is not a political football but a political issue that needs to be dealt with. I am glad it is in the programme for Government. I do not know who is responsible for it being in the programme, but I acknowledge the sentiment and commitment in this regard among all parties in government and in opposition. Let us come together and put through this House legislation that can then be considered by Dáil Éireann and become the law of the land, thus requiring the Government to honour the commitment in the programme for Government to deal with this important issue.

I, too, have heard stories of females with serious disabilities and the challenges they face. The report issued today is welcome. I have only had time to scan through it because it only became available this afternoon. According to one statistic, the cost associated with period poverty is €100, which is in addition to the pain associated with periods.

Senator Emer Currie: I thank everyone who has led on this issue over the years. As I have only two and a half minutes, I cannot name everyone. This Bill and the Labour Party Bill relate to the provision of free period products, but they are also about social change in a country that will no longer accept the stigmatisation of menstruation, taboos around women's health or

their bodies. Bodies and what they do is not something to be controlled, but accepted as natural and normal in all of our wonderful diversity and difference. Stigmatisation is a barrier to good health and gender equality. We see this across the board in women's health in regard to contraception, sexual health, breastfeeding and so on. This is the reason the national strategy for women and girls is so important and must be kept at the top of the agenda.

Accessibility of period products is as important as provision. Half of all teenagers and women between the ages of 12 and 19 have had difficulty paying for sanitary products. I am glad the programme for Government includes a commitment to provide them in all publicly funded educational settings, but as provided for in the Bills and the report, we can and should go further than that. Supports for high-risk groups, including refugees, members of the Traveller community and the homeless are a must. Accessibility of products in addiction services, refuges, Garda stations, hospitals, primary care centres, public buildings and services, community centres, leisure centres and council buildings is a must. It is not just about providing the products; it is about having them in places where people need them. The lack of accessible public infrastructure must be called out as a potential issue. The lack of public toilets in this country is appalling. It is a barrier to good hygiene and health for all. In Dublin West, I am aware of a public toilet in Blanchardstown retail park and in SuperValu in the shopping centre in Roselawn. That is all. This causes a huge amount of anxiety for people. There are excellent public toilets in St. Catherine's Park, close to the playground, but only limited public toilets in the Phoenix Park, an issue I am frequently contacted about. This is also an issue raised by tourists in Dublin. This needs to change. This issue has come to prominence during Covid-19 because people cannot rely on private facilities and not everyone can do that when they are open. There are two new public toilets in Dublin city centre, so we know the demand is there. As other countries manage to provide public toilets, why can we not do so? Other countries also manage to provide changing places. Apparently, there are 15 changing places in Ireland. There are 1,500 of them in England and 40 in the North. Public spaces say much about who we are, who we accept, who we welcome, what we accept and what we prioritise.

I would like to say much more but I will finish on this. One of the recommendations in tomorrow's report should be that a survey be conducted in respect of existing public toilet infrastructure, lessons internationally and how we can empower and enable local authorities to install public toilets where they are necessary. I thank all the players present today.

Senator Rebecca Moynihan: I welcome this debate and I welcome that the issue of access to period products is being discussed in the House. That said, I am disappointed that the reason the Government has at last raised the issue is because of a rushed Bill in response to one I introduced. This is a Government Bill that has been considered at Cabinet but it is unlikely to be constitutional because it delegates power to a Minister without setting proper procedures, principles and policies for any regulations being introduced, as is required in the context of delegated legislation. I have no doubt that this legislation was tabled in response to my Bill. I am disappointed that we could not work on a cross-party basis to put substantial, comprehensive legislation in place and, more importantly, a comprehensive, effective scheme to help all those who use period products, regardless of their circumstances.

Many people in this House have worked on this issue for a long time. In particular, Senator Boylan was very much to the forefront in the European Parliament, as was her colleague on South Dublin County Council.

A Bill enabling the Minister to develop a limited scheme does not go far enough. That is

clearly the indication coming from the Government's report issued today, which shows it has decided that yet more debate, more research and more can-kicking are needed. However, I want to see this issue progressed, because I fundamentally believe in period justice and universal access to free period products. To that end, I will seek to amend and campaign for whatever Bill emerges from the Government.

I do not simply want a limited scheme in order that the Government can say it has addressed the issue of period poverty without considering period justice, dignity and the stigma associated with periods. I fundamentally believe in universal access to period products and that we need to stop treating period products as if they are any different from the other basic hygiene products that we find in toilets, such as toilet roll or soap. These are basic hygiene products and those who use and need them deserve respect.

When I was a member of Dublin City Council, I pressed for a scheme to provide free period products and then got money allocated in the budget for it. I did this not on the basis of limited access, but on the basis that it would be available in all our buildings in Dublin city. The Government report released today confirms that this was not abused and that people did not use it to replace the normal period products they use.

When the Minister of State leaves his house for the day, he does not pop in his bag a roll of toilet paper or put a few sheets in his back pocket just in case. Nobody talks about toilet paper poverty and there are no reports recommending that more data needs to be collected on the use of toilet paper because it is considered to be a basic hygiene product that we all understand should be universally provided. Every single Government building has it, as does every single school, every social welfare office, every library, every recreation centre and every swimming pool. In recent months, every shop or building we enter has had a hand sanitiser dispenser available because we decided that it was up to everyone to provide the products needed to help stop the spread of the virus which has changed our world.

In 2019, the climate action plan provided that no Government agency or Department should buy single-use plastics. The shared facilities management unit had to implement this and it has now been extended to all the bodies under the aegis of the Department of Public Expenditure and Reform. When it comes to period products, however, it has taken over a year to come up with a report suggesting that more data is needed when it is not.

In contrast to this one-liner of a Bill, I introduced legislation to make period products free of charge in schools, educational facilities and public service bodies. We underpinned the obligation to provide period products with core principles such as ease of access and respecting the dignity of those using them; ensuring that people had a choice of products; promoting environmental sustainability, such as the use of non-plastic options; and, most important, ongoing consultation with users about what they want. At this stage I thank Ms Monica Lennon, a member of the Scottish Parliament who introduced legislation there and who has helped us.

This is not perfect legislation and more work is needed, which is why I wanted to engage cross-party support, contacting the women's caucus and cross-party group on reproductive health. Instead, the Government has decided to formulate its own Bill, which is fair enough, but it could have put in more work. We have been engaging with groups all over the country on the wider matter and more than 3,000 people have responded to a survey in this process. I will use the experience of those people and groups when drafting amendments. It is the experience of the people who use period products that matters.

Senator Sharon Keogan: Hear, hear. Well done.

Senator Pauline O'Reilly: I am not sure I want to go on after Senator Moynihan's contribution. I thank the Senators and commend them on putting forward Bills on this matter, along with all the people who have done work for a long time on this. I also mention everybody who has been experiencing periods all their lives and knows first-hand these difficulties. I know many, like me, had to approach strangers for help in getting this essential service as teenagers because they did not have any pocket money. It is correct to say it should be like toilet paper, which we do not pay for in a public facility.

We have spoken much about the pain and shame but menstruation is a celebration as well, and we very rarely talk about that aspect. It is a celebration not just of life giving but of who we are. How we operate in the world is based around our cycles or not having those cycles. One of the key aspects of this report concerns stigma. If we are saying there is no stigma, it is not just that there is no stigma around pain but that there is no stigma around the joy in being a person with a menstrual cycle and what this has to offer the world as well. It is a closeness to nature and connection with other species and how we are natural beings. It is a key part of this discussion.

It has not been mentioned but it is important to look on period products from an environmental aspect as well. Many years ago I was converted to using reusable products and I have not had to purchase a product for years. We need to take this into consideration, regardless of which Bill we go for or which recommendations we follow. The matter is not considered to a sufficient degree as €25 will buy something that will last for years while doing no damage to the environment. We must think creatively about how we deal with this. These are not products that can be picked up in a public toilet but it should be free.

In the same way, I know many people have spoken about contraceptives and I tabled a motion relating to free contraceptives when the Minister of State came to the House previously.

6 o'clock Senator Clifford-Lee has done work on free access to contraceptives as well and the women's caucus has worked on all these matters. It is a key consideration and with contraceptives, for example, it should not just be a case of allowing people to pick up a condom, which is the cheapest option. We should think about what suits a woman or a person at a particular time. It may be a different product.

More work is required on this but, as a first step, we need to make sure the people who really need a certain product are catered for.

The report states that between 53,000 and 85,000 people are at risk of period poverty. Those people need to be dealt with as soon as possible. We need to think creatively. I am not attached to the outcome but to the actual result for women and girls and for transgender and intersex individuals. I am attached to ensuring everybody has access. We must think long term about the kinds of commitments we need to make to our planet and to people's pockets. That includes the pocket of the State because, as we said about contraceptives, it is actually cheaper in the long run if the State forks out up front for something that might cost a little more. It will save it money.

I thank the Fianna Fáil women for introducing this Bill. The deputy leader of the Green Party, the Minister, Deputy Catherine Martin, has done significant work on this for a long time, as have many of my colleagues. I also thank Senator Moynihan for introducing a Bill. It is

quite correct to say neither Bill is perfect. This is Second Stage, however, not Committee Stage, so we should all work together. Forty percent of Members of this Chamber are women. That is why we are seeing all these things flying at us from every angle. Is it not great to see that we can all work together on these issues?

An Cathaoirleach: I now want to hand over the Chair to the chairperson of the women's caucus, which has championed this cause. It has done so not for one woman but on behalf of all women. That 50% of women have not been able to afford a product that is so basic and needed all the time brings shame to this country. I hope this legislation and the proposals made by Senators and Members of the European Parliament, including motions, will mean this will no longer be the case. It should not be a case of having more studies and reports. I hope this is about action. I am happy to hand over the Chair to the person who is leading the parliamentary caucus for the country, Senator O'Loughlin. I thank the Senator.

Acting Chairperson (Senator Fiona O'Loughlin): I thank the Cathaoirleach for his kind words. I call Senator Boylan to speak.

Senator Lynn Boylan: What a shame it is that Ms Claire Hunt from Homeless Period Ireland cannot be here today because she has, from her kitchen table, provided menstrual dignity to thousands. She has sought no plaudits or awards. In fact, all she wants is for Homeless Period Ireland not to exist. When the cross-party motion was passed in the Dáil and Seanad, it was seen as a really positive step towards making this happen. All political parties were on board to ensure no one who menstruates should have to exclude themselves from daily activities due to an inability to access period products.

The events of the past fortnight have been so disappointing because it seems that period poverty Bills are like buses now in that, after waiting ages for one, two come along at once. In this case, however, we were all informed about the first one. In fact, the driver, Senator Moynihan, invited us all on board to make sure that it was fit for purpose and that our experiences of working on the issue could be incorporated when it came to any amendments. I guess that, as they say in politics, we are where we are. Sinn Féin will support the Bill today. It will work with anybody and everybody over the coming months to make sure the amendments that are essential are passed to improve the legislation.

The issue of period poverty is part and parcel of the broader issue of poverty in society. It is the condition of not having enough money to live one's life. If people are living in poverty, it cannot be compartmentalised. It affects every part of people's lives, including how people feel about themselves. I have been a volunteer driver with Homeless Period Ireland for a number of years and the places to which period products are delivered are not stand-alone facilities, set up only to distribute period products. They are food banks, domestic violence refuges, direct provision centres, homeless charities and addiction services. The Department of Health period poverty report flagged that while we, apparently, do not have enough data on the scale of period poverty, we know that there are probably between 53,000 and 85,000 people at risk of period poverty. While the Bill is indeed welcome, recognising the issue of poverty and how it disproportionately impacts women and girls is a critical part of the solution.

An ESRI report showed that from 2008, budgetary policies, including changes to the tax and benefits system, hit lone parents harder. It left women with greater income reductions than men. These were Government decisions that pushed women into period poverty. The period poverty report also noted that there was a significant incidence of period poverty among those

experiencing homelessness and addiction, those living in abusive relationships and minority and ethnic communities. We know for a fact that the number of women in every one of those categories has increased this year. More than 2,000 women are rough sleeping and that does not include the women in Tusla facilities, religious shelters, or who have a right to remain in the country but are stuck in direct provision services. That brings the figure closer to 3,000. Direct provision services have existed in this country since 1999 but it was only in 2019 that the Government saw fit to provide period products to them. I do not know what the Government expected the women to use until then. Even then, because the direct provision model we have in this State is a for-profit model, those running the centres sourced the cheapest products available so that they could profit on the back of women bleeding.

For the women living in abusive relationships and at risk of period poverty, there is a lack of refuge spaces. There is not a single space in nine counties because they do not have a domestic violence refuge at all. With all the gusto that is being shown regarding period poverty, I hope to see the same enthusiasm in addressing the systemic issue of poverty.

Senator Niall Ó Donnghaile: Hear, hear.

Senator Lynn Boylan: I will move on to the other purpose of this Bill, which relates to the need for access to be universal because, as Senator Moynihan said, universality is an important part of addressing the stigma and shame around menstruation. We help to break that down through the visibility and accessibility of products. Universal access brings an end to the days of shoving the tampon up a sleeve or having to ask friends or strangers if they have spares, regardless of incomes. Universal access in every bathroom across the country normalises what is a normal biological process that has been stigmatised by years of misogynistic culture. Access to choice is also important, as is a commitment to demanding more sustainable products and practices from the manufacturers.

When I worked on the single-use plastic directive in Europe, rather than regulate the manufacturing companies to reduce the plastic content, the Commission wanted to increase the taxes on them, further punishing women for being women. We need to put pressure on the EU to reform the VAT system on the newer period products so there are no punitive taxes. We also need reform in the manner in which it regulates period products because greater transparency is also needed in labelling and further research into products.

I welcome the Bill and the manner in which it came about. We all need to work together. I hope that the Chairperson will give me the benefit of a couple of seconds to read two verses of a poem by Salena Godden:

You should see what I made red

You should see what I made red

You should see my art

The sheets, the sheets, the sheets

I made all the sheets red

All the bed a pool of red heat

...

8 February 2021

But,

This blood does not come from violence

...

This blood does not come from murder

This blood is not my death

...

And yet this blood disgusts us the most

More than any blood

More than the blood on the hands of man's bloody war

This blood disgusts us most

This shameful blood, this quiet blood

Shush! Don't mention the lady blood

Shush! Don't mention this discreet blue lady blood.

Senator Frances Black: I commend Senator Clifford-Lee on tabling this Bill which tackles the everyday injustices felt by people during their menstruation cycles. It is essential that in 2021 we see legislation to end the prominent problem of period poverty in support of women's rights. Periods are not a luxury. They are an everyday life reality and there should be absolutely no barriers to accessing the necessary sanitary products for all people who have periods. It is shameful that there are young people with periods who intentionally avoid attending school owing to the lack of sanitary products. This is a problem that can be tackled with the correct legislation.

In 2021, it should not be the case that people who do not have access to money are missing out on basic sanitary products. We can reduce and eradicate the levels of period poverty in our lifetime. To do that, we require legislation that aims to make meaningful change for those who menstruate. It is a part of everyday life and we must have period justice for all people. United Nations Human Rights Council Resolution 33/10 stated that the lack of menstrual health management and the stigma associated with menstruation both have a negative impact on gender equality and the enjoyment by women, girls and trans people of human rights, including the right to education and health. I am delighted that the Departments of Health and Children, Equality, Disability, Integration and Youth have jointly launched a report examining the prevalence and impact of period poverty in Ireland in line with the recommendations of Oireachtas motions passed in early 2019.

Period poverty is a very real and persistent problem in Ireland, one that unfortunately carries with it the weight of considerable shame and stigma. The reality is that 800 million women, girls and trans people menstruate every day. It has been calculated that the average cost of period products alone in Ireland is up to €130, just in respect of the menstrual cycle. This is

before the additional costs for pain management, contraceptives and laundry bills are factored into the calculation. This is a major additional financial burden, which can be unmanageable for the most vulnerable in society.

While I say “well done” to Senator Clifford-Lee, I also commend Senator Moynihan and the Labour Party on having another Bill on the Order Paper. As a group, they have taken tremendous strides in creating comprehensive and thorough legislation that tackles period poverty and ensures the provision of education around the destigmatising of periods for women, girls and trans people who menstruate. It is essential that we implement legislation that follows in the steps of the ground-breaking Scottish Labour Party Bill, on which Monica Lennon, MSP, led. Ireland can and should follow in the footsteps of Scotland, the model for such legislation and its implementation.

It is essential that there is also education provided concerning where these products are available. In 2021, there is no reason that the provision of period products should differ from the provision of soap or toilet rolls in a public building. There are countless examples of young people on lower incomes who struggle to afford tampons and sanitary towels and are forced to resort to using items such as kitchen roll and socks. There are examples, as I mentioned, of young people avoiding school around their period, meaning that they are missing out on their full education and schooling. By providing easily accessible products in our schools, we can protect these girls and give them the same chance as their peers. In this day and age, we should not be in a situation where people are not using the products they need for their periods. For this reason, we need a legal basis to underpin a scenario in which products are freely available in schools, educational institutions funded by the State and public service bodies.

Some 109 of the young women who participated in a survey said they were forced to use a “less suitable sanitary product” because of the high monthly cost involved. Nearly 60% of young women said they did not find classes at school on periods helpful, while six out of ten reported feeling shame and embarrassment about their periods. A small number even said they believed they could lose their virginity by using a tampon, while others did not think it was possible to become pregnant while on their period. Some 61% of Irish girls have missed school because of their periods and more than 80% said they did not feel comfortable talking about their periods with their father or a teacher. Nearly 70% take some form of pain relief during menstruation.

This report clearly highlights the need for education and normalisation regarding periods, as well as removing barriers to accessing these products. I commend the Labour Party’s social media campaign, “Bleedin’ Justice”, to raise awareness of period poverty and the injustices that go with menstruation. It has been highly informative and important in encouraging conversation around this topic, which so many struggle to speak about. As Senator Moynihan said, period injustice can have a detrimental effect on the health and well-being of women, girls and trans people. The objective of this legislation is that all who menstruate should be able to access period products at no cost as and when they are required. For some reason, period products are treated as a luxury item. Period products are not a luxury item and should be accessible to all who need them. It is common sense that we implement legislation which will ensure that young women in particular can access different types of period products easily and, importantly, can do so with dignity.

Senator Mary Seery Kearney: Any initiative that alleviates period poverty is to be applauded. Menstruation is an absolute necessity to the very existence of our species and yet we

hesitate in speaking about it. Ridiculously, an advertisement that spoke directly and usefully about how to use a tampon was complained about and discontinued - too shocking and too blunt for our moral sensitivities. It speaks of a huge need for education and normalising of the subject and of this most normal of bodily functions.

I was very fortunate to have a very progressive mother who sat me down at the age of ten to give me all of the facts of life in a natural and fabulously normal way. When periods came they were supported and cherished but that is not the case for everyone. Many girls, women, trans and non-binary persons who menstruate experience period poverty in the management of their periods. That is totally unacceptable and it has to stop.

I am very grateful to those who have gone before me in lighting the way to this matter including Plan International Ireland for its considerable work, Homeless Period Ireland for its tireless work and the councils, including Senator Moynihan who, as a councillor, took the decision to supply period products in the past number of years. I am not new to this subject either. I have been active for a considerable amount of time and have worked quietly with others in my close circle of friends in the funding of provision of period products.

It is awful to experience the pain and discomfort of menstruation without being able to deal with it in a manner that is respectful and without shame or embarrassment. I have often wondered what the world would be like if men had periods. Would *force majeure* leave include the reason of menstruation? Would pain relief be included with period products in the pack? Would period products be open and freely available? Would menstruation still have its obligatory forbearance, shame and embarrassment? I suspect not. Instead, we live in a world where the vast majority of those who menstruate are women, who are more likely to be in the lower income groups, to be the head of lone parent families and to be living in precarious tenure and precarious employment. Consequently, they are more likely to experience period poverty.

Over the past few days, in preparation for the forthcoming debates on the legislation, I conducted an online survey. Of the replies to that, 1% did not believe that it existed, 20% never experienced it and of those who did, 25% do not use formal period products, and one person elaborated to tell me the choices she is obliged to make between feeding her children and other necessary costs over the choice of period products.

In making provisions for period products we need to be very careful about any assumptions we make based on the projection of our own choices. We now have a society that is multicultural and multifaith. Cultural differences mean that the sales of period products are changing, tipping back in favour of sanitary pads from tampons. Those who are conscious of the environmental impact of period products advocate for the use of the menstrual cup, a silicone cup that is inserted to collect menstrual fluid and can be reused safely and hygienically.

The products made available must respect that diversity of choice. So also the entities and organisations chosen to provide those products must not influence that choice. We must enshrine that choice to those who menstruate. The placement of the product must respect the diversity of users, including trans and non-binary menstruating people. Placing them in a women's toilet, therefore, will not be sufficient. Equally, care must be given to ensure the accessibility of all products.

If we are to distribute period products to schools we need to include primary schools to ensure that those menstruating from as young and as early as seven and eight, as reported, are

also included. What happens when schools are closed for holidays and, for instance, during this Covid-19 pandemic? How are the products being accessed? Should we be including the provision of period products as part of the medical card entitlement?

I welcome the report published today. It calls for a comprehensive addressing of the issue of stigma and sets out ways in which that might be achieved. The report suggests a pathway to provision via established networks and NGOs and makes sensitive suggestions around that provision. It further suggests solutions on the subject of VAT. That needs to be addressed at an EU level. I have already contacted our MEPs, Maria Walsh and Frances Fitzgerald, and sought their support in lobbying for member state discretion in the VAT equalisation directive.

The report addresses the fact that funding is required to support any initiative in this area. I believe it is a comprehensive report which provides a pathway for consideration of all of the necessary steps to true period poverty alleviation. I therefore urge that we take on board all that the report urges us to do and find out before we move to the next stage of legislation, so we make sure we have a gold standard of provision that reflects the careful inclusion and consideration that is required. I fear that if we rush, we will end up with merely a nod to provision and tokenism instead of a truly transformative, empowering end to period poverty. We need to be ambitious and be dedicated in that ambition. I hope that it will be a matter of weeks, at most a couple of months, between Second Stage and Committee Stage so that we can ensure a gold standard and end period poverty.

Acting Chairperson (Senator Fiona O'Loughlin): I call Senator Dolan.

Senator Aisling Dolan: I thank the Acting Chairperson. It is great to see her here today as chair of the Irish Women's Parliamentary Caucus. I welcome the Minister of State, Deputy Feighan. It is clear that there is cross-party support for immediate movement on this matter. I am proud to stand here and I thank my colleagues who have done so much work in introducing this Bill. I am in awe of the work that Senators Clifford-Lee and Moynihan have done here and in councils.

This matter impacts on girls and women and inherent human rights to hygiene, and just not having infections. To think of young girls, women and trans people who cannot afford to purchase what they need for periods or to access pain relief is mind-boggling. We have details from the evidence in this report. There is stigma and people cannot talk about the issue openly, which is a problem. Girls sometimes do not go to school or even stop taking part in sport. We all know about this, that it happened and that it is still happening. I am aware that some sanitary towels and tampons are not subject to VAT but there is still a significant cost.

I welcome this report and its initiation by the Irish Women's Parliamentary Caucus, as well as the incredible work over the 14 months by the sub-committee chaired by the Department of Health, including the international statistics that were gathered. A few statistics really stood out for me. Between 53,000 and 85,000 women are at risk of period poverty, with especially high risk among groups subject to homelessness and addiction. Over 86% of lone parents are women and they are a group at high risk of poverty. In 2019, the State supported more than 44,000 women with exceptional needs payments. Today the State is supporting nearly 600,000 on the pandemic unemployment payment and with unemployment assistance, which is down to Covid and the lockdown. The impact on the retail, hospitality, travel and tourism sectors has affected women, especially young women, more than any other group. Women have always been at a higher risk of poverty for many reasons, as has been mentioned by my colleagues, whether

they are single parents or in abusive relationships.

All that I can add to what my colleagues have said is that we need to see this happening quickly. Dublin City Council has set an example. I would like to see our councils in Galway and Roscommon supported to be able to run these programmes and deliver this, whether through libraries or schools. The women who have accessed the exceptional needs payment from the Department of Social Protection have to be the first group that we deal with. We need to look at how we provide this through State-run institutions or support it in local authorities.

The United Nations Human Rights Council Resolution 33/10 on 29 September 2016 states that a lack of menstrual health management and stigma associated with menstruation both have a negative impact on gender equality and on women's and girls' enjoyment of human rights, including the right to education and the right to health. This is a basic human right.

Senator Marie Sherlock: I am very glad to speak on this important Bill at this sitting. While it is fair to say that there are many of us on this side of the Chamber who may have done it quite differently in terms of the Bill itself, and we have pointed to gaps and missed opportunities, nonetheless this is a very important and positive debate.

A lot has been said this evening, and at the conclusion of this debate I want my message to be that there is a onus now, on Government party Senators in particular and indeed the Minister, to ensure that there is no delay in getting this Bill to the Committee on Health and that the amendments which my colleague, Senator Moynihan, the Labour Party and other parties will put forward to flesh out this Bill and make it workable will be taken on board quickly so that the Bill is implemented and enacted by the middle of this year. We can have all the lovely words in the world, pat ourselves on the back, say that we are talking about this issue and putting it centre stage, but at the end of the day, unless we actually see action, it will have no use.

I pay particular tribute to my colleague, Senator Moynihan, because she has talked about this issue for years within Dublin City Council, ensuring that €100,000 was put in place for period products across every institution. There is no point in having motions or Bills if they do not do something because what is at stake is affording dignity to girls and women of all ages in what is a part of all our lives.

We have spoken a lot about period poverty and rightfully so, but it is important to talk about the need for universal access to period products. We should not profile who we think may need them, because need happens in all sorts of houses and environments. Indeed, many in this Chamber may well have found themselves in that place. My clear call is for the Government to get on with this. There was a huge rush to get this Bill here today. There should be no excuse for not seeing this enacted by the middle of this year.

Minister of State at the Department of Health (Deputy Frankie Feighan): I thank the Senators for highlighting the issue of period poverty and for the opportunity to discuss the work the Department of Health and the Department of Children, Equality, Disability, Integration and Youth have undertaken on this matter.

I thank the proposers of the Bill, Senators Clifford-Lee, Ardagh and Fitzpatrick, and the proposers of the second Bill: Senators Moynihan, Wall, Sherlock, Hoey and Bacik. I am very thankful for the co-operation of Senators today. I am a Minister of State in the Department and I happen to be a man. However, I want to work with Senators with empathy. I want to do this for mná na hÉireann and equality in general, for wives, sisters, daughters, friends and colleagues,

and for the wider considerations of compassion and fairness.

We will do the right thing by this issue. The Government is supporting this period poverty Bill and I look forward to bringing it to other Stages and to discussing it with the parliamentary women's caucus. I thank Senator O'Loughlin, the Minister, Deputy Catherine Martin, and others who were on the parliamentary women's caucus for progressing this. This is very helpful. I again thank Senator Moynihan and her colleagues. I understand that they have a Bill and I hope we will be able to deal with the issues in the coming weeks and months. I also thank Senator Boylan. I understand that, as an MEP, she progressed this issue as well. Senator Boyhan talked about taboos, shame and stigma which are issues that we must address. Senator Conway raised several issues and Senator Currie talked about social change and referred to a survey about public toilets and conveniences. These are things that we do not really notice until we start discussing the complexities of a Bill like this. I am sure there will be a lot more discussion on this. Senator Moynihan spoke about period justice and stigma and also referred to basic hygiene products. Senator Sherlock raised similar issues and more or less said we should get on with it and that is what the Government must do. Senator Pauline O'Reilly spoke about the 53,000 to 85,000 people at risk of period poverty. She also spoke about peoples' pockets and saving the planet. Senator Boylan made reference to Ms Claire Hunt. I have not met Ms Hunt but have heard her name mentioned frequently and I pay tribute to her for the work she has done in this area. Senator Clifford-Lee also mentioned Ms Hunt. Senator Black spoke about school and the cost of period products. She also used the words "shame", "stigma" and "taboo" which came up time and again. These are words we should not have to use in this day and age but unfortunately, they are appropriate. Senator Seery Kearney talked about education, normalisation and a diversity of choice which is exactly what is needed here. I look forward to working with her on this in the coming weeks. I thank Senator Aisling Dolan for her contribution. She also urged us to progress this issue without further delay.

The issue of period poverty, defined as the inability to afford period products such as sanitary towels and tampons, is an internationally recognised health and social issue. It has significant consequences for the women, girls, transgender and non-binary people affected in terms of their exclusion during their period from educational, employment, recreational or social settings. The effects of period poverty on social engagement as well as on physical and mental health are of significant concern, especially given the reported high levels of shame and embarrassment around periods. Help may be needed but it is difficult to ask. Potential impacts on physical health include an increased risk of infection due to an inability to change sanitary products at recommended intervals or from using inappropriate, improvised products or materials. Period poverty and period pain may also be relevant in terms of both school absences and missing out on sports, physical education and physical activity generally, which are vital for overall health and well-being. Physical activity levels are significantly lower in teenage girls than in teenage boys.

The cost of managing periods in terms of sanitary products and pain relief has been estimated at over €121 per annum. Period poverty and the anxiety accompanying it has a disproportionate impact on vulnerable groups including the homeless, those experiencing active addiction, teenage girls and disadvantaged groups. Several jurisdictions have introduced measures recently to address the individual and societal impacts of period poverty. These often include reduced or zero-rated VAT or equivalent sales taxes on period products. In the Republic of Ireland, sanitary towels and tampons are already taxed at 0%. This measure was put in place prior to EU VAT harmonisation in the early 1990s. As many Senators pointed out, Scotland recently

passed a Bill providing for local authorities to ensure that anyone who needs period products can obtain them free of charge, while Wales and England have provided free period products in schools. A number of pilot projects have been initiated in Northern Ireland. A number of local authorities in this country have passed motions on period poverty since 2018 and schemes to make products available have been piloted by Dublin City Council, Dún Laoghaire-Rathdown County Council and South Dublin County Council.

Period poverty, in addition to its adverse effects on inclusion and health and well-being, is also an equality and equity concern. The financial cost of period products contributes to gender inequality, while varying capacity to afford sanitary products creates inequality among women and girls in Ireland. Women from lower socioeconomic groups are often at greater risk of poor health and experience lower life expectancy than women from other groups and circumstances.

Recognising these factors, in early 2019 the Irish Women's Parliamentary Caucus proposed motions that were passed in this House and in the Dáil calling on the Government to introduce measures to mitigate period poverty. The issue is very relevant to the cross-government work on the national strategy for women and girls which aims to advance the rights of women and girls and enable their full participation in Irish society. Consequently, the strategy committee established a cross-sectoral sub-committee on period poverty chaired by my Department.

With due regard to the breath of this issue, the sub-committee had representation from the Departments of Justice, Education, Children, Equality, Disability, Integration and Youth, Social Protection and Finance, in addition to Health. The HSE, the Local Government Management Association, the Irish Prison Service, Tusla, the National Women's Council of Ireland, the Union of Students of Ireland and the voluntary sector, including the National Traveller Women's Forum and One Family, were also represented, with presentations and submissions from other NGOs, including Plan International, Homeless. Ireland, the Coolmine Therapeutic Centre, Merchants Quay Ireland and the Society of St. Vincent de Paul. I thank all participants and commend their valuable work on this important topic, led by the Departments of Health and Children, Equality, Disability, Integration and Youth in partnership with a wide range of sectors.

I am delighted to announce that the sub-committee recently completed its report which was released today. The findings show that information on the prevalence of period poverty is limited, in particular regarding women over the age of 19. However, absence of evidence is not evidence of absence. Various voluntary sector organisations working with the homeless and those experiencing active addiction have been very clear that period poverty is an issue for the people they serve.

It is also likely that those living in consistent poverty and, in particular, those who need to use food banks are at high risk. Unfortunately, many food bank operators have advised that they do not stock period products. Based on consistent poverty data from the CSO survey of income and living conditions, 2019 population estimates and participation in the fund for European aid to the most deprived programme, we can calculate that in Ireland between 53,000 and 85,000 women and girls aged between ten and 54 years may be at high risk of poverty. Other groups at risk include victims of domestic, sexual and gender-based violence, including those subject to coercive control regarding their financial status, members of minority ethnic groups, including Travellers and Roma, and lone parent families who are five times more likely to experience deprivation than two parent families. Some 86% of lone parent families are headed by women.

The key recommendations of the report are to gather more data by surveys, studies and

focus groups to provide a comprehensive and reliable evidence base regarding the prevalence of period poverty in Ireland; address the stigma associated with periods by the provision of diverse information resources; engage with the most vulnerable groups such as, for example, the homeless, those living with active addiction, those in various forms of long-term State accommodation and minority ethnic communities, including Travellers and Roma, to ensure they can obtain an adequate supply of period products in a stigma free manner; consider the provision of products on gender equity grounds by, for example, providing period products in the bathrooms of public buildings and facilities that provide State-funded services; and engage with charities and food banks serving vulnerable cohorts to ensure they have an adequate supply of period products for clients through food banks or by funding for provision of products on-site.

I have listened to many Senators say that we should get on with it, but it will take time for this legislation come through. However, I will talk to my officials and perhaps we can immediately provide some form of funding to some of these charities and food banks to provide period products through those bodies. That might be something we can do immediately. I will work with my Department as quickly as I can. The report recommends continuing with negotiations at EU level to give greater flexibility to member states for lower VAT rates on newer and more sustainable period products, which, unlike the zero VAT rated tampons and sanitary towels, are currently VAT rated at 23%, and developing a systems approach and co-ordinated funding mechanisms to address period poverty in a co-ordinated way across the Government and through a range of the public services that it provides.

The Bill we are debating was introduced in the Seanad parallel with the finalisation of the report. I commend my Seanad colleagues on introducing the Bill on this important topic. To be clear, the Government supports the Free Provision of Period Products Bill 2021. However, given that these were parallel processes, the text of the Bill does not fully take into account the recommendations of the report. The Government has agreed that further development of the Bill will take into account the findings and recommendations of the report on period poverty. There are complex issues which should be considered in any proposed legislation. The breadth, depth and variety of public services mean that interventions to tackle period poverty would have to be managed across a wide range of Departments and State agencies, as well as independent and voluntary organisations which provide services funded by the State but which are nonetheless under independent governance.

It is an anomaly that bathrooms accessed by the public provide most items required in bathrooms for free - paper, soap and hand-washing facilities are standard. Why are period products exempted? That point was made by many Senators. The bins for their disposal are in place so their existence is acknowledged, but the products are not provided.

The Government has agreed to seek cross-Government, interdepartmental, inter-agency and societal support for the Bill and related implementation measures. The Government also agrees that all-party support for the Bill through engagement with the Houses of the Oireachtas women's parliamentary caucus should be sought prior to further progression of the Bill. I thank the members of the parliamentary women's caucus, the proposers of this Bill, the proposers of the Labour Party Bill and the Members present for this important debate and their engagement with this issue. I look forward to further progress and engagement on it.

Senator Lorraine Clifford-Lee: I thank the 12 Senators who spoke this evening and I am glad that all of them indicated support for the Bill. I took on board what they said. They were valuable and useful contributions and all Senators have their own unique perspective on the is-

sue. I thank them for giving such thought to their presentations.

I wish to address some issues raised by Senator Moynihan, first, and to correct the record of the House. This Bill was not tabled in response to the Labour Party Bill and it is disingenuous of the Senator to suggest that. Last November, I secured this Private Members' business slot at our group meeting. Fianna Fáil has 20 Senators and securing a slot is very competitive. I raised it with my colleagues and secured this first slot after Christmas. The reason I got the slot is that I had a Bill ready to go. I ask the Senator to stop promoting that untruth. I have never sought to run the Senator or her work into the ground and I hope she will stop doing this to me. I hope we can move forward in a positive light. I was anxious to correct the House in that regard.

There is no indication that we want to have a limited scheme. I never suggested it. In fact, the wider gender equality issue is clearly acknowledged with universal access to period products. I will be working closely with the Minister, the Ministers of State and departmental officials to ensure we achieve this. Senator Pauline O'Reilly spoke about celebrating periods and their being part of the natural process that occurs in the animal world and the human world. I was struck by that because I have many friends who are facing infertility. Senators O'Loughlin and Ardagh are working on an assisted human reproduction Bill. I have many friends who would love to have regular periods and a healthy menstrual cycle. They would love dearly to have their own children. When we talk about shame and stigma, it strikes a chord with some women who do not have the opportunity to have a monthly period. We should bear that in mind.

Senator Conway made a most valuable contribution on period poverty suffered by people with disabilities. Affording dignity to them has to play a strong role in this. Senator Boylan raised an important issue in respect of the VAT on the newer sanitary products. That is something which we must work on at a European level. I have raised the issue with my colleague, Mr. Billy Kelleher, MEP. I will ask Mr. Kelleher to liaise with all the Irish MEPs to make sure that this issue is tackled. Senators Boylan and O'Loughlin mentioned Ms Claire Hunt from Homeless Period Ireland. I know that Ms Hunt is watching this debate. She deserves great credit for the work that she has been doing with the most marginalised people in Ireland. They are people without a roof over their heads. I commend her on all the work that she does.

Every Bill requires amendments. I was conscious that we were waiting on the report that is based on the Irish experience of period poverty. I was not going to second-guess the contents of the report. I believe that the Bill introduced in Scotland by Ms Monica Lennon, MSP, was heavily amended to deliver what was right for the Scottish experience. I hope that we can work together to get a very robust and fit-for-purpose scheme put in place for the Irish experience.

From my point of view, the most exciting development in the topic of period poverty taking centre stage politically has been the real engagement of young women on this issue, including teenage girls in secondary school. There has been great engagement with classes right across the country, who have invited me to speak to them about this issue. The young women and men in Ógra Fianna Fáil have also been working on this issue. It really shows them that they can get something done, and that their political activism can result in real life changes. I have also spoken to primary school teachers who have informed me that they do not have the education, experience or the language to deal with girls in their classes who are starting their periods. The toilets in primary schools are not even equipped with the appropriate sanitary bins.

I will finish shortly. I would appreciate being given an extra minute. Senator Dolan said that she would love to see sanitary products being supplied by the councils in Roscommon and

Galway. I can confirm that Councillor Albert Dolan of Galway County Council is planning to table a motion on this issue shortly, so it is going to become a reality. There will be no delay on the Government's behalf. Substantial funding has been committed by the Department of Health. I am glad that the Minister of State confirmed earlier that he will make funding available immediately for the most vulnerable groups and that the supply will be distributed through food banks.

I thank Senators for their support. I hope we can leave here tonight united with one purpose, namely, to deliver for the women of Ireland.

Question put and agreed to.

Acting Chairperson (Senator Fiona O'Loughlin): When is it proposed to take Committee Stage?

Senator Lorraine Clifford-Lee: Next Monday.

Acting Chairperson (Senator Fiona O'Loughlin): Is that agreed? Agreed.

Committee Stage ordered for Monday, 15 February 2021.

Acting Chairperson (Senator Fiona O'Loughlin): When is it proposed to sit again?

Senator Lorraine Clifford-Lee: Next Friday, 12 February at 10.30 a.m. in the Dáil Chamber.

The Seanad adjourned at 6.50 p.m. until 10.30 a.m. on Friday, 12 February 2021.