



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Dé Luain, 15 Feabhra 2021

Monday, 15 February 2021

Chuaigh an Cathaoirlach i gceannas ar 10.30 a.m.

*Machnamh agus Paidir.
Reflection and Prayer.*

Gnó an tSeanaid - Business of Seanad

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

The need for the Minister for Education to make a statement on the arrangements being put in place for the leaving certificate examinations in 2021.

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 Micheál Carrigy of the following matter:

The need for the Minister for Rural and Community Development to allocate funding to Drumlish go green centre, County Longford, under the rural regeneration and development fund 2020.

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

The need for the Minister of State with responsibility for planning and local government to provide an update on the implementation of the recommendations of the Moorhead report on the role and remuneration of local authority elected members.

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

The need for the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media to make a statement on the regulation of the essential use of Airbnb in Ireland under level 5 restrictions.

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

The need for the Minister for Housing, Local Government and Heritage to expand the pyrite remediation scheme to dwellings constructed prior to 1997 in north County Dublin.

The matters raised by the Senators are suitable for discussion and they will be taken now.

Nithe i dtosach suíonna - Commencement Matters

State Examinations

Senator Mary Fitzpatrick: I thank the Minister of State for attending. Anybody watching will be disappointed that the Minister for Education is not here but I understand this is because she is participating in the talks to try to finalise arrangements for the leaving certificate examinations.

From the start of the pandemic, which was almost a year ago, until now, 15 February, the Government has prioritised protecting lives and livelihoods. The allocation of €9 billion in the budget for education indicated that investment in both children and their education is a strong priority of the Government. For young people, this has been a really stressful year. We have had 12 months of a pandemic but young people have been living with it in a different way from adults. Young people, within their own families, have had to deal with the impact of infection. More than 200,000 people have been infected. Young people have had to live with the impact of their parents' loss of income and employment, and they have had to live with changed circumstances whereby they are trying to be educated remotely. I accept that there has been an improvement in this lockdown by comparison with the previous one in terms of the delivery of remote teaching but remote teaching is no substitute for classroom learning. The Minister of State would agree with that. He did very well from the point of view of education. He is a graduate of Trinity College and he also holds degrees from overseas. Therefore, he understands the value of education and how important the leaving certificate is for young people.

The members of the class of 2021 have lost five months of their senior cycle and have been denied the emotional and social supports that come with being in a classroom or in their school. They have been struggling to connect with broadband. Broadband is oversubscribed in many households because it is being used by siblings and parents who are trying to work. Many leaving certificate subjects have a practical component. Students in the class of 2021 have been denied the opportunity to have a practical learning experience. It is not just formal teaching they are missing out on; they are also missing out on informal learning from their peers, on the exchange of information, on sharing their struggles and on the identification of interesting parts of the curriculum or things that excite them. The mocks have gone, the orals are uncertain and it was devastating for these students to see adults and unions withdraw from talks. I am glad the talks have resumed and I appreciate they are confidential but I hope the Minister will update the House and the leaving cert students who I am sure are watching today and who are anxious for three things: clarity, certainty and choice. They are not unreasonable demands for the leaving cert students of the class of 2021 to be making.

I ask the Minister of State to talk when he is replying, if he can, about how the applied leaving cert will be managed. If he is in a position to give it, I would also appreciate some comment on the junior cert.

Minister of State at the Department of Foreign Affairs (Deputy Thomas Byrne): Go raibh maith agat, a Chathaoirligh, agus go raibh maith agaibh, a Sheanadóirí, as an ábhar tábhachtach seo a chur faoi bhráid an tSeanaid inniu. Tá áthas orm freagra a thabhairt in ionad an Aire Oideachais atá gnóthach faoi láthair agus gabhann sí a leithscéal. Bhí mé ag caint léi roinnt noiméad ó shin.

I thank the Senator for raising what is obviously an important matter, of interest not only to Senators, Members of the Dáil and all of us, but particularly to the 60,000 young people across the country who are due to sit the leaving cert this year and who are continuing their education. The leaving cert is not an end point; it is a part of their lifelong journey of education. I spoke to the Minister for Education and she sent her apologies. She is otherwise engaged but would like to have been here and has asked me to do this.

The Government is acutely aware of the challenges the pandemic has brought to the education system this year and last, particularly the unique challenges it poses to those preparing to sit State examinations. For leaving cert students, the continued closure of schools for in-school learning results in these students missing out on significant in-person class contact time. I pay tribute to those students and their teachers, in particular, who are continuing education despite the difficulties. There has been a huge amount of development in the provision of education, as I see with my own children, between the first stage of this pandemic and now. It will never be perfect, of course, and that is why we are having this discussion but there have been dramatic changes. That is to everybody's credit and that of the education system.

Planning for the 2021 leaving cert is under way by the Department and the State Examinations Commission. It is recognised that a flexible and agile approach is necessary in light of the fast-moving changes linked to Covid-19 but the welfare of students and their families is front and centre in all decision-making. The planning work under way is being helped by an advisory group of key stakeholders. This includes students, most importantly, as well as parents, teachers, school leadership management bodies, the State Examinations Commission, the National Council for Curriculum and Assessment, the Department of Further and Higher Education, Research, Innovation and Science, the Higher Education Authority and obviously the Department of Education, including the National Educational Psychological Service. The advisory group has met on a number of occasions and a subgroup has formed to consider in depth the issues towards planning the 2021 exams, including those identified by the Irish Second-Level Students' Union, ISSU, in its recently published report on the 2021 State examinations and the return to school. I pay tribute to the ISSU for its key and central role in planning and its strength of voice on behalf of its members.

The Department of Education has indicated to the education partners that any corresponding process will need to include a number of features. The State Examinations Commission has to run the examinations and corresponding processes. This was an issue last year and the Department wants to address that. There needs to be better provision for out-of-school learners in the corresponding process, which we also saw last year. There must be some cognisance of performance and additional component elements of exams, such as course work, orals, practicals, etc., and timely progression to higher and further education using either exams or the outcome of any corresponding process.

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Bilateral meetings began and continued last week and the weekend gone by and discussions continue today. In other jurisdictions where State exams have been cancelled, I understand there is further work to be done to clarify what is intended. This is natural because we are in an unprecedented situation. In England, for example, a consultation process on possible arrangements closed on 29 January and feedback from that is being considered. Ofqual in England has stated there are no straightforward options for how exams are to be replaced and we can all agree on that. The best we can do is to work together and all of us talk to ensure we get the best possible solution for our students. The Government, of course, is focused on identifying a solution for the students who are due to sit the leaving certificate this year, including the applied leaving certificate. The priority afforded to education by the Government has been clear throughout, with the Minister and officials working with the partners to reopen schools safely and identify the best way forward for the leaving certificate class of 2021.

As Senators will be aware, one of the partners withdrew from the process last week. Following engagements with the Association of Secondary Teachers Ireland, ASTI, however, the Minister for Education is very happy that it returned to discussions over the weekend. I believe everybody will welcome that. The Minister publicly welcomed it and the ASTI has returned now to confidential discussions with everybody else regarding the 2021 exams. We note its willingness to engage on the agenda that has already been set out on this process.

The Minister has also thanked the Teachers Union of Ireland, TUI, parent bodies, the student body represented by the ISSU, as I have said already, and the managerial bodies that help run our schools for their constructive engagement. That continued over the weekend and is resuming this morning as the issues continue to be worked out. Intensive engagement is therefore continuing with the education stakeholders to advance progress and provide certainty and clarity at the earliest possible time. I understand from the Minister that it is hoped students will receive this clarity in the coming days. That, however, is subject to ongoing engagement with all the education stakeholders. I note the comments made by the Senator about the junior certificate. I believe the Minister will address that issue in due course but I do not have an answer for the Senator on it today. I believe that, clearly, we all agree the leaving certificate is the critical issue today.

An Cathaoirleach: I thank the Minister of State. I thank Senators for allowing a longer reply but I believe it is an important issue.

Senator Mary Fitzpatrick: I thank the Minister of State for his reply and for coming into the Chamber. A flexible and agile approach that puts the welfare of students as a priority is obviously welcome and we all support it. I must say, though, it is disappointing that the Department did not provide more information to this House and that the Sunday newspapers seem to carry more detail than this House is being informed by the Department. I do not believe that is appropriate either for the students - it is not fair on them - or for this House to be treated in that way. I thank the Minister of State for coming in today. I ask when he goes back to Cabinet and to the Department of Education from this House, however, that he please tell them we want clarity, certainty and choice for the students of the class of 2021. We would appreciate if the Minister could make time to come to the House at the earliest opportunity, accepting that it is not fair or appropriate to put an arbitrary timeline on it, and update Members in detail on the arrangements that are being put in place.

Deputy Thomas Byrne: I have no difficulty in passing that message on to the Minister. In terms of what was in the Sunday newspapers, I know that talks still continue today. Clearly, I

do not know the provenance of what was in the newspapers at the weekend, but it certainly cannot be the final answer because talks continue and that work has not been completed.

The Senator attached the sobriquet “young” to me, and I am glad she did so, even though it is a few years since I did the leaving certificate. Certainly, the big difference now from then, and probably more recently, is that the voice of the student is at the table. It is not just at the table but also in the public realm and in the media and it is taken seriously. That is a major change. I compliment the ISSU on the work it is doing because up until now, when there was an education issue, the teachers’ trade unions rightly took centre stage. I have no doubt that will always be the case because they are key partners in education. Now, however, more and more, and we saw it last year and this year, the voice of the student through the ISSU is prominent in the public media and private discussions and, ultimately, in what will be the solution to this. I compliment it and encourage all students to support that organisation and get involved. It is important and is a huge and welcome change to the debate.

An Cathaoirleach: I thank the Minister of State for the reply and Senator Fitzpatrick for tabling the question. I believe all Members will be interested in the response and I know it will change as the hours evolve.

Before moving on to the next matter, I ask Senator Fintan Warfield to take the Chair. It is the first time he has taken a Chair since he was 22 years of age. He chaired South Dublin County Council between 2014 and 2015. He will take the Chair for the remainder of the Commencement matters.

Human Rights

Acting Chairperson (Senator Fintan Warfield): I thank the Cathaoirleach for the opportunity to chair the proceedings. I call Senator Byrne who has two minutes.

Senator Malcolm Byrne: Gabhaim buíochas leis an gCathaoirleach Gníomhach. I welcome him to the Chair. I thank the Minister of State for coming into the House. I agree with his comments on the previous Commencement matter recognising the role of the ISSU. I also agree with the comments of Senator Fitzpatrick.

I am jointly raising an issue with Senator Ward because, as legislators in a democracy, we should stand up for legislators in other democracies when they are faced with unfair threats. I wish the Minister of State a happy Chinese new year and want to stress that in bringing forward this joint Commencement matter, we want to see greater trade, cultural and educational links with China. However, we have serious concerns about the aggressive and repressive manner in which the Chinese Communist Party is currently expressing its economic and political ambition. We have talked in this House previously about the Uyghur people, Tibet, the Falun Gong and other minorities.

What we are seeing in Hong Kong is a suppression of the protests. However, the introduction of the national security law is a very draconian measure that completely undermines the rule of law that we would expect to see in any democracy. It engages in media censorship and does not allow dissenting views. It represents a major threat to democratic principles. We have seen the arrest and imprisonment of legislators, business people, journalists and of university and school students. Many of them are either living in fear in Hong Kong or are forced to seek

exile.

I ask the Minister of State for a clear statement on this. I ask also that the Government adopts a welcoming approach to those who, for a variety of reasons, may have to come here to seek asylum and who may require visas and that it takes the issue up with the Chinese Ambassador.

Senator Barry Ward: Gabhaim comhghairdeas leis an gCathaoirleach Gníomhach as ucht a bheith sa Chathaoir inniu. I echo what Senator Byrne said. It is very important that we differentiate between the people of China and the Government of China.

What has been outlined in the matter is, in many ways, anathema to us in Ireland. We benefit from a very democratic society, one where people have free speech, the right to raise issues and to criticise their Government. They certainly avail of that opportunity as they should. When we look to China, and to Hong Kong in recent times, people simply do not have that opportunity. They are suppressed, oppressed and prevented from exercising their democratic rights and their right to free speech. This is a major problem.

This is not being done by Chinese people but by their Government which does not necessarily act in their name the way our Government acts in ours. However, as we look at this situation now, Ireland is in a unique position, diplomatically and internationally, both as a member of the Security Council and as a State that does not directly compete with China in terms of military issues or industry. We are not a threat to China. There is an opportunity for the Minister of State and the Minister for Foreign Affairs, Deputy Simon Coveney, and for other members of the Government to speak to China at a certain level and as friends, but also to be very clear about what cannot be tolerated on the international stage.

If China wants to continue to be part of the international community, it must respect the norms of human rights and democracy that it claims to have but simply does not exercise on a day-to-day basis. That is a message that we need to send very clearly as a country and as a Government to the Chinese Government and particularly the authorities in Hong Kong as regards the manner in which they approach their own citizenry and the rights of those citizens. Like Senator Byrne, I would like a very clear statement from the Government that we cannot accept this, we do not accept this and we will not stand by.

Deputy Thomas Byrne: Gabhaim buíochas leis na Seanadóirí a chur an t-ábhar seo faoinár mbráid ar maidin. Ireland has very long-standing connections with Hong Kong and a strong Irish community there. The Department of Foreign Affairs has been closely monitoring political developments, in particular the implementation of the national security law adopted in June of last year. These measures have led to the detention of a number of pro-democracy and human rights activists over the past few months. We are particularly concerned following the mass arrest of 55 pro-democracy law makers and activists on 6 January this year. These charges were made in relation to the holding of primary elections to select pro-democracy candidates for the next legislative council elections.

In response, the EU made a statement on 7 January calling for the immediate release of those arrested and urged the authorities to respect Hong Kong's rule of law, human rights, democratic principles and its high degree of autonomy under the one country two systems principle, as enshrined in the Hong Kong basic law and in line with domestic and international obligations. All but three of those detained have since been released.

Ireland and the EU have been active in raising concerns about the law and have issued a number of statements which outlined our concern regarding the situation. We call on China to respect its international commitments and the high degree of autonomy granted to Hong Kong under the one country, two systems principle. The Minister for Foreign Affairs, Deputy Coveney, made a statement on 1 July last year to express concern at the adoption of the law and to reiterate Ireland's full support for fundamental freedoms in Hong Kong, such as freedom of expression and the right to peaceful assembly.

On 28 July, the EU adopted Council conclusions expressing grave concern over the national security legislation for Hong Kong. These conclusions restated the EU's support for Hong Kong's high degree of autonomy. We expressed our solidarity with the people of Hong Kong and set out a package of measures in various fields, including asylum, migration, visa and residence policy, controls on the exports of specific sensitive equipment and technologies for end-use in Hong Kong, the operation of member states' extradition arrangements and other relevant agreements with Hong Kong.

In line with these conclusions, the Government agreed, on 13 October 2020, to suspend Ireland's extradition agreement with Hong Kong. This decision, taken in concert with a number of other EU member states, clearly signalled Ireland's concern for the rule of law in Hong Kong. The Minister, Deputy Coveney, also raised his concerns for Hong Kong directly with the Chinese Ambassador to Ireland. The EU continues to raise its concern with the Chinese authority, particularly at the most recent EU-China summit and the EU-China leaders' meeting.

Through our consulate general in Hong Kong, our embassy in Beijing and our EU partners, the Government will continue to monitor and assess the situation and will respond to these developments appropriately.

Senator Malcolm Byrne: I am aware the Government and the EU are raising continuous concerns, but this is something we will have to take very seriously. It is about a democracy being repressed. If the current policy continues, people may flee to Ireland. I ask that consideration be given to granting them the right to remain here, if they have to do so for political reasons. I ask the Minister of State to comment on this in his response.

Senator Barry Ward: Go raibh maith agat as ucht an ráitis shoiléir sin. It is very important we make that statement which I hope will be followed by actions. As Senator Byrne, I hope we take concrete actions to send the message to the authorities in Hong Kong that we will not stand by and will take actions, such as those the Minister of State mentioned in his reply, to address the issues raised.

Deputy Thomas Byrne: I thank the Senators for their comments. Ireland and the EU are deeply concerned about the situation in Hong Kong and the implementation of national security legislation. Given our engagement with the region and our responsibility to our citizens there, it is correct that we do so. We continue to raise these concerns directly and consistently when engaging with Chinese and Hong Kong authorities, bilaterally and in multilateral fora. The protection of the one country, two systems principle in Hong Kong, as well as the fundamental freedoms granted under Hong Kong's basic law, are of the utmost importance to Ireland and the EU.

The adoption of EU Council conclusions on Hong Kong and the accompanying package of response measures highlight how seriously we are taking this situation. The suspension of our

extradition treaty with Hong Kong shows the Government is willing to take action in response to the adoption of this law. We will continue to engage on the matter through continued implementation of agreed EU response measures, further measures that may be agreed and continued engagement with the Chinese and Hong Kong authorities.

Rural Regeneration and Development Fund

Acting Chairperson (Senator Fintan Warfield): The next Commencement matter is from Senator Carrigy.

11 o'clock

Senator Micheál Carrigy: I thank the Acting Chairperson, Senator Warfield, and congratulate him on taking the Chair. I thank Minister of State, Deputy Peter Burke, for taking on my Commencement matter on behalf of the Minister, Deputy Humphreys. This matter is about the provision of funding under the rural regeneration and development fund for the Drumlish go green centre application in Longford.

First, I acknowledge that it was Fine Gael in government that introduced this fund during the last term to help stimulate rural economies. There have been three successful applications in County Longford over the last couple of years. Project Ireland 2040 aims to make cities, towns and villages more attractive and liveable and offer a quality of life, which more people will be willing to choose in the years ahead. It references reversing town-village and rural population decline by encouraging new roles and functions for buildings, streets and sites supporting the sustainable growth of rural economies and communities. This project aims to address these and numerous other objectives by ensuring the reimagining of the existing community centre to deliver an expanded role within the community of Drumlish, allowing the local people to live and work locally while encouraging climate adaption. The core objective of this is to create a flagship project by developing Drumlish into a competitive, low-carbon climate resilient and environmentally sustainable town through the redevelopment of the centre as a flagship green-energy building. The building will also be used to showcase low-energy technologies and act as a training centre, which will be open to communities throughout the midlands, on reducing energy consumption in association with Longford warmer homes, among others.

Significant consultation took place over the last number of years, which started with the establishment of the town team by my colleague, Councillor Paraic Brady, which led to the formation of the area development group. The redevelopment of the centre emerged as a key priority along with the need to create economic opportunities for the local community, such as providing a remote working space and opportunities for innovation and collaboration. The town has experienced significant population increases in recent years. There was a 58% increase between 2006 and 2016. However, the supporting infrastructure to facilitating the retention of employment in the area has not followed. This project is expected to bring five direct jobs in the development and management of the centre, as well as space for five dedicated remote working places, additional meeting and training facilities and increased usability for music, dance and art. The centre is located next door to the local national school, St. Mary's, which utilises its facilities. Mulleady's waste and recycling centre is located two miles from the town and will collaborate with promoters, which include Longford County Council, Drumlish Community Centre Group, the Drumlish-Ballinamuck Area Development Group, and the Sustainable Energy Authority of Ireland, SEAI, to deliver greater sustainable community goals.

This will be done by working together to develop school education programmes, information awareness, workshops and practical demonstrations.

This project plans to support the community's transition to a low-carbon society by creating a new vision for Drumlish. This application aligns with national, regional and local policy, and fully delivers on the policy priorities of the current funding call of economic development and addressing climate change. It will be transformational, not only for Drumlish, but for the wider county of Longford and, indeed, parts of Cavan and Leitrim. I ask the Minister of State to ensure that this project is made a priority for Government funding.

Acting Chairperson (Senator Fintan Warfield): I welcome the Minister of State, Deputy Peter Burke, to the House.

Minister of State at the Department of Housing, Local Government and Heritage (Deputy Peter Burke): The rural regeneration and development fund was established under the National Development Plan 2018-2027 to provide investment for ambitious projects in towns and villages, and outlying areas, with a population of less than 10,000, which will deliver on the national strategic objective of strengthening rural economies and communities, and which achieve sustainable economic and social development in these areas. To date, the fund has provided €166 million for 139 projects across Ireland, worth a total of €237 million. Projects that have been allocated funding to date include town and village regeneration; enterprise and development; tourism and development; digital and co-working initiatives; libraries; and community facilities. Many projects are delivering across a number of sectors, for instance, providing libraries, co-working facilities or much-needed community facilities in repurposed town centre sites or previously unused heritage buildings. To date, over half of the projects supported have had a strong focus on regeneration, ensuring that our rural towns and villages, and the communities and businesses within them, will benefit from returning footfall.

In that regard, the Minister, Deputy Humphreys, and I believe the projects completed with the assistance of the fund will deliver significant impacts across rural Ireland, supporting sustainable communities, economic development and job creation that will help to deliver on the long-standing goal of rebalancing growth throughout the regions. In addition, the investment provided will support rural Ireland in addressing the challenges arising from Covid-19. It will provide a much-needed stimulus for the economy in rural areas, while also putting in place the necessary facilities to ensure rural towns, villages and communities can have the opportunity to recover and prosper over the months and years ahead.

As Senators will be aware, the third call for category 1 applications to the fund closed on 1 December. Category 1 relates to large-scale ambitious capital projects with all necessary planning and other consents in place and ready to proceed. Considering the circumstances prevailing, this category 1 call had a strong economic focus, with one of the main goals being to ensure the investment provided can act as a key driver for economic recovery in the post Covid-19 environment. Another key focus was, once again, regeneration in towns and villages, with a view to driving greater economic activity and footfall, addressing dereliction and ensuring the reuse of buildings.

The response from rural Ireland was excellent. Some 66 applications were received in response to this call from communities throughout the country, including Drumlish, as Senator Carrigy noted. All the proposals have been planned and developed to meet the key needs, opportunities and expectations of their respective communities. As Senator Carrigy will also be

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aware, the application process for the fund is competitive in nature. The applications submitted in December are being assessed by the project advisory board, comprised of independent experts and representatives from key Departments. I understand that arising from this process, the Minister will be furnished with a report detailing the projects which are recommended for funding. She will make the final decisions in that regard at that juncture. The Minister hopes to make an announcement to this effect at the end of March or the beginning of April. I will convey the Senator's views on Drumlish to her. I know it is a good project and Councillor Paraic Brady and Senator Carrigy are doing huge work in articulating its merits for the community. As the Senator has pointed out, it knits into St. Mary's Mixed National School and the wider area. It will be a major driver in the area and I expect and hope for a positive outcome.

Senator Micheál Carrigy: The Minister of State is well aware of this issue. As he said, his colleague, Councillor Brady, started work on it a number of years ago. He has been driving a large number of projects in the area. As I said, I am aware that the process of assessing this project is ongoing. I point out, however, that it aligns with national, regional and local policy and fully delivers on the policy priorities of the current funding calls in terms of economic development and addressing climate change. That is what makes the project unique. It is also linked in to the local national school, St. Mary's Mixed National School, as the Minister of State mentioned, and Mulleady's recycling centre, one of the largest recycling facilities in the midlands. This centre will work to promote climate change action by bringing other schools in the midlands to the centre when it is fully operational and functioning as a complete green energy building.

I thank the Minister of State for his support. We are hopeful that this application will be successful. Longford County Council has been a proactive local authority and it is keen to deliver this project for the community.

Deputy Peter Burke: This Commencement matter highlights the merits of this project and how it will unlock the potential of Drumlish. I acknowledge the work of Senator Carrigy, Councillor Brady and the wider community. As the Senator pointed out, the members and executive of Longford County Council have a great relationship and the council has a strong track record of delivery for the county, which is very important. That is why projects such as this will stand up to scrutiny. I hope that we will be able to deliver it within a short time. As the Senator pointed out, this project in line with the investment plan for the area and the national planning framework, which ensures that rural areas are given a chance to realise their potential and we get key funding into them. I hope that we will have a positive outcome in due course.

Local Authority Members

Senator Marie Sherlock: It is good to see Senator Warfield in the Chair. I am sure that the Minister of State is in no doubt as to the frustration among councillors regarding their pay and conditions and that he does not need reminding of the clear and unambiguous commitment in the programme for Government on the implementation of the Moorhead report within one year of the Government's formation. We find ourselves just under 18 weeks out from the first anniversary of that formation but we still have zero inkling as to what the Government intends. We have word that there is a report, produced by the Minister of State, sitting on the desk of the Minister for Public Expenditure and Reform, but we have not seen it and we have no idea what the Cabinet intends to do with it. That is not good enough because this is not just about the pay

and conditions of councillors, who have had to put up with lip-service being paid in respect of this issue for many years. Rather, it is not good enough because this is about respect for the important role that councillors undertake in policy making, advocacy and representation in their communities. It is about affording dignity to those who serve their communities. As a newly elected councillor, something that made an impression on me was a former lord mayor of Dublin racing out at the end of a meeting to go to a job in an An Post sorting office over Christmas because of a need to supplement that person's income as a councillor.

This is about ensuring that we attract those who want to serve their communities and, importantly, retain them when they become elected. We know that, if we are to improve the gender balance in local authorities and the Oireachtas, we must crack the nut of attracting more women to contest local elections. We can then ensure a greater gender balance. This is also about recognising that local government is the backbone of services across our communities.

The Moorhead report makes ten recommendations. All of them are important, but there are four that are within the Government's remit to enact. These relate to salary, travel and subsistence expenses in the course of a councillor's work, travel and subsistence expenses in the course of attendance at external meetings, and retirement benefits. With respect, I do not want to hear from the Minister of State about the work that is being done on the six other recommendations, which relate to flexibility in holding meetings, administrative support and other supports to councillors. At this point, that work should be undertaken within local authorities anyway. If we do not resolve the issue of pay and conditions, we will not resolve the six other conditions. If we do resolve it, though, we will ensure that councillors can pay for childcare, are not racing out the door to try to attend other meetings and can actually depend on their incomes as councillors.

I am conscious that there is not unanimity on the precise recommendations in the Moorhead report, particularly the recommended income level, but that is no reason to delay what the Government intends to do. The Government has a mandate in the programme for Government. I look forward to the Minister of State's reply.

Deputy Peter Burke: I thank the Senator for raising the important matter of the role and remuneration of elected local authority members. She gave the example of a councillor who was working while also trying to hold down a council role. I, too, was that councillor. In 2009, I was elected to a council alongside Senator Davitt, who has also been active in the issue of reforming local government. I went through the pressures and experiences of trying to attend to my council duties while also holding down a full-time job. That was difficult. I assure the House and all Senators who have spoken that I understand the pressures they are under. Councillors are responsible for a wide range of important functions, particularly with regard to statutory policymaking, strategic development, governance of local authorities, leadership and local advocacy, which is key.

As Senators are aware, Ms Sarah Moorhead, senior counsel, was appointed in June 2018 to carry out an independent review to examine the remuneration of councillors. During the course of her review, Ms Moorhead consulted widely with local authority elected members and their representative organisations, political parties, local authority chief executives and other stakeholders. Local authority members were also surveyed and detailed financial information regarding councillors' remuneration and role was sourced from all local authorities. Ms Moorhead's final report was submitted to the Government and then published on Friday, 19 June 2020. It was also circulated to all councillors and Members of both Houses of the Oireachtas.

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As the Senator mentioned, the programme for Government, Our Shared Future, has a commitment to implement the Moorhead report on the role and remuneration of local authority members within 12 months. Meeting this commitment is a priority for me and the Department.

Further engagement and input from elected members and their representative associations are taking place during the implementation process. In this context, I have met local authority and elected members' representative associations over the months since my appointment. On more than one occasion, I have listened to their viewpoints on the report. They have welcomed some aspects of the report and rejected others, offering alternative proposals. Implementing the Moorhead report can mean many things to many people. It is important their concerns are given proper consideration. This important engagement was very welcome and I appreciate the role of elected members in it.

Any changes to elected members' remuneration will require regulations under section 142 of the Local Government Act 2001, as amended, which must be given effect with consent by my colleague, the Minister for Public Expenditure and Reform, Deputy Michael McGrath. Proposals in this regard have been provided to the Minister for Public Expenditure and Reform for his consideration and will be brought to the Government thereafter.

In addition to this, a working group has been established to examine the important non-pay recommendations contained in the Moorhead report and how these will be progressed in consultation with key stakeholders over a number of meetings through the working group. These stakeholders include representatives from the County and City Management Association, the Association of Irish Local Government, the Local Authority Members Association and a number of Department of Housing, Local Government and Heritage officials. If needed, throughout the process other stakeholders or officials will be invited to contribute to the working group. The objective of the working group is to examine these recommendations and explore options to allow for their implementation at the earliest opportunity. The first meeting of the working group took place recently and the outcome of the group will devise a plan of action setting the key and valuable outcomes we need in this area. The proposed completion date for the said action plan is the second quarter of 2021.

It is believed that addressing pay and non-pay issues of extreme importance, such as examining possible efficiencies, meetings, training supports and technological developments, would provide for a better balance between the role of councillors and their personal lives, thus facilitating the retention of existing councillors while maximising the accessibility of local government and future candidates. This is key and one of my strong views is that a council chamber should be reflective of society and a microcosm of society at large. We want to try to work to achieve this. I thank all Senators for their help in this regard.

Senator Marie Sherlock: I thank the Minister of State. I also understand the pressures as I worked full-time while I was a councillor. There is a four-page response, for which I thank the Minister of State. Two pages of it are dedicated to what is being done on the non-pay recommendations. One paragraph is on pay. This is the issue agitating and distressing councillors the most. This paragraph notes a report is with the Minister for Public Expenditure and Reform for his consideration and will be brought thereafter to the Government. Is the Minister of State saying the issue is being held up by the Minister for Public Expenditure and Reform and that there is a failure to progress the pay issue, as set out in the Moorhead report, because the Minister is sitting on the report and failing to bring it to the Cabinet? We need clarity on this in the House today. To be honest, councillors want to hear about all of the recommendations but the

recommendation on pay is the single most important recommendation in this report, and they deserve to hear answers.

Deputy Peter Burke: First, there is no report. The time for reports is over. There has been enough talking done on this. There is a proposal to be signed by the Minister for Public Expenditure and Reform because it requires his consent. I have completed the work on that. I believe I have a proposal that is fair, balanced and reflects the needs of councillors and, indeed, the reforms that we need in this area, which is key.

Senator Marie Sherlock: What is it?

Deputy Peter Burke: I cannot tell the House before the Government approves anything. I think we know that is the form of course. I am not going to announce that here today. I thank all of government for their work. Their work has been very engaging. The one thing I wanted to do when I came into this Department was to move this matter along because I know it has existed for too long, there has been way too much talk about it and we need action. I have done my work on this. I assure the House that there is a fair proposal.

Senator Marie Sherlock: What is it?

Deputy Peter Burke: Just one paragraph is required to reform the pay and expenditure aspects. The non-pay issues are more complex. One could even bring in the key issue of maternity leave. We need to examine in a wider context all the key issues that councillors are facing.

Covid-19 Pandemic

Senator Tim Lombard: I welcome the Minister of State to the House. I want the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media to report on what stipulations have been made on the Airbnb website regarding the regulations that pertain to level 5 restrictions. This is a very serious issue. Obviously the Covid-19 crisis has afflicted this country for the last 11 months. It is a very significant issue that has had a major impact on many parts of society. We are now in the middle of level 5 restrictions that have meant a complete lockdown of society, including schools and the construction sector. Every part of society has been grossly affected.

On my way here from Cork today I was stopped twice by members of An Garda Síochána, which I view as very positive. I complimented both of them on the courtesy and kindness they showed to me. The big issue in my part of the world is the blatant breaches of the level 5 restrictions. There is a phenomenon of weekend house parties where houses are being rented in scenic parts of rural Ireland and people have drinking parties for two nights. A few weeks ago, the Garda Síochána discovered seven people from seven different households in one house in Kinsale. That is the kind of scenario that is happening in rural Ireland and society.

When I looked up the Airbnb website this morning, I saw that there are over 200 properties available to rent tonight in Cork and thousands of properties available to rent throughout Ireland. Such properties are not for essential workers or people who have to go to work. They are for leisure only. The restrictions that are applied to other operators are not being enforced by the Airbnb website and we have a major issue with the lack of enforcement. The Garda Síochána cannot go door to door and it is unfeasible to think that would be an appropriate way to deal with this. We need real regulation to be put in place so that this job can be done. Un-

fortunately, such regulation is not there at the moment.

When I contacted my local authority, which is supposed to be the regulator for Airbnb properties inside a rent pressure zone, it informed me that it does not have a complete list of all such properties in the county because such a list has not been furnished to it by Airbnb. This is what we are dealing with. It is totally appalling that we have an unregulated market that flies in the face of what we are all doing in level 5. We need to know exactly what the Government proposes to do about this blatant breach of level 5 restrictions. The general public have done so much in the last few weeks and have worked so hard to bring this virus under control. It is the minority, and only the minority, who breach the restrictions but we need strong regulations to be enforced to ensure the minority do not breach the restrictions.

I need to know the following. What does the Government propose to do about Airbnb? How can the Government control Airbnb, which, at present, appears to be running amok in society?

Deputy Peter Burke: I thank Senator Lombard for his well-structured contribution. Undoubtedly, he has raised an important issue.

On level 5 restrictions, under Resilience and Recovery 2020-2021: Plan for Living with COVID-19, the Government has agreed that the current public health restrictions will remain in place until 5 March 2021. This decision has been informed by the latest public health advice applying in the context of the current prevalence and the projected trajectory of the virus. Level 5 essentially means a complete halt to tourism. Paid accommodation services are only allowed to take guests travelling for permitted purposes, but not for social, recreational, cultural or tourism purposes, as the Senator said. In addition, the Garda Commissioner was very clear on last Friday's "The Late, Late Show" that anybody in breach of many of the restrictions is running the risk of acquiring a criminal record. That is how serious this is and how seriously we must take this pandemic.

Airbnb is one of a number of online accommodation sales platforms and contains a variety of accommodation types, including not only self-catering properties but also bed and breakfast accommodation, hotels, guest-houses and more. While neither the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media nor Fáilte Ireland has any role in the regulation of these online sales platforms, accommodation providers offering services, online and otherwise, must abide by the Covid-19 regulations in place. The regulations set out the legal requirements, including provisions, prohibitions and restrictions, for businesses operating in this jurisdiction, whether in the tourism or any other sector, and the rules in regard to travel from place of residence. Neither the Department nor Fáilte Ireland imposes any additional requirements over and above these regulations. However, to assist tourism businesses reopen and operate safely in the current climate, Fáilte Ireland has published a suite of sectoral guidelines for various strands of the overall tourism sector. These guidelines are designed to assist tourism businesses meet requirements in line with the plan for living with Covid-19, the working safely protocol and the latest Government public health advice. For the types of accommodation businesses using the Airbnb platform, the most relevant of these guidelines are probably those for self-catering properties, bed and breakfast accommodation, hotels and guest-houses.

In terms of monitoring and enforcing compliance with Covid-19 related regulations, I am aware that all relevant agencies with industry oversight and a relevant regulatory role are playing a part. In this regard, the regulators forum, chaired by the Department of the Taoiseach

and including representatives from all key Departments, agencies and other bodies such as An Garda Síochána, is proving to be effective in dealing with any reports of non-compliant events and activities, through the relevant authorities. Although we have seen a welcome reduction in Covid-19 cases recently, the overall number of cases and, significantly, the numbers of those in hospital and ICU are still too high. For this reason, we must continue with all efforts to bring the virus under control by limiting mobility, social contacts and congregation as much as possible. I acknowledge that maintaining level 5 restrictions will place continued demands on society and business. Nonetheless, it is essential that we continue to hold firm and reduce cases in order to protect the vulnerable, protect our healthcare services, including maintaining non-Covid healthcare, and reopen schools at the earliest opportunity, which is a high priority.

I thank Senator Lombard for his contribution. We are under no illusions about the scale of the challenge and the many competing priorities facing the Government. However, I believe we can agree that it is right and proper that the primary focus of Government is on addressing the public health challenges as we battle this third wave. In tandem with this, through a variety of State supports in place we will be able to weather the current challenges and assist our economy to recover in due course.

Senator Tim Lombard: I note the Minister of State's response. It is important that we deal with this issue, but there is not enough clarity in the response and I am not happy with the clarity that has been provided. The time has come to take down this platform. Within level 5 restrictions, Airbnb must be asked to restrain advertising on its platform. As far as I can see, there is no logic or sense in a platform that is advertising accommodation throughout this country, mainly for tourism purposes, to be operating under level 5 restrictions. The time has come for Airbnb use to be restricted during level 5 and it is important that we propose that the platform be taken down.

Deputy Peter Burke: I thank the Senator. I note the points he makes but I want to be clear. There are stringent regulations in place. If someone embarks on a trip that is recreational or social, that is against the law. It is enforceable and punishable through An Garda Síochána. If someone partakes in such activities he or she may end up with a criminal record for putting public health and vulnerable people in society at risk. The staff in intensive care units are exhausted. They have gone through so much in the past couple of months it is incomprehensible that people would partake in these activities but these regulations are enforceable. Also, we brought Airbnb within the remit of the planning code. Local authorities will have to give planning permission for all Airbnb accommodation and they will have records of that but the message is clear. The level 5 restrictions are strict. They are enforceable and one runs the risk of getting a criminal conviction if one does not abide by them.

Pyrite Incidence

Senator Regina Doherty: I thank the Minister of State for his attendance to discuss this matter. It is the second time I have brought it up in the Seanad. It concerns the need for the expansion of the supports for homeowners whose dwellings are affected by pyrite. The Minister of State is well aware that the pyrite remediation scheme eligibility conditions, specifically the construction date, limits the remediations to dwellings built after 1997 and before 2014. I have been corresponding recently with the Pyrite Resolution Board over a particular couple and it told me that the reason for these dates was because the earliest identified cases related to 1997,

hence a reference to the dwellings constructed thereafter when the eligibility for the pyrite scheme was first established. While that might have been the case during the development of the pyrite panel in 2012, homeowners of dwellings built prior to 1997 are now noticing serious pyritic heave, and the associated damages that go along with it, to their homes. While they fit nearly all the other eligibility criteria the construction date restriction is making sure that they cannot get access to this scheme.

I recently moved to the constituency of Dublin Fingal. I have had a number of families from Lusk and Rush contact me, including one particular family. There should not be a hierarchy but the situation for this family is heartbreaking because they are an elderly retired couple. They are deeply frustrated and upset. I would go so far as to tell the Minister of State that their mental health is being seriously damaged because they see no resolution or way out and that the entire process is affecting them in a serious way. They became so concerned that their house, which was constructed in 1990, was beginning to crumble around them that they commissioned their own chartered engineer's report to do a full investigation. It included all block testing and analysis. The findings noted that the blockwork used in the construction of the house contained the deleterious material pyrite and it caused an eventual gradual breakdown and a total loss to their structural integrity.

I note the Department last year launched the new defective concrete blocks grant scheme for Mayo and Donegal. That scheme might be relevant now in north County Dublin and the houses in Fingal because if a home is so badly affected by either pyrite or defective blocks the construction date should not be the limiting factor. I understand and respect why that was the case in 2012 when we were in the onslaught of what was brand new to us at that stage and for this particular generation but as the Minister of State is well aware, as politicians we have all seen the deep distress people living with pyrite are under. In the area where I live I have been lucky enough to see the relief when a house is finally remediated. It is life-changing. It is a moment when one finally gets one's keys back and can return to being a happy homeowner as opposed to the shadow of the people who are living under mental stress every day. As far as they are concerned the only hope for them is if the State steps in because at this stage of their lives they certainly could not afford to remediate or even take out a loan to remediate their own homes.

I do not know whether the solution is to amend the pyrite remediation scheme or to include these in the other scheme. This issue is not unique to north County Dublin. There are probably houses in every county that have the same issue. Hundreds of people are excluded from both these schemes that have made such an impact and a difference to the lives of those who have benefited from them. I ask the Minister of State to request the extension of either the pyrite remediation scheme or the defective concrete blocks grant scheme. This will allow those people with houses built prior to 1997 to access the supports they need to fix their homes and continue to live in them without the fear of them collapsing around them.

Deputy Peter Burke: I thank the Senator for raising this matter on behalf of her constituents and I fully understand how stressful this can be for families caught up in it.

Budget 2021 provides funding of €40 million for the operation of the pyrite remediation scheme and the defective concrete blocks grant scheme. As set out in the Programme for Government: Our Shared Future, the remediation of dwellings affected by reactive pyrite in hardcore and defective concrete blocks is a priority to ensure people can remain living in their homes. The Pyrite Resolution Act 2013 provides the statutory framework for the establishment of the pyrite resolution board and for the making of a pyrite remediation scheme to be imple-

mented by the board with support from the Housing Agency. The provisions of the Act apply only to dwellings affected by significant damage attributable to pyritic heave consequent on the presence of reactive pyrite in the subfloor hardcore material and not to damage arising in any other circumstance, such as pyrite in concrete blocks.

The pyrite remediation scheme is a scheme of “last resort” for affected homeowners who have no other practical option to obtain redress and is limited in its application and scope. The full conditions for eligibility under the scheme are set out in the scheme, which is available on the board’s website, www.pyriteboard.ie. The scheme is applicable to dwellings that are subject to significant damage attributable to pyritic heave, established in accordance with SI 398-1:2017 reactive pyrite in subfloor hardcore material, part 1: testing and categorisation protocol. In this regard, it is a condition of eligibility under the scheme that an application to the board must be accompanied by a building condition assessment with a damage condition rating of 2. Dwellings which do not have a damage condition rating of 2 are not eligible to apply under the scheme. This ensures that, having regard to the available resources, the focus of the scheme is on dwellings most severely damaged by pyritic heave.

As matters currently stand, the owners of dwellings located within the counties of Kildare, Meath or Offaly or the administrative areas of Fingal County Council, Dublin City Council, Dún Laoghaire-Rathdown County Council, South Dublin County Council or Limerick City and County Council are eligible to apply for remediation works under the scheme. The scheme is primarily based on the information that was available to the board at the time of its adoption in February 2014 and having regard to the detail set out in the report of the pyrite panel from July 2012. The panel undertook a desktop study in conjunction with a stakeholder consultation to establish certain facts relating to the potential exposure of pyrite in dwellings. The information was gathered from a number of sources, including local authorities, structural guarantee providers, representatives of homeowners, private builders, construction professionals and public representatives and was cross-referenced to verify, as far as practicable, its validity.

There is no time limit on when cases must present but the scheme stipulates that the dwelling must have been constructed and completed between 1 January 1997 and 12 December 2013. This is consistent with the pyrite panel’s findings in regard to the years of dwelling registration for which pyrite-related claims were made. It is important to note that any proposal to amend the scheme is, in the first instance, a matter for the pyrite resolution board and any such proposal would require detailed consideration of the evidence.

In addition, the board may also make such further inquiries as it considers necessary in order to assist it in considering the matter. The board may be contacted directly by telephone or email about this, including through the Oireachtas information line. The Minister will consider any amendments or extensions which the pyrite resolution board considers are required to the scheme once submitted in accordance with the requirements of the Act. The Minister fully intends to engage with all eligible homeowners of dwellings affected by significant damage attributable to pyritic heave who can have their homes remediated under the scheme. The Senator has articulated the points very well and it is a matter the Minister is prepared to look at.

Senator Regina Doherty: I thank the Minister of State for his reply and I have much hope from the fact that the necessary amendments will be considered. The defective concrete blocks grant scheme must be extended, beyond the two counties for which it was established, to Dublin Fingal and indeed probably other areas. The reason I am so invested in this issue is because the couple in question are retired. They are pensioners. They have absolutely no other

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way, without the intervention of State aid, to fix the home that they have raised their family in and in which they want to spend the autumn of their lives. They do not even have the ability to borrow money because of their age. We must step in as a State to recognise that there are families who are living in extreme distress because of this issue. I understand that when the criteria were established, a major catastrophe had occurred in Westmeath, Meath and Dublin, and in areas where there had been an onslaught of development in the early 2000s and where that development was being affected by pyrite heave in the product from certain quarries at that time. These are the people who are being left behind. Huge distress is being caused by this issue, in particular to the couple to whom I have referred.

I will send the report to the Minister of State. I have already communicated directly with the Pyrite Resolution Board. It has told me that the Act defines the date, so unless, by instruction of the Minister, the dates in the Act are relaxed, we will be in a difficult position. An easy way to spread that valuable funding allocated in this year's budget to help these people, to which the Minister of State referred, is to extend the defective concrete blocks grant scheme to Dublin.

Deputy Peter Burke: Senator Doherty has made a strong case on this issue. I will raise the matter with the Minister, Deputy O'Brien, as the Pyrite Resolution Board is within his portfolio. I know that he has done a lot of work on the issue to date. It is an important issue. The Senator has raised a valid point that it was a different time economically when the proposals were drafted and approved. I empathise with all families affected, especially those in the autumn of their lives when they should be taking some time for themselves and enjoying a better quality of life. They should not have to grapple and deal with issues such as this. It is not acceptable. I will raise the matter with the Minister and will revert back to the Senator in due course.

Sitting suspended at 11.42 a.m. and resumed at 12 noon.

An tOrd Gnó - Order of Business

An Cathaoirleach: *Su laisvės diena, Lietuva.* Lithuania Day is 16 February so I wish all Lithuanians a very happy independence day, especially the 70,000 Lithuanians living in Ireland. The day commemorates the declaration of independence, which was signed in 1918 and which re-established the State of Lithuania after nearly 150 years of Tsarist Russian occupation. Another independence day in Lithuania is 11 March and it marks its independence from the Soviet Union in 1990. The Lithuanian community is the second largest in this State. The Lithuanian Association in Ireland, which was established in 1999, along with 30 other organisations, clubs and sporting clubs, organises gatherings, concerts and events in Dublin, Cork, Monaghan, Portlaoise, Tullamore and other locations in the State. There are at present 20 Lithuanian weekend schools, and Lithuanian is taught in some Irish schools. This year marks 30 years of diplomatic relations between Ireland and Lithuania, from the establishment of the embassy in 2003 to the appointment last year of the new ambassador, H.E. Marijus Gudynas. I wish the ambassador, all Lithuanians, including those living in Ireland, and the Irish people living in Lithuania a very happy independence day. *Su laisvės diena, Lietuva.*

I ask the Leader to outline the Order of Business.

Senator Regina Doherty: The Order of Business is No. 1, motion regarding appointment of a member of the Legal Services Regulatory Authority, to be taken on the conclusion of the Order of Business, without debate; No. 2, motion regarding the appointment of Shalom

Binchy to the Policing Authority, to be taken on the conclusion of No. 1, without debate; No. 3, motion regarding the appointment of Elaine Byrne to the Policing Authority, to be taken on the conclusion of No. 2, without debate; No. 4, motion regarding the appointment of Donal de Buitléir to the Policing Authority, to be taken on the conclusion of No. 3, without debate; No. 5, motion regarding the appointment of Stephen Martin to the Policing Authority, to be taken on the conclusion of No. 4, without debate; No. 6, Criminal Justice (Money Laundering and Terrorist Financing) (Amendment) Bill 2020 - Report and Final Stages, to be taken at 1.30 p.m. and to conclude at 2 p.m. by the putting of one question from the Chair which shall, in relation to amendments, include only those set down or accepted by the Government; No. 7, Private Members' business, Children (Amendment) Bill 2020 - Second Stage, to be taken at 2.15 p.m., with the time allocated to the debate not to exceed two hours; and No. 38, Private Members' business, non-Government motion No. 9, to be taken at 4.30 p.m., with the time allocated to the debate not to exceed two hours.

Senator Lisa Chambers: I agree with the Order of Business.

I welcome this morning the announcement for the country regarding the regional and local roads funding. I welcome in particular the announcement for my county, Mayo, where over €33 million has been allocated to maintain roads. This may seem like an insignificant news story to some, but I reiterate how important this is for a county such as Mayo. I wish to highlight two projects in particular. The first is the allocation of over €850,000 to the R312. For those not familiar with this road, it is the road connecting Belmullet to Castlebar town. It is the road that that community and people on the peninsula use to access Mayo General Hospital. People have been campaigning for improvements to the road for more than 20 years. This is a really important funding announcement for the community, and I cannot overstate how happy people are to see that amount of money going into that roads project. Second is the R332, which is the road from Kilmaine to Tuam. Again, for the information of those not familiar with the road, since the opening of the new M17 motorway, this is the route that people in south Mayo now use to access the motorway to get to Dublin and other parts of the country. It is a small regional road that has not been fit to take the capacity that has been on it for the past two years. Again, it is a really welcome announcement for south Mayo and the surrounding area. I also welcome the €69,000 for roads in the town of Killala. It is a huge amount of money for a small regional town. The significance of these announcements for the communities in question should not be underestimated.

The second issue I wish to raise is the national development plan and the review under way, that is, the consultation process with the public. It is due to close this Friday, 19 February. The date was extended. This is an opportunity for citizens right across the country to have their say in the national development plan and how we plan, fund and spend our resources across every strand of Irish life, from housing to education, roads, infrastructure, communications and local amenities. Since the onset of the pandemic, we have had a huge shift in working life and the use of public spaces and local amenities. I urge all citizens, particularly those in my community in County Mayo and right across the western seaboard, to have their say. People will be aware that the west and north-west region was downgraded to a region in transition by the European Commission. We need to adjust and fix that imbalance which currently exists. That is why I am calling for positive discrimination to be shown towards the west and north-west regions in this review to ensure we fix the current imbalance. We must ensure the west and north west region reverts from region in transition status to a region that is developed in line with the rest of the country. Our national development plan should reflect that. I urge citizens right across

the region to have their say, make submissions by this Friday and make a case for the west and north west.

Finally, I welcome the publication today by Early Childhood Ireland of its Childcare Barometer 2021. Two key findings were that 70% of those surveyed want to see funding for childcare services maintained and increased to ensure they can open during the pandemic and, most important, 73% of respondents indicated the terms of employment for childcare workers should reflect their qualifications. Many such workers have level 7 and 8 qualifications and are earning minimum wage or just above it. That needs to change. The pandemic has shown us how valuable our early years sector is and how much we need to improve conditions for those working in it.

I thank the Cathaoirleach for his latitude.

Senator Michael McDowell: It was my intention to draw the attention of the House to the motion in my name and the names of other Senators, including Senators from all groups and parties in this House, namely, No. 8 on the Order Paper concerning the fate of Mr. Richard O'Halloran who is being detained in China. Last week, the Minister for Foreign Affairs, Deputy Coveney, called me about this motion and requested that, because the matter was at a delicate stage of negotiation, I not have the House debate this matter in case it might set that process back. I regard any request of that kind by a Minister very seriously and not as one to be lightly disregarded.

I have been involved in attempting to have Mr. O'Halloran's fate and the cruel treatment of him dealt with since last year. I told the Minister I would consult Mr. O'Halloran's family about his request and that he could help by indicating the detail of what steps his Department was taking. Years ago, the former Secretary General at the Department of the Taoiseach, Mr. Pádraig Ó hUiginn, said to me somewhat cynically that there were three stages for Iveagh House in any matter: the stage at which it was premature to do anything, the stage at which it was too sensitive and the stage at which it was too late. I am giving the benefit of the doubt to the Department in not having the House debate this matter today but I emphasise an article by Ms Justine McCarthy in *The Sunday Times* outlining the great suffering to him and his family. I circulated it to all Members of the House today. No Chinese citizen would be treated in this way in this country and the comparative size of our two countries does not justify wolf diplomacy being deployed against Ireland to try to blackmail this man into doing something unlawful.

On a further point, the Department of Foreign Affairs was renamed the Department of Foreign Affairs and Trade but we cannot trade the rights of an Irish citizen to have full representation by this State to vindicate his rights and secure his freedom. No question of Irish exports to China or whether the Chinese Government would be offended by anything that is said in this House should colour our treatment of this matter. The time has come for this House to speak on this issue and I am affording the Minister a two-week opportunity to produce results in this matter. I intend, in two weeks' time, to move an Order of Business amendment to have this all-party motion fully debated if the Chinese Government and the Department of Foreign Affairs have not secured Mr. O'Halloran's release in the meantime.

Senator Rebecca Moynihan: I propose an amendment to the Order of Business that No. 11 on the Order Paper be taken on the conclusion of the Order of Business. I hope that will be accepted by the Leader.

Despite all the talk and focus on the leaving certificate between the Government and the unions, there is very little focus in the media on the severe and detrimental impact that school closures are having on our most vulnerable students, particularly primary school children in DEIS schools, who look likely to miss two key months in the year of 2021. When this phase of lockdown was announced after Christmas, the Labour Party called for a monthly stay-at-home allowance to be targeted at our most vulnerable students, that is, those who receive the back to school clothing and footwear allowance, to allow families to cover the cost of additional outlays resulting from keeping children at home during the coldest months of the year. Many of these families do not have access to broadband and so rely on data for remote learning. Data are needed for them to access schoolwork, and there is also the cost of heating the home and the cost of feeding children at home.

According to a report from the Institute for Fiscal Studies, IFS, in the UK, if schools do not go back until after Easter, children will have lost around two thirds of the normal school year, and the impact this has on those children in the UK can be replicated across Ireland. The IFS says it will have a negative impact on all children but will have a catastrophic effect on the most vulnerable and most disadvantaged children. The IFS report refers to the long-term effect this will have on this cohort of children. It is likely to lead to a loss of earnings over their lifetime as children do not have the digital or home infrastructure to effectively learn remotely. While this is likely to be neutralised among children from higher socio-economic backgrounds, children from lower socio-economic backgrounds will lose up to Stg£40,000 over their lifetime.

That is why the Labour Party has again focused in on this cohort of children and called for a €1 million catch-up for children scheme to make up for lost school days and related activities. We have argued that this support must be targeted at the most vulnerable children and young people from socio-economic disadvantage, and those with disabilities or other needs. We cannot allow our most vulnerable children to be failed or for the cost of school closures and the meaningful Christmas that we had to be felt by those children, not just for next Christmas, but for their lifetime and for their generation. We have to plan now and focus on undoing the damage that this pandemic has caused to our children's education. We must have a big investment, targeting those children to make sure they are not paying for a lifetime for what we did over a couple of months before Christmas.

Senator Róisín Garvey: I welcome today's announcement by the Minister, Deputy Eamon Ryan, of the funding he is giving to regional and local roads projects. We sometimes get grief for being Dublin-centric but I certainly am not, and the Minister can stand up and say that he is not either, having given more than any other Minister to local infrastructure and roads, and to funding for walking and cycling. Today's announcement is very important, not just because it is badly needed, but because, due to climate change, the engineers themselves recognise there are more disruptions to roads and weaker road surfaces as a result. Funding of €23 million is clearly earmarked for climate change adaption and resilience works, and it is very good that is being acknowledged and funded by the Department of Transport.

Given the repeated warnings by the EPA of high levels of air pollution in many of our towns and cities, it is also very good to see some funding is still going towards active travel as part of this. To give some examples from my own county, some of the schools, such as at Broadford and Cloonlara, are getting pedestrian crossings, something I have been asking about for a good few years. Having worked with the schools and done walkability audits, it is great to see progress. Sixmilebridge is finally getting a pedestrian crossing.

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It is interesting. We have to stop and reassess how we see our towns and villages. Up to recently, the priority has been cars and it is a case of letting the cars go through the towns, but we forget that people live in these places, and elderly people and children want to be able to walk and cycle, and move around their towns and villages safely, which many people noticed during the first lockdown.

It is good to see there is funding for cycle signs because we have a new minimum passing distance that we need to remember, as car drivers, myself included, even though I cycle as well. We often forget that we have to leave a minimum distance. There is now funding for signage. There is also good funding for bridges. There is such an amazing array of bridges throughout the country. In Clare, 29 bridges will be refurbished and saved using the funding. The funding will be rolled out across rural Ireland, which is fantastic.

It is hard for road engineers to do everything. Maybe we will have to stop calling them that and call them engineers for the people because we do not merely have to think about roads but about how people move. As well as a crisis of air pollution, there is one in mental health and in disconnection in society. The car has played a big part in that. When one gets into a car, one moves in a metal box, detached from everyone else whereas those who are able to walk and cycle safely around where they live can meet their neighbours more. No man or woman is an island. The slower we move, the more connected we become with society and the people around us. If I am in bad form and having a bad day, I only have to meet a person or two and I will be in better form. I thank the Minister and the Minister of State, Deputy Naughton, on this €555 million prioritising climate, roads and people first.

Senator Niall Ó Donnghaile: I wish to reiterate my call for statements with the Minister for Foreign Affairs on the implementation of the Irish protocol. We all agreed at the beginning of the term that we should not allow the issue of Brexit to fall off the agenda or the radar of the House. We are at a critical juncture in terms of getting information to people. The Seanad affords the opportunity to cut through some of the spin and some of the more misleading statements on the albeit imperfect protocol and the teething problems that many businesses have faced. It is a seismic change in the life of this island and between these islands and continental Europe, so of course there will be problems.

I do not want to rehash our united opposition to Brexit and all our unified warning calls on the dangers Brexit presents to us, but it is important for us to remember and articulate that there are opportunities for businesses as a result of the protections afforded to Ireland, North and South, as a result of the protocol that was arduously negotiated over a period of more than four years. We need to refocus our efforts to identifying the opportunities and supporting businesses in helping them reorient and develop their supply chains across the entire island.

There are other issues of concern beyond the macro issues around trade. Last week the Seanad Special Select Committee on the Withdrawal of the UK from the EU was told by the Confederation of British Industry, CBI, about the mutual recognition of qualifications North and South and between Britain and Ireland. That was raised again at a meeting I held with colleagues from the Northern Ireland Assembly with the CBI in the North. We must continue to do the work, not only with questions to the Minister but also Commencement Matters. We need those statements to take place as urgently as possible.

Iarraim ar an Aire Stáit ráitis a chur ar fáil ar chúrsaí Gaeilge agus pobal na Gaeltachta go dtí seo. Ní raibh an tAire Stáit, an Teachta Chambers, ós ár gcomhair sa Seanad agus tá orainn

é sin a cheartú go háirithe agus muid ag dul isteach go dtí Seachtain na Gaeilge.

I call for statements on the Irish language. We are heading into Seachtain na Gaeilge at the beginning of March. I do not like the idea of confining statements on the Irish language to particular times of the year but it is timely for the many groups, organisations and the Gaeltacht communities given the issues they are facing as a result of Brexit and Covid.

Senator Ollie Crowe: As all Senators will be aware, over two years ago, on 17 October 2018, legislation was passed to combat and stop harmful drinking. The legislation, the Public Health (Alcohol) Act, was praised by international policy experts as being model legislation that was well structured and evidence based. One of its main provisions was minimum unit pricing, which is a targeted measure designed to reduce alcohol consumption. It would enforce a set cost below which alcohol cannot be sold. This is not the case currently. It would mainly affect the price of very cheap drinks and alcoholic drinks with a very high alcohol content. However, it has not yet been implemented in Ireland.

There are compelling international data indicating that pricing is one of the most effective ways to reduce excessive alcohol consumption and tackle alcohol-related harm, especially in the home. We can see this in Scotland, where in the two years in which minimum unit pricing has been in place, the rate of consumption has been at its lowest in 25 years. More important, the number of hospital admissions for liver disease among the lowest income groups has been significantly reduced. I recognise that the programme for Government pledges to introduce minimum unit pricing simultaneously with the North. I appreciate the logic behind that considering the potential for the retail sector to be impacted by cross-Border shopping. Northern Ireland's Minister for Health, Mr. Robin Swann, is developing a substance misuse strategy, but it has been delayed by the pandemic. After the strategy has been finalised, the intention is to have public consultation on minimum unit pricing. This suggests it could take well over two years before Northern Ireland is in a position to introduce minimum unit pricing. I do not believe under any circumstances that we can afford to wait that long to introduce this measure given the impact alcohol is currently having. I ask that the Minister of State responsible for public health be invited to this House to debate the issue at his earliest convenience.

Senator Paddy Burke: I support Senator Crowe on minimum unit pricing. I have raised this issue before on the Order of Business. I cannot see why minimum unit pricing cannot be introduced at this time, when travel to the North is limited. It should not be beyond the bounds of possibility for us in the South to introduce minimum unit pricing.

I wish to raise an issue relating to local print media. We have all received correspondence from local print media throughout the country. I would like the Leader to bring to the Minister for Finance the message that local print media need financial assistance urgently. Resources have been provided to the local radio stations. There was an allocation of €5 million, in two funding rounds, to support Covid coverage but the print media have got no assistance at all. In County Mayo, there are four print media, namely, *The Connaught Telegraph*, *The Mayo News*, *Western People* and the *Mayo Advertiser*. They are embedded in their communities. In a time when fake news is rife throughout the world, local communities depend greatly on the local media. They bring balance to media. We can depend on them to bring the right message, and people depend on them in that regard. It is important, therefore, that they survive. Sixteen local newspapers have closed since 2010. The local newspaper employment level is now 50% of that in 2000. Advertising revenue for 2020 reduced by 22%, and this year, 2021, has seen an even greater fall. I ask that the Leader bring a very strong message to the Minister for Finance

seeking support for the print media.

Senator Sharon Keogan: I was looking at a graphic yesterday that illustrates how appalling the progress of our vaccination programme has been compared with that of Great Britain and Northern Ireland, our nearest neighbour. We have vaccinated only 5% of our population with the first dose of an approved vaccine whereas in Northern Ireland and the rest of the UK, they have vaccinated over 23% with at least one dose. That is over 15 million people. Looking further afield, the US has vaccinated about 15% of its population. Leading the way is Israel with almost 73% of the population vaccinated with one dose. I read in *The Times of Israel* about how effective the vaccine is proving to be in the real world outside of clinical trials. Clearly, the vaccine is saving lives and taking the strain off healthcare workers in intensive care units. It is equally clear, therefore, that the failure of the European Union and the Government to secure adequate supplies of the vaccine is costing lives and livelihoods. It is keeping people trapped in the misery of lockdown and restrictions on their basic liberties. According to a poll of the Institute of Directors in Ireland, a slower than expected Covid-19 vaccine roll-out is seen as the biggest threat to business in Ireland. These pharmaceutical companies use Ireland as a manufacturing base and take advantage of our skilled workers and favourable tax regime. What are they doing for us now? Where is the benefit for the ordinary person?

The Irish Medical Organisation, IMO, has stated that if the vaccine supplies were available, our GPs could vaccinate the over-70s in six weeks, not 12 weeks as our Government has scheduled for. We must accelerate the pace of the vaccinations and the Government must show more ingenuity to resolve the logistics and supply issue that has hampered the haphazard vaccination programme to date.

In the last ten minutes, 37 centres have been announced throughout the country. I would like to know when that will begin. An online community programme needs to be put in place to allow the public avail of vaccinations anywhere in this country. I urge the Government to get on with the vaccination programme.

Senator Erin McGreehan: I raise a national issue which is about respect and manners among our citizens. We have people across the country dumping rubbish and letting their dogs off leads attacking sheep and we need to legislate for all this. We need to put far more restrictions on people and to spend resources on upping the number of litter wardens and dog wardens. It is about respecting our countryside, our walkways and what we have in this country.

I am pushing for harsher dog controls because if anyone has witnessed a dog attack on sheep it is an horrendous thing to come across. I remember it happening our family livestock a couple of years ago and it is horrendous. One should not allow one's dog off its lead. One should not be fly tipping rubbish in the countryside. If people would take a step back from their actions, they would see the economic and environmental costs. The money could be spent on greater things, such as looking after our country's vulnerable older people and our children, funding our DEIS schools, as Senator Moynihan said, and looking after our citizens instead of cleaning up rubbish.

Senator John Cummins: I join other Senators in welcoming the news of €16.3 million in funding for maintenance and renewal of the road network in my county of Waterford, which is on top of the €13.8 million given last week by the National Transport Authority, NTA, for active travel measures. It is significant funding which will make a huge difference across our city and county and make the job of councillors in the coming weeks and months easier in devising the

roadworks programme. I am particularly happy to see significant funds allocated to the likes of drainage works, community improvement schemes and the discretionary grant because local authorities on the ground know best where to spend money on road infrastructure.

The national broadband plan is a central plank of Fine Gael policy and one I am exceptionally proud of. Our party signed the national broadband plan in the previous Government and pushed forward the roll-out of broadband to every farm, business and household in our country. We will be one of the first countries in the world to have all those households, businesses and farms connected to high-speed broadband. Were it not for the decision to sign that plan at the time, contrary to great opposition from the other side of the House in the previous Government, 166,000 premises would not have already been surveyed with many more already connected.

Obviously, there is a job of work to be done over the coming years in terms of the roll-out of the national broadband plan. We are, however, starting to see the benefits it will bring with the likes of online GP services and remote teaching and learning. Broadband will have benefit in many other areas we do not even know of yet when it is rolled out across our country. Perhaps we could have a debate on the roll-out of the broadband strategy and get the Minister in as regards speeding up the process insofar as possible. I believe everyone now acknowledges it was the right thing to do.

Senator Ivana Bacik: I wish to second the proposal by my colleague, Senator Moynihan, to take No. 11, the Student Nurses (Pay) Bill 2021, at the end of the Order of Business. We are hoping to debate that on Second Stage on Friday. This, of course, is the Bill being proposed by our colleague, Senator Hoey, on payment for student nurses, which I know is a hugely topical and important issue.

I also welcome the roll-out today of the vaccination programme within the community to over-85s. It is a real piece of good news in the context of what has been a grim start to the year. That it is now being done this week should be acknowledged. We all hope it could be done more swiftly, perhaps, than it has been to date but we hope it will go smoothly. I welcome it.

I join Senator Moynihan in calling for a debate on our Labour Party proposal for a €100 million catch-up for children scheme. I spoke about this on Friday in the context of providing education and supports for catching up for children with additional needs in education. We all very much welcome the fact that certain education has been resumed for children with additional educational needs. Next Monday will see special classes in mainstream schools resuming. That is welcome.

As Senator Moynihan said so eloquently, we need to acknowledge the enormous impact the prolonged closure of schools has had on all our children, the uncertainty around the resumption of opening of schools and the uncertainty around leaving certificate and junior certificate exams for all the children in secondary schools.

The difficulties that prolonged closures have caused for parents have been well discussed but they need to be restated. It is hugely difficult for many people to combine work and home-schooling as well. “Homeschooling” is such a euphemism because there is nothing easy about it. It is such a glib phrase that really downplays the enormous impact of this prolonged school closure upon children and parents. The impact of the denial of educational opportunities on all our children, many of whom have additional needs or are living in poverty, homelessness or direct provision, is absolutely appalling. Therefore, we need to see an acknowledgement by the

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Government of the importance of providing supports for children. The Labour Party has been calling for a catch-up for children scheme. I would love to see a debate on that in this House.

Senator John McGahon: I will raise an issue today on which the Leader has much experience and has been vocal about, both inside and outside this House, namely, the Irish aviation industry. At some stage in the future, I would appreciate if we could table a debate and have the Minister for Transport come into this House to outline his plans - really good, detailed plans - for the Irish aviation industry.

I raise this issue because two or three friends of mine are pilots and many people in my home county of Louth, who are members of the Irish Air Line Pilots Association, IALPA, have gotten in touch with me. It is the last sector of Irish society that will be able to recover after Covid-19 because we will have varying different degrees of Covid recovery, for want of the better word, in different countries. It will be the last sector to get back up on its feet. For that reason and because the sector is unique, I would appreciate it if the Government would consider extending the PUP and the EWSS to much later in the year for those involved in aviation and wider airline sector. Those workers will probably be the last who will be able to avail of the PUP and the EWSS. I say that because of the unique position they are in, as the Leader knows better than anyone else owing to the work she has done on this matter. I ask that the Minister for Transport come to the House and outline a clear plan for ensuring those involved in the aviation sector will have the proper financial supports to fall back on over the coming ten or 12 months as we finally begin to get out of this nightmare we all find ourselves in.

Senator Lynn Boylan: I raise the issue of the housing assistance payment, HAP, and figures that were released to Deputy Gould. These figures show that this system of housing supports is not working and that it is time for a review of all rent subsidies. HAP does not offer security of tenure or help people in need of long-term housing and HAP limits are not in line with market rents. HAP rates are particularly low for single people and this has long been raised as an issue. It is near impossible to rent a property within the HAP limits as a single person in this State. The problem is bad across the country, but Dublin has been especially impacted. For example, in South Dublin County Council, there are 2,888 people on HAP and that figure does not include those on homeless HAP. Of those 2,888 people, nearly 17% are in receipt of a discretionary top-up and of those, 46% are in receipt of the maximum top-up of 20%. This shows that the HAP rates are not reflective of the rental market in Tallaght.

The announcement by the Minister for Housing, Heritage and Local Government, Deputy Darragh O'Brien, that he is to build 400 cost rental properties this year clearly falls short when we look at the number of people we have in receipt of HAP. According to the *daft.ie* quarter 4 2020 report, the average rent in the South Dublin County Council area is €1,814 and continuing to rise. With a maximum HAP limit for a family with three children of €1,300, a 20% top-up does not begin to cover the rent needed. We know people are paying cash top-ups and that this is putting them under serious financial strain. I would like to have a debate on this issue. I know the Minister agreed before his appointment that these limits needed to be reviewed. Now that he is the Minister, maybe it is time he started acting on that.

Senator Malcolm Byrne: I echo the concerns expressed by Senator McDowell concerning an Irish citizen, Richard O'Halloran, in China. There is a need for a broader debate around the relationship of Ireland and the European Union with China.

Speaking during a Commencement matter debate earlier, my colleague, Senator Fitzpatrick,

rightly raised the need for urgency in reaching a decision on this year's leaving certificate. I echo her praise of the role of the Irish Second-Level Students Union in its advocacy on behalf of students. I follow what Senators Bacik and Moynihan said about the broader issue of the reopening of schools and ensuring that students are in a position to catch up. While many teachers and schools have been excellent in delivering remote learning, that has not been universal and we need to look at ways in which we can support students who are coming through.

I would like to move an amendment to the Order of Business, that No. 10, the Defence (Restriction on Use of Certain Titles) Bill 2021, be taken before No. 1. The purpose of the Bill is to protect the use of the titles of "Defence Forces" and "Óglaigh na hÉireann" so that they can only refer to organisations that are linked to the Defence Forces and Óglaigh na hÉireann. While we are on the subject of the Defence Forces, I extend sympathies to the partner, family and friends of Private Mark Mahon of the 3rd Infantry Battalion, who sadly passed away at the weekend. He served this country with distinction on the UN mission in Lebanon. For him to lose his life so tragically is something that we should remember. Ar dheis Dé go raibh a anam.

An Cathaoirleach: The whole House shares the Senator's sentiments in respect of the sad loss of a member of the Defence Forces.

Senator Seán Kyne: Like others, I welcome the annual roads funding that has been allocated to our local authorities. Roads funding is the bread and butter of our local authorities and what our hard-working councillors deal with daily, be it in respect of potholes, drainage, flooding, maintenance or sinking roads. It is vital for the remediation of these problems and for the community involvement scheme, which is a safety measure in respect of available lands. These are issues that all public representatives deal with, but our local councillors in particular.

I welcome the allocation to Galway of €36.23 million, which will include €400,000 do na droichid agus na calaidh atá ceadaithe do na hoileáin chun obair shábhailteachta a dhéanamh and €50,000 for a pedestrian crossing near the playground in my village of Moycullen. Projects like the Athenry relief road will allow for the proper and sustainable development of communities.

There will also be a range of investment in public transport measures. It should never be an either-or situation. Roads funding is vital, be it for private cars, ambulances, fire engines, buses or bringing children to school. We need to maximise investment in all counties. We know the important work that local councillors do. This funding will be welcomed, but speaking as a former member of a local authority, there is never enough funding and there is always an increase in demand. We will always have to be conscious of that.

Senator Fiona O'Loughlin: I welcome the almost €20 million that Kildare received this morning in respect of much-needed bridge rehabilitation and road works.

I wish to refer to a report that we received recently from Bainne Beatha on a breast is best policy and examining ways in which Irish breastfeeding support services could be improved. Reading the report was interesting. According to it, Irish maternity hospitals have not fully implemented the 2016-26 national maternity strategy or the HSE's 2016-21 breastfeeding action plan. A study published in *The Lancet* in 2016 found that Ireland had the lowest breastfeeding rate of 27 developed countries. The most recent figures, which are from 2019, showed that 57% of babies received breast milk within a day of being born but that this dropped to 43% at three months. Why is this the case? It would seem from some of the research done by Bainne

Beatha that there is not enough support for mothers after they have had their babies. Many go to hospital to have their babies with the intention of breastfeeding but find that they do not get support. There are only 30 full-time equivalent lactation consultants in the public system and no dedicated lactation consultants in five maternity hospitals. In 16 counties, there are no dedicated lactation consultants working in community settings. A number of recommendations have been made. I ask the Leader to take this matter to the Minister for Health.

Senator Mary Seery Kearney: I call for the Minister for Education to come to the House and facilitate a debate on the arrangements being put in place for the applied leaving certificate. We have had a lot of talk about leaving certificate students, and rightly so. They deserve certainty in what is already a very nerve wracking year within the context of Covid. I have been involved in the introduction and implementation of the applied leaving certificate for groups of students who have dyslexia. I also support the applied leaving certificate in a number of DEIS schools. The whole basis of it is that it happens over two years in four half-year modules. It is about personal development, self-esteem and self-knowledge.

Some of the traditional subjects are also vocational subjects. The list of vocational subjects includes woodwork, agriculture, horticulture, childcare, health and beauty, graphics, construction and engineering. These prepare young people for their transition to the workforce where the normal traditional leaving certificate would not facilitate the opportunity to show off and gain credits for their skills and abilities. Perhaps the inadequacy of the leaving certificate does not allow this. Where is the students' opportunity to do this? Where is their opportunity to perform these tasks, get these credits and do these projects? It is not being spoken about in the media. It is not being addressed. I have written to the Minister about it. They are subsumed among all of the other leaving certificate students but there is a cohort that needs to graduate this year and calculated grades will not meet their needs. We need to have an urgent debate on this particular group of students so their needs can be addressed and prioritised.

Senator Barry Ward: I want to raise the issue of travel restrictions under Covid. We all know the Government has quite correctly put in place restrictions on people travelling abroad and within the country. We are told it is acceptable to travel in circumstances where that travel is for essential purposes. Again, I have no difficulty with this.

The difficulty arises in the definition of what are essential purposes for travel. I have been contacted by councillors and their constituents regarding whether a particular scenario constitutes essential travel. I have no guidance as to what essential travel means. To give an example, I was contacted by a young man who is married to a South Korean national. They are expecting their first child around St. Patrick's Day. She returned to Korea before Christmas as they have planned to have the baby there, near her family supports. He was due to travel to South Korea at the end of this month to be with her for the birth of their first child. I believe this is essential but I cannot advise him that it is because there is no central reference point for me to find out what constitutes essential travel.

I would like us to establish an authority or reference point for elected representatives or members of the public to check or verify what exactly constitutes essential travel, instead of having a situation where people have to book flights and then rely on the whim of a garda who might stop them at a checkpoint on the way to the airport. This is no reflection on gardaí because they do not have the guidance either. If we are telling people they can only travel for essential purposes we need to make it clear to people what essential purposes are. In particular circumstances that perhaps do not involve work but do involve an important personal event,

such as the one I have described, we need to be able to give people certainty before they spend money, time and expense on travel plans.

Senator Micheál Carrigy: I want to raise a number of issues. There has been recent notification from AIB and Bank of Ireland that they plan to charge negative interest on client accounts. This is money which people have saved and on which they have already paid tax. This includes client accounts in solicitors' practices. If my solicitor draws down a loan from the bank because I have purchased a property I immediately start paying my mortgage interest on that money but now I will also be paying between 0.5% and 0.65% interest on the money until it is transferred to the seller. This issue needs to be looked at. Transactions in solicitors' practices such as this should be exempt. We are going down a dangerous road with the banks whereby people who are saving money will be charged interest on their savings.

I welcome the progress made towards a decision on the leaving certificate and the return of all children to the classroom. I am concerned that the voices of parents, particularly the parents of children in the schools of my own county, have not been heard and I have been contacted by a number of parents. At present, no post-primary school in my county is being represented by the National Parents Council that is in the talks. In fact, 85% of schools, or 612 out of 726, accounting for 340,000 parents, in either the Catholic Secondary Schools Parents Association or the ETB Schools National Parents Association are not part of the National Parents Council at present, which is a worrying situation. The ETB withdrew because of internal issues in October. The elected directors of the Catholic Secondary Schools Parents Association have been denied access to meetings and are not being informed of what has been discussed. This matter needs to be dealt with immediately.

An Cathaoirleach: I wish to clarify something for the benefit of the House. Senator Byrne proposed an amendment to the Order of Business. Has it been seconded by Senator O'Loughlin?

Senator Fiona O'Loughlin: Yes.

An Cathaoirleach: I thank the Senator for clarifying.

Senator Ollie Crowe: I was on it.

An Cathaoirleach: Both Senators can second it. I call the Leader to respond on the Order of Business.

Senator Regina Doherty: In response to Senator Carrigy, negative interest rates are an issue that was highlighted in the House last week, I think, and the week before. To that end, I wrote to the Minister for Finance last week asking for his response to it and what plans he might have. Otherwise we need to have a debate in the House to outline the impact on those who might not even realise yet that just holding money on deposit is going to start costing money now. I know that we do not get an awful lot of payback for people who save in this country in terms of positive interest rates in our banks, but it certainly should not cost people money, especially in the examples that the Senator gave of people drawing down mortgages and holding them in solicitors' accounts for a short period.

I am very surprised to hear about the National Parents Council. What the Senator should do, if he does not mind, is write to the Minister for Education asking that every single sector of society be represented at the NPC. Equal views should be highlighted in all of our representative organisations that are around the table, none so which as detrimental as what we saw happen in

the past couple of days. The only place that decisions get made is around the table. If one is not at the table, then one's views are certainly not being heard.

In response to Senator Ward, it is instrumental that we have legislation that is being implemented by the Garda, yet with no list of what is and is not essential. I think we can all bear witness to the outcry arising from a number of RTÉ reports last Thursday night and Friday about a particular dentist in a particular country. That morning, the feedback from the Garda was that it was not essential to travel, but by that evening the Garda Commissioner had to come out and say that he had no way of stopping anybody from travelling to a dentist in a sunny climate. There does need to be a list of what is and is not essential. I will write to the Taoiseach today and ask him to include that in the living with Covid plans being prepared in the next couple of weeks. We all need to have a little bit of certainty and stability, and certainly a lot of hope needs to be given in those commitments in the next couple of weeks.

Senator Seery Kearney talked about the leaving certificate applied. Last week, colleagues spoke about similar implications of Covid hampering people being able to do the practical parts of examinations. The Senator talked about a certain cohort of leaving certificate students. Senator Hoey was talking about third level students last week. There has to be some accommodation made and I do not know why it cannot be assessments of their ongoing work during the course of the year or two years. If that is not possible, then there definitely has to be some accommodation made, and I will email the Minister for Education this evening asking her to respond to the Senator directly.

Many colleagues have talked about the €555 million of annual funding that was announced by the Minister, Deputy Ryan, this morning, which is very welcome. It is welcome in every single county and town. It is what we use to maintain the roads network but also to establish new routes. Senators will have heard Senator Chambers talk at the very beginning of today's session about the impact on people's lives when we put in new routes and travelways between towns, so the funding is very welcome. I acknowledge everybody who referred to the funding allocated to their counties and constituencies.

Senator O'Loughlin talked about breastfeeding, and she has raised the issue a number of times. Breastfeeding is not easy. For some people it comes perfectly naturally but for most women it does not so they need help and support. A woman is at a low ebb, even though she is full of happy emotions after her baby is born. She is knackered and tired.

1 o'clock

There are all those self-conscious feelings and if somebody does not have support, it is easy just to give up. However, it is wonderful and fulfilling for both the mother and the child if the mother does not give up. The fact that there are 30 lactation consultants for more than 65,000 births every year tells us everything we need to know. If we do not put serious supports in place for something, is it a surprise that the Senator can cite *The Lancet* figures being so low for us implementing breastfeeding as a natural course of action for women? We must put more resources behind the consultants, we need to have them in multiples in every county and we certainly do not need them to be redistributed to other tasks that are apparently far more important during the Covid pandemic. If we do not put our money where our mouth is, we will not get the outcome we want. I will support the Senator wholeheartedly in raising this with the Minister for Health.

Senator Kyne spoke about the roads funding and the impact on his town. A new pedestrian crossing might appear to be something relatively small, but it has a massive impact on the safety of children going to and from school, as does the reduction of travel speed on the roads. I note that many councils last week adopted the Love 30 Campaign to reduce speeds on the roads around schools. It is very effective. The roads funding is obviously welcome.

I accept the amendment proposed by Senator Moynihan regarding No. 11 on the Order Paper. We can take that immediately before No. 1.

Senator Boylan spoke about the need for a review of the HAP system. This is a long-standing review that must be done. It should be done annually because, obviously, the rates and markets change and rents go up and down. The associated reviews need to reflect that. I have made a request to the Minister for Housing, Local Government and Heritage to come to the Seanad to discuss housing, so I will add the rental sector to the list of items when he comes to the House.

Senator McGahon asked for a debate on aviation. It is in the diary for next week, hopefully. I hope to be able to give the House time not just to discuss aviation but also tourism. They are two sectors in our society that have been desperately damaged over the last 12 months and do not see any hope for the next 12 months. We have to give them reassurance that the State will continue to support them over and above the wage subsidy schemes and the PUP, which obviously will be maintained for as long as they are needed for people who are out of work. We must be able to reassure the aviation sector that there will be an aviation sector in the future, and that there will be routes to enhance not only tourism, which is a massively important industry for Ireland, but also connectivity, which has to be secured for our open economy. I hope that debate will be next Friday, but I will refer back to the House when I have a secure date.

Senator Bacik spoke about the proposed amendment to the Order of Business from Senator Moynihan, which I am happy to accept. I must have misheard Senator Moynihan when she first mentioned the catch-up for children scheme. It is a very good idea, but I heard the figure as €1 million when she first raised it, but it is, in fact, €100 million, which makes far more sense. I will make the request today for the debate and, hopefully, schedule it in the next couple of weeks, if possible. The Senator is correct that the impact of the last 12 months on children has been enormous. We can see certain impacts, and the interruption of their education is one of them. However, I believe there are far greater impacts on children which we have not yet seen. There are underlying currents in households at present because children are not outside. I hope the children are as resilient as they normally are and bounce back, but I fear we will be talking about the consequences of Covid-19 for many years to come, particularly for some of our younger children. I will arrange that debate with haste.

Senator Cummins spoke about the roads funding, particularly the €16.3 million for Waterford. More importantly, he asked for a debate on the roll-out of broadband. I can stand here with some satisfaction and say that I am happy the last Government made the decision to adopt the broadband plan. Again, I realise there were misgivings, but there is no doubt now about the value and benefit of having high-speed broadband in every home, business and school in the country and the positive impact it can have on our lives, not just because we are in the midst of a pandemic but also for the improvement of services in the future, both nationally and locally. I will arrange that debate as soon as I can.

Senator McGreehan talked about respect. We had a discussion in the House last Friday

about dog poop and dogs harming sheep, and I had a little rant that got me some attention. One could hear from the emotion in the Senator's voice the impact there can be when we do not have respect. We talk about litter wardens and dog wardens, and most of us could probably say they do not have the desired impact we would like to see in our towns and villages.

Fly-tipping is on the increase and the production of dog faeces is not going to stop any time soon so we need to change tack. Using the local authorities to manage both of those issues has not worked effectively to date so we may need to look at a different way of doing it. We may need to talk about levies on dog bags or privatising this and putting it up to somebody to say that they can make money on it. We have 800,000 dogs in the country yet every local authority, even some of the larger ones, has only one or two dog wardens. The numbers speak for themselves, and if we want to take an issue seriously, we need to put the resources behind it.

On the legislation with regard to harmful drinking, two of our colleagues spoke about minimum pricing. We talk about doing things when the time is ideal. Introducing minimum prices in the North and the South at the same time would be the most impactful, but given that the Northern Assembly has told us that it will be at least years, perhaps we should not wait. We should lead by example as we have done very successfully with other public health measures.

Senator Ó Donnghaile asked for the statements on the protocol on Brexit to be taken. It is in the diary. I am just waiting on a date for the Minister, Deputy Coveney, to come back to me on it. It will not be next week but I would suggest that it might be the week after that. It is very much needed. The European Commission Vice-President will be before the Joint Committee on European Affairs to talk about the impact of some of the decisions that were made, ill-advised or otherwise, over the past couple of weeks.

Senator Garvey welcomed the roads funding of €555 million but also touched upon an issue that is very close to my heart. Part of the funding is to be used for signage for the safety of cyclists on the roads. I and Deputy Ciarán Cannon, following the serious and many years of successful lobbying by a gentleman in Wexford called Phil Skelton, got the then Minister, Shane Ross, to introduce regulations around 1.5 m for safe overtaking of cyclists on roads. He could not pass the legislation because, apparently, it was unenforceable, but an advertising campaign and signage was to have the same effect. However, if the signs do not exist, they cannot have any effect, so it is very welcome that the signs are being financed, as they should be in every town and county, by the end of this year.

No. 8 on the Order Paper was spoken about passionately and caringly by Senator McDowell. I have no issue with scheduling a debate in the coming weeks if he so wishes. He would have unanimous support in this House, and in any house in Ireland, for the safe return of Richard O'Halloran to his wife and three children. I cannot begin to imagine the difficulty they have gone through in recent years with him being isolated in a faraway country and his three children and his wife being left here isolated in their own county. We need to do everything we can to make sure that we get him home. I would have enormous trust in and a positive outlook with regard to the actions of the Minister, Deputy Coveney, and his team. It is to be hoped there will be a positive outcome before there is a need for a debate but there is no problem in the Seanad having one if that is where we find ourselves in a number of weeks.

Senator Chambers brought up the issue of the national development plan. It is closing this Friday. I am not sure that there have been as many submissions to it arising from the extension. There are only four days remaining. The national development plan has to be cognisant, as does

every local county development plan all counties are going through, of the major impact that remote working, albeit forced on us in the past 12 months, has had on forming and shaping the future world of work. I would very much encourage any Member of this House who has not already done so to get his or her constituents to make a submission to that plan before this Friday.

An Cathaoirleach: Senator Moynihan has proposed an amendment to the Order of Business: “That No. 11 be taken before No. 1.” The Leader has indicated she is prepared to accept the amendment. Is the amendment agreed? Agreed.

Senator Byrne has proposed an amendment to the Order of Business: “That No. 10 be taken before No. 1.” The Leader has indicated she is prepared to accept the amendment. Is the amendment agreed? Agreed.

Order of Business, as amended, agreed to.

Student Nurses (Pay) Bill 2021: First Stage

Senator Rebecca Moynihan: I move:

That leave be granted to introduce a Bill entitled an Act to make provision in relation to the pay of student nurses.

Senator Ivana Bacik: I second the proposal.

Question put and agreed.

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

Senator Rebecca Moynihan: Next Friday.

An Cathaoirleach: Is that agreed? Agreed.

Second Stage ordered for Friday, 19 February 2021.

Defence (Restriction on Use of Certain Titles) Bill 2021: First Stage

Senator Malcolm Byrne: I move:

That leave be granted to introduce a Bill entitled an Act to restrict the use of the terms “Óglaigh na hÉireann” and “Defence Forces” to the defence forces raised and maintained under the Defence Acts 1954 to 2015, and for that purpose to restrict the inclusion of those words in the names of certain other bodies by amending the Defence Act 1954, and to provide for related matters.

Senator Fiona O’Loughlin: I second the proposal.

Question put and agreed to.

15 February 2021

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

Senator Malcolm Byrne: Next Tuesday.

An Cathaoirleach: Is that agreed? Agreed.

Second Stage ordered for Tuesday, 23 February 2021.

Legal Services Regulatory Authority: Motion

Senator Regina Doherty: I move:

That Seanad Éireann, noting that the Government agreed on 12th January, 2021, to propose, for the approval of Seanad Éireann, the appointment of Deirdre Malone to be a member of the Legal Services Regulatory Authority, and pursuant to sections 9 and 10 of the Legal Services Regulation Act 2015, approves the appointment of Deirdre Malone, with effect from 1st October, 2020, by the Government to be a member of the Legal Services Regulatory Authority in accordance with that Act, such appointment being for a period not exceeding four years from the date of appointment, as the Government may determine.”

Question put and agreed to.

Appointments to Policing Authority: Motions

Senator Regina Doherty: I move the following motions:

That Seanad Éireann recommends, pursuant to section 62C(7) of the Garda Síochána Act 2005, that Shalom Binchy be appointed by the Government to be a member of the Policing Authority.”

That Seanad Éireann recommends, pursuant to section 62C(7) of the Garda Síochána Act 2005, that Elaine Byrne be appointed by the Government to be a member of the Policing Authority.” That Seanad Éireann recommends, pursuant to section 62C(7) of the Garda Síochána Act 2005, that Donal de Buitléir be appointed by the Government to be a member of the Policing Authority.” That Seanad Éireann recommends, pursuant to section 62C(7) of the Garda Síochána Act 2005, that Stephen Martin be appointed by the Government to be a member of the Policing Authority.”

Question put and agreed to.

Sitting suspended at 1.15 p.m and resumed at 1.35 p.m.

Criminal Justice (Money Laundering and Terrorist Financing) (Amendment) Bill 2020: Report and Final Stages

An Leas-Chathaoirleach: Before we commence, I remind Senators that a Senator may

Speak only once on Report Stage, except the proposer of an amendment who may reply to the discussion on the amendment. I point out also that the debate must terminate at 2 p.m., so Senators should bear that in mind.

Amendments Nos. 1 to 3, inclusive, are related and may be discussed together by agreement. Is that agreed? Agreed.

Government amendment No. 1:

In page 11, line 15, to delete “subsection” where it firstly occurs and substitute “subsections”.

Minister of State at the Department of Justice (Deputy James Browne): We discussed this area in detail on previous Stages, so I will speak on it briefly. I have carefully considered the debate and the cross-party support Senator McDowell’s amendment received. The approach we are proposing in the amendment is in a similar spirit. Senators will be aware that section 37(12) already provides for guidance to be issued to competent authorities in respect of the definition of “prominent public function”. These amendments insert a subsection (13) to provide that guidance may be issued more generally to competent authorities in respect of this section. Such guidance will be issued only where the Minister believes it is necessary and expressly “for the purpose of facilitating the consistent, effective and risk-based application of this section.” I wish to be clear on the distinction between subsections (12) and (13). While guidance under subsection (12) on prominent public functions will be issued on, or soon after, the commencement of the Act, I do not envisage guidance being issued under subsection (13) in the short or medium term. My hope is that the subsection (13) guidance will not be required at all. We expect the designated persons and competent authorities to develop an appropriate and a reasonable approach without top-down guidance.

In general, the Minister for Justice is also not the appropriate person to be issuing detailed operational instructions to financial services firms. These are matters for the Central Bank. However, I am conscious that politically exposed person, PEP, obligations apply to all designated persons, and so are relevant to all competent authorities. I would like to see a consistent and effective approach. I am conscious also that best practices in respect of the PEP regime will evolve both in Ireland and internationally.

Guidelines under this section will always be subject to consistency with the Act and must also be consistent with the directive. We do not have discretion to exclude, for example, family members and their spouses, or to disapply the need to determine the sources of funds. That is not our intention. Rather, it is to provide a flexible tool that can be used if necessary, having seen how the regime develops over a period of time.

Senator McDowell raised also the question of whether extended third party reliance under section 40 might be possible. We are of the view that this is not possible under the directive at present. Reliance on third parties is governed by Article 25 of the directive, as amended, and this specifically allows reliance in respect of Article 13(1)(a), (b) and (c). These provisions are implemented in sections 33 and 35. The provisions in section 37 instead transpose Article 18, which we do not believe falls under the Article 25 provisions. However, this may be something which can be worked through on a practical level to minimise duplication. I thank all Senators for their constructive contributions on this issue.

Senator Michael McDowell: I welcome the Minister of State’s amendments. Since we

are dealing with amendments Nos. 1 to 3, inclusive, I want to thank the Minister of State for listening to the debate and the contributions of the Members of this House, and responding in this manner to the proposal which I made. I fully accept what the Minister of State said that it is not possible to effectively amend the requirements of an EU directive through guidelines or anything else. The more complex amendment I proposed on Committee Stage was designed to achieve the maximum of what could be achieved within that parameter. Accepting what the Minister of State said about the advices received about section 40, as well as looking at the difficulties that have arisen under this particular rubric in which we are introducing guidelines on enhanced supervision of politically exposed persons' accounts, the Minister of State should put down on the departmental agenda that when this matter comes up at the next Justice and Home Affairs Council meeting some consideration should be given to dealing with the practicalities of what it has imposed. I know the British minister expressed considerable doubts as to the extent and effect of this measure as it affected ordinary MPs in Westminster. She said she hardly could go into the tearooms in Westminster without being besieged by people horrified by the extent of this enhanced surveillance of their activities. Some real effort should be made to make it practical in its effect.

We are a small country and, therefore, the administrative council of the Labour Party might not be the same as the executive of the Labour Party in England or whatever. However, when one thinks about it, the average county councillor has far more discretion to affect people's well-being and economic existence than anything we do in this House individually and certainly anything that anybody does at the national executive or national governing body level of any political party. Accepting that the Central Bank and the other enforcement agencies for this legislation have to work within the letter of the law, will the Minister of State accept the letter of the law has been cast too wide here at the European level? Will he accept that some degree of moderation is sensible in these circumstances? It is bad enough that administrative council members of the Labour Party are subject to this regime every time they open a bank account or every time they want to continue an existing account when it is realised they have been appointed to that position. It is bizarre that one could have been paying a mortgage for donkey's years, gets elected to the Labour Party's council and suddenly gets this letter from a bank or building society asking where did one get all one's money for the past 18 years. It is bonkers by any standard.

If that is the literal interpretation of this, then there is a strong case for indicating at the Justice and Home Affairs Council that it has gone a little bit too far and asking if the Council could moderate it somewhat. If it is mad to do that to a member of a particular body. What about their parents, who to their horror find out, that their child, male or female, has been given this elevated position in the Labour Party or Sinn Féin and they suddenly get these letters requiring them, exactly on the same basis, to account for their wealth over their lifetime? That is just crazy stuff.

Without pushing the matter any further, I fully accept the position the Minister of State is in. I thank him for the reasonable approach he has taken. It should not be necessary for the Minister or the Department to issue any guidelines. Common sense should prevail in all of these matters. Common sense should actually allow a two-line letter, if such is required, from the parent of a newly appointed member of the Labour Party's administrative council stating their wealth over their lifetime of work from A, B and C. Asking them to produce audited accounts of their business and all their tax returns since the year dot, along with asking them to prove what they got in their parents' will by supplying a copy of that will, is just crazy. If common sense can-

not work out how this is implemented at the level of the Central Bank and other implementing bodies, we are in a sorry place.

I do not want to elaborate any further. I said everything I needed to say - perhaps at too great a length - on the last occasion. I thank the Minister of State for giving his Department and his successors the power to actually blow the whistle, say this has got to a ridiculous stage and ask if common sense could be applied. Therefore, I support and welcome the Minister of State's amendment.

An Leas-Chathaoirleach: Despite the gravity and seriousness of the matter, a little levity on a Monday is no harm. I thank Senator McDowell for that.

Senator Ivana Bacik: I join in thanking the Minister of State for moving these amendments, which I fully support on behalf of Labour. It is very welcome to see common sense prevail, as Senator McDowell said. It is a good day for the Seanad as regards reforms being made here as a result of Private Members' and Opposition amendments being tabled. Clearly, however, there has been a problem with the overreach, as I said the other day, of these provisions. I should hasten to say, in the spirit of levity, that Deputy Howlin first raised the issue of a member of Labour's national executive being concerned to discover that they too were covered by the PEP definition, so it is not that Labour has any monopoly on having persons on its executive councils or on national bodies-----

Senator Michael McDowell: I did not want to mention Sinn Féin and-----

Senator Ivana Bacik: -----who are covered. Joking aside, this is clearly a serious matter as regards political organisation, democracy and attracting people to become involved in political parties. That is why I very much welcome these amendments. I also welcome the Minister of State's positive comments on the previous Stages regarding the Magnitsky Act that Deputy Howlin and I, and others in Labour and other parties, have been proposing. It is a long-overdue reform, so I thank the Minister of State for that.

I ask the Minister of State to bring similar common sense to bear in respect of another aspect of this Bill to which my attention was, unfortunately, drawn too late for me to table amendments on it. I was contacted over the weekend by the Union of Students in Ireland, USI. The latter has legal advice on this and is concerned that because of later provisions in the Bill, namely, section 26 and related sections, every students' union which has a board of trustees will have to register every student as a beneficiary, and when any student drops out, it will have to update the register accordingly. Clearly, this has massive implications for students' unions. They are very concerned. They have had legal advice on the matter. I myself looked at section 26, which inserts a new section 106ZD into the 2010 Act. Subsection (5) of that new section provides an exemption for bodies established for the purpose of promoting amateur games or sports so, clearly, the GAA had similar concerns but at an earlier stage was provided with an exemption - not just the GAA, but any amateur sports bodies. It seems that there is a similar exemption for charitable trusts.

I know it is too late in the day to amend this if, indeed, it is a problem. It is too late in the day to amend it in the Seanad, but given that our amendments are now due to go back to the Dáil, I ask that an amendment be made in the Dáil to address this issue, if indeed it is an issue. As I said, I have not had time to look into this in more detail because it came to my attention so late. However, I am conveying, on behalf of the USI, a serious concern that this will create a major

logistical and operational problem for students' unions. I know from Trinity College Dublin Students' Union that many unions have boards of trustees now. I am on the board of Trinity College Dublin Students' Union so I should declare an interest. These were set up with a view to ensuring good governance for students' unions. Many of us, me included, came into politics through student union activism. It is really important that common sense prevails and that we do not see unforeseen consequences for bodies such as students' unions as a result of this Bill, in particular section 26 and the related sections related to trusts and trustees. I ask again that this be looked at by the Minister of State and his Department. The USI, I am sure, will make contact as well, but I ask that a sensible approach be taken similar to that which was taken in response to the concern Senator McDowell, I and others had raised about the PEP provisions.

An Leas-Chathaoirleach: Speaking of national executives, our next speaker is a distinguished member of his national executive.

Senator Barry Ward: I disagree with what the other Senators have said. I welcome the fact that the Minister of State and the Department have listened to what has been said in this Chamber, taken it on board and rendered it into legislative format. That is welcome. I still think, as Senator McDowell has said, there are difficulties, and Senator Bacik has perhaps identified just one such difficulty. I cannot let stand the comment of Senator McDowell to the effect that councillors have more powers than anyone in this House individually. While I accept the importance of the work local authorities do, it is important to note that the chief executive of each local authority wields the vast majority of the power and that these Houses have, during the lifetimes of successive Governments, been responsible for stripping councillors' powers away since the enactment of the Planning and Development Act 2000. It is my understanding that chief executives of local authorities would not be subject to the PEP provisions. Therefore, there are still massive contradictions in the way this is phrased. I support what Senator McDowell has said about raising this at European level at the Justice and Home Affairs Council meetings to suggest to our European counterparts that there are issues here. Perhaps the sixth framework could look at amending these in a way that would allow us to come back here in the coming years and make them more reasonable.

At the beginning the Leas-Chathaoirleach said we would be allowed speak only once. Was he referring to each aspect or the entirety?

An Leas-Chathaoirleach: Senators may speak once on the combination of amendments as Nos. 1 to 3, inclusive, are being taken together.

Senator Barry Ward: I have one further point to raise with the Minister of State. I raised it on Second and Committee Stages. It is about the index-linking of the amounts mentioned in the Bill and specifically in section 5, I think, in relation to arts dealers and letting agents. The figure of €10,000 was used. Section 5 of the Bill amends section 25 of the 2010 Act. I suggested that that should be index linked. At the moment we are in a very stable, low-interest environment and that is obviously to be welcomed, but it will not be that way forever. I anticipate a situation where, in very short succession, those figures will be outdated and we will bring upon ourselves another situation where, within a period of time, artwork of a certain value may be much more common than it is now and then a huge burden is created for those people. I asked the Minister of State if he would examine that and wish to know if he did.

Senator Robbie Gallagher: My comments will be brief. I acknowledge the contribution of my Opposition colleagues and of Senator Ward. They have highlighted the example of

where the law has detached itself from common sense. I acknowledge also the Minister of State for his practical approach to the issues raised. As Senator Bacik said, the implications are far-reaching. We had a good debate here and clearly highlighted the anomalies that arise. I look forward to the Minister of State addressing them, going forward.

Deputy James Browne: There were a number of points. I hope common sense will prevail and that these regulations will not be needed.

The anti-money-laundering aspects were actually handled by ECOFIN rather than by the Justice and Home Affairs Council, so I will bring that matter to the attention of the Minister for Finance, Deputy Donohoe, and his Department with a view to having it put on the agenda of the next ECOFIN meeting.

Senator Bacik raised the issue of the Union of Students in Ireland, USI. I will discuss this with the Department of Finance as this relates to a Department amendment brought in on Committee Stage in the Dáil. There is provision for flexibility. Regulation can be made for the Minister for Finance but I want to get clarity on whether those regulations are strong enough to resolve any potential issues for students' unions. I will bring it to the Minister's attention this week with a view to seeing what can be done about it, because obviously it would be a very worrying situation and would put an intolerable burden on students' unions.

On index-linking, the directive has €10,000 in it and so does not give us flexibility on that as written. Again, it is something which could be brought to the attention of the Minister for Finance to be raised at the next ECOFIN meeting. I agree with Senator Ward that it makes eminent sense for index-linking to be included in these directives. As he said, years will pass and suddenly €10,000 might not be worth what it used to be.

Amendment agreed to.

Government amendment No. 2:

In page 11, line 19, to delete “guidelines.”” and substitute “guidelines.”.

Amendment agreed to.

Government amendment No. 3:

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

“(13) The Minister may, where he or she believes it is necessary to do so, and with the consent of the Minister for Finance, issue guidelines to the competent authorities for the purpose of facilitating the consistent, effective and risk-based application of this section.”.

Amendment agreed to.

Government amendment No. 4:

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)””.

15 February 2021

Deputy James Browne: This is a technical amendment. I thank Senator Ward for identifying the issue within the legislation. The proposed amendment is to improve the clarity of the relevant subsection. While we could not accept the precise formulation that Senator Ward used in the Committee Stage amendments as the phrase was used elsewhere in the Bill, this amendment achieves the same result.

Senator Barry Ward: I thank the Minister of State for taking on board what was said. Again, it reflects very well on the Department, the Minister of State and the Government that they take on board what is said on Committee Stage. It enhances the legislation.

Senator Michael McDowell: I echo what Senator Ward has said.

Amendment agreed to.

Bill, as amended, received for final consideration.

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

Senator Robbie Gallagher: Now.

An Leas-Chathaoirleach: Is that agreed? Agreed.

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

Sitting suspended at 1.56 p.m. and resumed at 2.15 p.m.

Children (Amendment) Bill 2020: Second Stage

Senator Michael McDowell: I move: "That the Bill be now read a Second Time".

The Children (Amendment) Bill 2020 has emerged in certain circumstances which may be somewhat surprising to many. The Court of Appeal's civil division delivered a judgment on 29 October last. The presiding judges were the President of the court, Mr. Justice Birmingham, Ms Justice Kennedy and Ms Justice Ní Raifeartaigh. The case was the People at the Suit of the Director of Public Prosecutions and EC. The appeal they were dealing with was an appeal brought by *The Irish Times*, Independent News & Media, RTÉ and the NewsGroup newspapers against an order made initially by Mr. Justice Michael White and subsequently by Ms Justice Carmel Stewart in the High Court directing that the identity of the child, the subject matter of the prosecution in question, who was the victim of what was an apparent homicide, should not be revealed. The circumstances are quite particular to the facts as found in that case, one of which was that, in the end, the accused person was found not guilty by reason of insanity while the question of the child being identified as the alleged victim was the subject matter of the two judicial directions to which I have referred.

The matter was appealed to the court of civil appeal by the newspapers in question, and the judgment handed down on 29 October 2020 in effect rejected their appeal on the grounds that section 252 of the Children Act and the definition of "child" did not exclude a deceased child, the victim of an alleged offence. Of course, the matter was decided on its narrow facts but the reasoning of the court had a much wider implication because it referred to cases where there were convictions to start with and also to cases in which a variety of offences could have occurred and a variety of circumstances might have arisen. In response to that decision, and

particularly in response to what was stated by the President of the Court of Appeal, Mr. Justice Birmingham, in paragraph 14 of his decision, this Bill was generated by the Independent group of Senators in this House, whose support I am grateful for.

Paragraph 14 states:

I appreciate the media may find the ruling surprising and that they may say that it involves a radical departure from what had been a long-established practice. They may say that the outcome is an undesirable one and may be in a position to make that argument with some force. Nonetheless, the language of the statute is clear and unequivocal and, enjoying a presumption of constitutionality as it does, must be given effect to. If change is required and if it is desired to return to previous practice where it was possible to report cases involving the deaths of children, then it is a matter requiring intervention by the Oireachtas.

It is in that context, without challenging at all the correctness of the decision of the Court of Appeal, but bearing in mind its scope, that this Bill was introduced to the House.

In parallel with the Independent group's initiative in introducing this Bill to the House, my good friend Deputy Jim O'Callaghan introduced a Private Members' Bill to much the same effect in Dáil Éireann. Both he and I discussed between us, and subsequently with the Minister, whom I welcome to the House today, and her officials, how this matter could best be remedied. The fact that my Bill was chosen was partly the luck of the draw. It does not reflect in any way on Dáil Éireann or Deputy Jim O'Callaghan's Bill; it just has to do with what was considered the most expeditious way of dealing with the legislation. Obviously, it is a huge injustice to the parents of a child who is killed in a homicide that media cannot carry coverage of the fact that their child was the subject of court proceedings for an offence in which a conviction took place when the public will probably in most cases be well aware of the identity of the person convicted. It is a major reduction in the rights of apparent free speech and the rights of parents to tell their story in public and to express their tragic loss in many cases and their feelings about what has happened to their child that the law should have this clearly unintended effect.

This House and the other House are intended to presume the consequences of the clear language we use. Going back to 2000, when the Children's Bill was enacted, nobody saw the Bill as having this effect. Perhaps that is a signal warning to us all to be extremely careful in parsing and analysing legislation and not to rush things through without careful consideration of precisely what we are doing. For 19 years after that legislation was passed, nobody thought of the dimension which arose in the DPP v. EC case and nobody thought to suggest there was a problem with it.

I welcome the approach being taken by the Minister for Justice, Deputy McEntee, to this matter. All of us on all sides of both Houses, I presume, want to take up the invitation put by the President of the Court of Appeal, Mr. Justice Birmingham, that if this is not the desired outcome, then it is a matter for the Oireachtas to deal with. I welcome the open attitude of the Minister in adopting one or other of the two Bills, either Deputy O'Callaghan's or mine, signalling her willingness to do that and getting on with the process of legislating in this matter.

Today is just the Second Stage and the Minister's Department has kindly indicated to me that it proposes making various amendments to the rather simple formulation which I and my colleagues have put forward as a remedy to this problem. There are unforeseen consequences lurking here, whichever way we go. To take one example, if a sibling who was a child mur-

dered younger siblings, can those children be identified in circumstances where the person who murdered or killed those children is also a child? There are corners around which we have to look and I welcome the fact that the Department is putting a lot of effort into making sure that in remedying one problem, we do not create another one or allow it be said that a rush to legislate opened up another problem. I recognise the Minister's willingness to consider the matter and to proceed carefully with it. I fully concede that it is not devoid of complexity. Such amendments as the Minister has outlined to me through her officials seem to be going in the right direction but I ask that whatever is done be considered very carefully.

The example I gave is just one example. I have never been overly attracted to the notion that in regard to all child offenders for all time, including 17-year-olds, it should never in any circumstances be permissible to refer to the fact that they were convicted of an offence. I know this comes from a long line of law to the effect that children are in a special category, that they must be capable of redemption and that their reputations cannot be tainted for all time by a childhood offence. I accept that but there are sometimes practical outworkings of that which cause immense difficulties. This House will be aware of the difficulties that arose in a similar case in the United Kingdom where the media did or did not behave well regarding a particular murder of a child, and all the complexities which followed on from that.

The principle of this Bill is, effectively, to take up the invitation given to the Houses of the Oireachtas by Mr. Justice Birmingham to legislate in the matter if the unexpected and unwanted implications of the judgment in the DPP v. EC case are to be readdressed by the Legislature. I, therefore, believe there is all-party backing for the principle of this legislation. I concede that it will require very careful tweaking this way or that and very careful consideration. Although the Minister is under immense pressure to legislate very fast on this, and I have no problem with speeding legislation through the House, it will have to be careful. These particular matters I have raised should be addressed.

We recently had a case, and again I will be very careful in what I say, in which a person legally considered a child was the subject of what appears to be a homicide of some kind, subject to defences. It is strange that the result of section 252 and the judgment of the Court of Appeal has resulted in the situation that great publicity is given to an event and then a subsequent criminal prosecution is wholly divorced from that great publicity. The public are not entitled to know whether there have or have not been prosecutorial consequences for that particular death.

We are under these kinds of pressures but we must get this right. In those circumstances, I commend this Bill to the House. I thank the Minister for the generous approach she has adopted. I thank Deputy O'Callaghan for his generosity in his discussions with me on the matter. I, therefore, have pleasure in moving the Bill on Second Stage. I look forward to a detailed Committee Stage session on this Bill to make sure it is right and does not do anything none of us wish to be the consequence.

An Cathaoirleach: I thank Senator McDowell. Is Senator Mullen or Senator Craughwell seconding the Bill?

Senator Rónán Mullen: I am delighted to second this Bill. I commend Senator McDowell on introducing it so swiftly in the wake of this problem coming to light. As he illustrated, it raises the issue of why the Oireachtas needs to take its legislative role so seriously. I spoke last November during the hate crimes legislation about how careless drafting or rushed legislation can lead to unforeseen consequences. This children's legislation was intensely and intensively

scrutinised. Therefore, it bears out all the more the importance of careful analysis of legislation.

As we know, this particular issue arose from a dispute between the DPP and a number of media outlets over whether a person identified only as “EC”, who had committed a homicide against her child, could be publicly identified, as had been the media practice up to that point. We are familiar with Mr. Justice Birmingham’s judgment at the Court of Appeal and, of course, it is clear, as has been said, the judge had no option but to interpret the law as he found it. Section 252 of the legislation, which “provides that a report which reveals the name, address or school of the child or includes any particulars likely to lead to his or her identification” should not be published, was only modified by the possibility of the court dispensing with the requirements of that section where it is satisfied that it is appropriate to do so in the interest of this child. It is clear that is so narrowly drawn that it could not possibly comprehend a situation where the child in question was deceased. It is certainly not for me to prejudge what precise solution the Government will come up with having regard to the complexities to which Senator McDowell alluded. It seems, however, that had the legislation provided a clause that, where otherwise, the court is of the view that it is just to publish, that such a saver would, perhaps, have prevented this particular decision. On any plain reading of section 252 as it stands, it is impossible to argue with the interpretation of the court. Through simple logic and the rules of statutory interpretation, it simply was not open to the Court of Appeal to substitute what might have been the intention of the Oireachtas in 2001 in place of what the clear meaning of the section was.

The recent case in Limerick highlighted just how urgently these changes are needed. I again commend Senator McDowell for bringing this Bill forward and I commend the Government on its willingness to deal with this matter in early course.

Senator Erin McGreehan: I thank the Minister for coming here. This is an extremely important issue and I welcome this amendment Bill coming before the House. It is a matter that needs to be rectified and I am glad the process is starting today. I commend Senator McDowell, who brought this Bill before the House, and I want to acknowledge the work, as he did, that he and my colleague, Deputy Jim O’Callaghan, have done on the matter since the anomaly came to light. I also must mention a similar Bill that Deputy Jim O’Callaghan laid before the Dáil recently.

This Bill is amending section 252 of the Children Act 2001. The section provides that in any proceedings that involve a crime committed against a child, a child cannot be identified after proceedings have commenced. The legislation makes complete sense if a child has been subject to sexual abuse or has been assaulted. Quite rightly, a child’s privacy and the protection of same are at the forefront of all of our minds as it would undoubtedly add tremendously to the trauma of that child if his or her details were to be publicised in the newspapers or the media. It would add to the trauma of the attack already inflicted upon the child.

However, as many have stated, it was not foreseen or wished that the provision would apply in respect of a child who has been killed. This was never the situation before the Court of Appeal ruling last year. The ruling meant that a child killed by someone else cannot be identified once that person is charged and the person accused of killing the child cannot be identified if doing so would also identify the child. The judgment has led to an unusual situation whereby deceased child victims can be named up to the point at which a person is charged, at which point his or her name can no longer be reported. Questions have also been raised on whether the judgment prevents a person, who was a victim of an offence as a child and who also seeks to

waive his or her anonymity as an adult, from doing so. The Court of Appeal judgment has been criticised. It has brought a lot of hurt to the families of the victims who rightly feel aggrieved that they are unable to name their deceased children publicly as a result of it.

The consequences of the ruling have resulted in significant harm and damage. It is a significant issue of confusion for the public. People are informed of the name of the child after the child has been killed, which is correct because the murder of a child is a major issue in our society. Individuals are informed, the public is informed and the child is named. However, once proceedings are commenced, the media cannot identify the name of that child. This leads to absurd situations in which a child would still have been named in the media for a period of days and once the individual is charged in respect of a child's death, again the child cannot be named. This is the reason the legislation needs to be changed.

The Bill respects the requirement for a balance between protecting the public and the victims. The protection of child victims may sometimes require anonymity for the perpetrator in offences such as female genital mutilation, sexual assault, serious non-fatal injury and incest cases. The judgment has led to an unusual situation and questions have been raised on other issues. These questions and many more, as Senator McDowell has noted, require the careful consideration of the Department in its approach to this amendment Bill. The Department must re-examine the unforeseen circumstances that may arise due to the changing of section 252. I am glad this will be rectified for the families who, after the passage of this Bill, will be able to name their children who tragically lost their lives. I look forward to seeing the Bill in its final form in the House.

Senator Mary Seery Kearney: I acknowledge the considerable work done by the Independent Senators, including Senator McDowell, and Deputy Jim O'Callaghan in rectifying what is a patently unjust situation arising out of the court's interpretation. I thank the Minister for not standing on ceremony. She has a sense of urgency about rectifying this situation for families who have experienced great hurt as a consequence of it, although there was no other conclusion that could have been arrived at by the judges deliberating on this matter. In doing their job and making such a strict and literal interpretation, we have unfortunately arrived at a situation where it is possible that justice for child victims is not seen to be done. It is urgent that we address this issue. The section of the Children Act 2001 was clearly about ensuring that children would not be forever identified with the crime perpetrated against them or to which they were witnesses. In so doing, I am confident that the view of legislators was towards child protection. It is important that, as we deliberate on this Bill, we continue in that mindset. This is about child protection at all times. In addressing what is a narrow set of circumstances and interpretation, it is important that we not have many unintended consequences flowing from the Bill.

The controversy arises around the child who has died. No one would attest to there being anything controversial as regards the living child. People understand that a child has a life to live and deserves his or her anonymity. However, we need to allow the identities of children who are deceased because of the most unspeakable of crimes to be published. It is the right of parents and families to speak of their children and to remember all that was lovely about them. We could have arrived at a situation where families' victim impact statements or their statements on the steps of the court following the conclusion of a trial could not be reproduced in the media. Families would not get to bring to life all that was good, lovely and to be remembered about their loved ones. It is part of their mourning and memorialisation and part of keeping the memory of their children alive.

Our adversarial judicial system is correct and I stand over it, having been in it many a time on the side of both the prosecution and defence, but we can sometimes end up with a defence narrative that is subsequently accused of being exaggerated or one-sided. We have seen sordid details of the deceased coming out as the narrative builds on behalf of the defendant. It is important that we have a right of reply and that the record is put straight. The tenderness and humanity of the deceased needs to be brought out subsequently. The media have a role to play in telling the victim's story following the conclusion of a trial, as we have seen in the past number of years, including in particular notorious cases. Parents have the right to reclaim the identity of their child following the conclusion of a trial and to speak freely.

It is important that adults who were victims of crimes as children get the opportunity to have the right to waive their anonymity. We will see that being addressed in the Government's amendments. Although the people in question were children at the material time of the offences perpetrated against them, for example, sexual abuse, they are entitled to waive that anonymity.

We see through a different lens when we read the section now. Previously, I would have seen nothing wrong with it, but then the case came through and I now see it differently. What I do see in the section now is that all of the power sits with the court whereas I believe victims should have a say in whether they have a right to lift that anonymity. It is about the court. It is important that the locus of the right to waive stays with the victims although they are now informed and well advised adults. It is important that we do this.

I very much support the idea that child perpetrators are protected, that their anonymity is always protected and that there are not unintended consequences arising out of the Bill that affects this. If we are going to have a restorative justice model and rehabilitation it is important that they get to start again.

I thank the Minister for her approach to this issue. It has been great. I thank her for all the hard work. We could have had to wait for the Supreme Court and for the Bill to be struck down but, thankfully, we did not. That we had it ready to go is a fine part of our Legislature. It is something to be proud of. I thank the Minister.

Senator Ivana Bacik: I welcome the Minister to the House. On behalf of the Labour Party I welcome this important Bill, which we are glad to support, and I commend Senator McDowell and his colleagues for bringing it forward so swiftly after the judgment was delivered in the Court of Appeal on 29 October 2020. Senator McDowell had this Bill in with us in the first week of November. Other Oireachtas Members, including Deputy O'Callaghan, also brought forward legislation to deal with what others have rightly described as this unforeseen consequence.

I was struck by Senator Seery Kearney's point on the wording of section 252 of the Children Act. Reading it before this line of case law, one might well have thought that subsection (2) would have governed against this interpretation but, in any case, that is to revisit perhaps a previous reading. We have the very clear words now of Mr. Justice Birmingham. We do need to move legislatively to address these words and ensure the terrible injustice that has resulted for bereaved parents is not allowed to continue. The Minister has spoken very eloquently about this and all of us have been deeply moved by those who have come forward through the media to describe the pain and trauma of being faced with this consequence whereby the wishes of victims and families of victims are not respected, and where people are left voiceless.

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I want to speak briefly about our views of victims in the criminal law more generally. I know we will be able to parse the detailed provisions of the Bill on Committee Stage, and I am glad we will be able to do so, but we should see it as fitting within a general package of reforms to give victims more of a voice in our criminal justice system. I am really glad the Minister announced on foot of the O'Malley report into the review of law and sexual offences that she will look at giving complainants more of a voice through sex offence trials. Many years ago, along with colleagues in Trinity College, I did a report with the Dublin Rape Crisis Centre on the legal process and victims of rape, as a result of which we recommended separate legal representation for complainants in rape cases where applications were made by the defence in the absence of the jury to bring forward evidence of prior sexual history. It is a recommendation that is now established in our law through the Sex Offenders Act 2001. It is something that the Gillen report in Northern Ireland looked at very closely and made recommendations on foot of it, and we will see change there also.

The Bill is part of a number of ways in which we moved to look at how we can encompass more of a voice for victims in our criminal justice system, without encroaching unduly of course on the rights of the defence. This came home to me last night again looking at a programme about Gerry Ryan's life. On his radio show he gave a voice to Lavinia Kerwick, who so bravely came forward in the early 1990s. Her voiced experience of being the anonymous complainant in a rape trial gave rise to the introduction in 1993 of the victim impact statement, which has made a huge difference in practice in our criminal courts and has enabled victims to feel they have more of a voice in the process. Of course, it took some time, however, for it to be recognised that the families of victims of homicide also needed that voice. The legislation had not adequately addressed that. Indeed, a sort of practice had built up among trial judges of allowing families of victims of homicide to speak about the impact the homicide had on them. That change was made in 2010. So we are learning and this legislation is part of that process of learning.

I want to speak briefly on a number of other points arising from this Private Members' Bill and the context in which it was brought forward. Others have spoken about the need for careful scrutiny of legislation, particularly criminal justice legislation. That is absolutely true and clearly exemplified by the case law we have now seen on section 252. The 2001 Act itself was heavily scrutinised. It was seen as a major reforming piece of law relating to children at the time. I have to say that subsequently, it was somewhat shambolic in the way in which it was commenced. I recall at the time, as a practitioner, representing children as young as eight and nine years of age before the criminal courts. We all eagerly anticipated the change in the age of criminal responsibility which the 2001 Act was supposed to usher in. It did not happen in the end and the provision lay dormant. It was finally amended in 2006 and only brought into law in July 2007. There were a lot of well-meaning reforms but due to a lot of difficulty with their commencement, it was brought in somewhat in a piecemeal way. Again, this raised the need for codification to ensure we have a very clear body of criminal statute law and of law relating to children, in particular. If we have piecemeal reform, the danger is that provisions are not parsed properly, unforeseen consequences occur and we see developments occurring as we have seen with section 252.

I will finish by thanking the Minister for her engagement with members of the Opposition on a number of Bills, including this one. I thank her for her engagement with Deputy Howlin on important pieces of law relating to children's rights and young adults, particularly Coco's law. I thank her for engagement with me and my Labour Party colleagues on the Born Here

Belong Here campaign, which seeks to amend citizenship law for children born in Ireland to parents who are not Irish citizens. It is very important that we continue to engage. I thank the Minister for her willingness to do so constructively with those of us in opposition.

An Cathaoirleach: The next speaker is Senator Warfield and he has sé nóiméad.

Senator Fintan Warfield: I will not use all of my time. I think there will be another Sinn Féin speaker in the House. I want to express my support and that of Sinn Féin for the Bill. I also welcome the fast pace of its progress. We would hope to see more examples of such co-operation in this House. We have seen it this year in this House. I think it is more akin to the co-operation we saw in the Twenty-fifth Seanad.

I extend my sympathies to all of the families who have been affected by the subject of today's Bill. Of course, it will not change their situation but I hope it will bring some measure of comfort. We want to see a situation where parents of children who have been killed can use their victim impact statements to the court to tell the story of their loved ones. This is a frustration that many families have felt. It should not have been left to the families to worry about possible legal implications. Many families of children who have been killed will always want to remain out of the public eye and that right should always be fully respected. Others draw comfort from talking publicly about their children and want to celebrate their memories. Part of this may involve referring to the circumstances of their deaths. Therefore, we obviously need to remove the barrier that prevents families from fully remembering and celebrating the lives of those tragically taken from them. They may seek to remember them in the name of an organisation, foundation or charity and that example was mentioned to me by a friend with whom I spoke before this debate.

I welcome the Minister for Justice to the House. She said recently that issues have arisen on foot of the original ruling regarding the cases of people who were children at the time of the offence but adults when proceedings were taken against the perpetrators. Can we expect more legislation or can this be achieved by a ministerial order?

We should also use this time to focus on the supports available to the families and loved ones of children who have been killed. These families will now have the right to refer to their children, but we must ensure adequate supports are available to them. I ask the Minister to use the cross-party consensus and dynamic of this issue to ensure that victim supports are enhanced for the relatives and friends of child victims.

Senator Alice-Mary Higgins: I welcome the Minister and I commend Senator McDowell and the Independent Group on bringing this Bill forward. It is good to see the Government supporting constructive legislation from the Opposition benches. One of the ways we can most effectively make good legislation is when we take good ideas, regardless of where they come from.

As other Members said, the legislation follows the Court of Appeal's decision regarding whether a child can be named after the child has been murdered and the interpretation of section 252 of the Children Act 2001. While the interpretation is understandable on a reading of the law, it is the case that a situation in which a family that has lost a child cannot speak about that child, the loss of the child and the circumstances is an unforeseen cruelty on top of cruelty for that family. It is very sad, and it is important to try to address it expeditiously.

I have certain concerns about the Bill, and other Members have mentioned them. I recog-

nise that the proposer of the Bill has been clear that work will have to be done to tease these out. Sadly, there are situations where not only is the victim of a murder, attempted murder or manslaughter a child, but the perpetrator is also a minor or a child. It is a major additional tragedy when somebody has committed such an awful crime so early in his or her life. It is important we would reflect and manage in the law mechanisms which give priority to the rights, to the story and to honouring the victim of a crime, but we must also give due regard and respect to protecting the childhood status of a perpetrator. There are other sections of the Children Act, such as section 93, which address some of the situations when a case is before the court. That gives certain safeguards whereby, except in such circumstances where, for example, somebody is at large or where it is in the public interest, the perpetrator would not be named. Those address situations when a case is before the court, but this legislation might have to deal with more nuanced situations subsequent to a ruling or to the case concluding. I am sure we will be able to tease this out together in a way that ensures that while a victim and the family are able to discuss what matters to them, at the same time we respect the fact of a perpetrator being a minor and find a way to do that appropriately.

On the question of the media's interest in the right to name a deceased child, the media naming is important but it is also important to have a culture of respect in that regard and regarding those questions of the public interest safeguards and what are the appropriate measures or checks and balances. It may be that this is not simply a matter of an absolute right or no right, but a right with safeguards and caveats. We will be able to tease those out. I am confident that the legislators in both Houses who have the intent of the public good in mind will be able to address those issues.

There is a related issue. We might propose amendments to this Bill on Committee Stage, although I will certainly support it today. I recognise that it is an important step forward. However, I wish to identify an issue which, for me, is related. It is the trauma that is inflicted by the silencing when a tragedy or abuse takes place, and it then becomes invisible. Sadly, there is that related situation under way, at present, in respect of institutional abuse.

3 o'clock

The Minister will be very aware of the serious and time-pressing concerns expressed by many of those who testified to the mother and baby homes commission about their data protection rights and also their more immediate rights in terms of the recordings of their testimony - their voices - being deleted or them not having access to their own stories. In one way, this is a side issue to the one we are debating but, in another, it goes to that same core matter of respecting children and their stories, even in the many years that follow.

Many people who were children at the time of the mother and baby homes and testified to the commission as adults are very concerned. They are asking that the Minister would support her colleague, the Minister for Children, Equality, Disability, Integration and Youth, Deputy O'Gorman, in seeking to extend, if necessary, the terms of the commission to ensure that appropriate actions can be taken in respect of the rights of those who were children at that time and are now adults who want to have their rights vindicated. They want their stories to be heard. They want a copy of their stories. They want their rights and to see justice done. I want to flag that issue to the Minister.

This Bill is positive. It is a good step forward in addressing an unforeseen consequence. We will have to avoid other unforeseen consequences. In general, this legislation, and all our

legislation, needs scrutiny again in the light of the referendum on children's rights, which was that collective decision we, as a nation, made to look to children's rights. I imagine this will not be the first legislative measure we will need to review and strengthen to ensure that Ireland can be a leader in respect of the rights of the child. I again commend the proposers of the Bill.

Senator Fiona O'Loughlin: I commend Senator McDowell on bringing forward this legislation so soon after it was pointed out that it was needed. I acknowledge also the contribution of my colleague, Deputy O'Callaghan, in bringing forward legislation. It is very welcome that this legislation has been produced and that the Government is supporting it because it has been very clear that there is a need to address the Court of Appeal ruling that has prevented parents from speaking publicly about their deceased child in cases where the child was unlawfully killed. We cannot begin to imagine the death of a child but, in particular, the violent and tragic killing of a child. It is important that the memory of that child be revered in a way that is appropriate to the wishes of the parents. The situation often arises where the parent wants to address what happened to the child. Part of that is honouring the life of the child but another part is trying to ensure that similar tragedies do not happen again and that lessons can be learned from everybody.

This Bill permits the identification of those accused of and convicted of the homicide of children. We need to ensure that it is expedited. Having the Bill taken so early and the Government making a swift decision on it is welcome. We must change the law promptly because it is unfair to the memory of children who have been killed that we allow the current position to continue to obtain.

The background to the Bill is that it came about as a result of an unintended consequence of the Court of Appeal's ruling last year to the effect that the provision in the Children Act 2001 preventing the identification of a child where someone is charged with an offence against him or her does not exclude deceased children. This ruling meant that a child killed by a person cannot be identified once that person is charged. In addition, the person accused of killing a child cannot be identified if doing so would also lead to that child being identified. That is wrong for many different reasons. It is enormously unfair on the families of deceased children that they have to go through this process whereby the memory of their children is being removed from history. The mother of an 11-year-old boy who had been murdered was compelled recently to disguise her identity on television as though she was some type of criminal who could not be identified on the news. By revealing her identity, the identity of her dead child would also have been revealed. It is manifestly unfair to the families of deceased children that the law operates as it does.

This has been a major source of confusion for the public. People are informed of the name of a child if that child has been killed, which is absolutely correct, because it is such a major event in society when a child is killed. Individuals are informed, the public is informed and the child is identified. However, once proceedings commence, the media cannot name the child, leading to absurd cases where a child would have been named in the media for a period of days but once an individual is charged in respect of the child's death, the child can no longer be named. That is even just one reason this legislation must be changed.

I know the Government has a number of amendments to the Bill to ensure it delivers its vision and shared aim. It is important these amendments do not give rise to any unintended consequences that might affect the protection afforded by the Act to child witnesses or child victims in the criminal justice process. Section 252 of the Children Act 2001 currently provides that

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in any proceedings involving a crime committed against a child, the child cannot be identified after the proceedings have commenced.

This legislation makes sense if the child is being subjected to sexual abuse or has been assaulted and it would clearly exacerbate the trauma for the child if his or her victimhood would become a media story. It would aggravate the trauma of the attack already inflicted upon the child. However, it was never intended that the provision would apply in respect of a child who had been killed. It has not applied to that extent because before 2019 there was no such understanding of the application of that provision. It was never the case that children who had been killed were anonymised once a case came to trial.

I commend Senator McDowell on all his work to bring this forward and the Government on taking this Bill and bringing forward the necessary amendments to ensure we can achieve these necessary aims.

Senator Gerard P. Craughwell: I welcome the Minister of State to the House. I also stand in support of my colleague, Senator McDowell, and compliment him on the speed with which he reacted to the case that arose. It is one of the great aspects of this House that we are lucky to have so many brilliant legal eagles in both the Dáil and Seanad who are able to immediately respond to something like this. I also compliment the Minister for taking on board the concerns of Senator McDowell and, more important, the concerns of the families. She is to be congratulated on the way she has approached these matters.

I am aware the Government may introduce amendments on Committee Stage and I ask that whatever amendments come before the House, the Government would work with Senator McDowell, Deputy Jim O'Callaghan and Senator Bacik, among others, who are experts in the area of law. It may save much time on Committee Stage if various amendments are ironed out early on.

The Bill sets out to rectify the anomaly that was created by the Court of Appeal in its judgment and the court had no choice at the time but to deliver on that. Some people have referred to the ruling as absurd. I do not know if we can say that, as the judge had to act on whatever was before him. It is heartbreaking when we think, in particular, of mothers and fathers who have lost a child to murder. The only way they can keep the memory of the child alive is by telling their story. I am mindful today of the Dullard family and Jo Jo Dullard who disappeared so many years ago now that I cannot remember. The family has kept her memory alive by constantly talking about her and bringing her story into the media spotlight. I meant to speak of the young boy, who was about 12 years of age, who disappeared in Dublin during his lunch break one day. I forget his name. Again, until recently, his mother has kept his memory alive by discussing him.

As part of the healing and grieving process, it is most important for parents to be able to name their loved child. If that grieving process is served by having the child's name in the public domain, then that is where it should be. I cannot but think of the most recent case of the mother who had to anonymise herself. What must she feel? All she wanted to do was to talk about her beautiful child who was lost. Those of us who have children know that if anything happens to them, we want to remember them as they were. We want to remember everything about them.

I commend the Minister on taking this on board. I hope that this Bill is passed quickly in

order that those parents who are grieving today can start to speak about their children to journalists again, because that is the only way they can keep their children alive in their own minds. There is nothing worse in this world than losing a child, but losing a child to murder must be absolutely desperate. I am not going to take up any more of the Minister's time. I thank her for moving on this Bill. I hope the remaining Stages of the Bill move quickly.

Minister for Justice (Deputy Helen McEntee): I thank Senator McDowell and the other proposing Senators for bringing this Bill before the Seanad. As we are all aware, and as the Senator and others have clearly explained, the Bill is in response to issues from the recent decision of the Courts in DPP and EC v. *The Irish Times* and others.

Section 252 of the Children Act 2001 contains mandatory reporting restrictions where the trial relates to “an offence against a child or where a child is a witness in any such proceedings”. Mr. Justice Birmingham, in the Court of Appeal on 29 October 2020, upheld the High Court's interpretation of section 252 to mean that the reporting restrictions in relation to offences against children also apply in circumstances where the child is deceased or has turned 18 years of age. The identity of the person responsible for the child's death cannot be published if it would directly or indirectly reveal the child's identity.

The profound negative impact the ruling is having on grieving parents who are unable to remember their deceased children's names or legacies is very clear to me. Like the Senators here and many others, I want to give power back to those parents so that they can remember their children or their family members in the way that they wish to do so. I have been working with Senator McDowell and Deputy Jim O'Callaghan on this issue, and we agreed that a collaborative approach is the right one to take. Having committed to finding the fastest way to address this issue, Cabinet agreed last week to support the Private Members' Bill introduced by Senator McDowell as the most expeditious way of delivering on this commitment.

To outline the current law, section 252 of the Children Act 2001 was designed to protect child witnesses and child victims from the negative impact of being publicly identified in criminal proceedings. The current section 252(1) states that:

in relation to any proceedings for an offence against a child or where a child is a witness in any such proceedings—

(a) no report which reveals the name, address or school of the child or includes any particulars likely to lead to his or her identification, and

(b) no picture which purports to be or include a picture of the child or which is likely to lead to his or her identification, shall be published or included in a broadcast.

Section 252(2) does permit a court to lift reporting restrictions if it is satisfied that this would be in the interests of the child.

Previous to the judgment of the Court of Appeal in the EC case, the issue of reporting restrictions in the case of a deceased child victim had not arisen. The judgment of Mr. Justice Birmingham outlines this is the natural consequence of a perfectly plain reading and interpretation of section 252. Mr. Justice Birmingham was of the view that “it is not possible to interpret this section as not including a deceased person who was a child at the time of death.”

The main issue to be addressed is to allow the identity of a child who has been unlawfully

killed to be published and it would also remove the current difficulties with identifying the person charged in connection with the child's death.

A further issue which has arisen on foot of the ruling relates to cases with respect to persons who were children at the time of the offence but adults when the proceedings were taken against the perpetrators. Mr. Justice Birmingham also added on this point that "Neither, in my view, is it possible to exclude proceedings relating to offences committed against a child, as a child, if they come on for hearing after the child has attained his or her majority." This issue will also be addressed by way of Government amendment.

Regarding this Bill, the text of subsection (1) is the same as the existing text of section 252, but for the inclusion of the two references to "image". Subsection (2) is entirely new. The focus of the provision is on the publication of reports, pictures or images identifying the person accused or convicted of homicide offences.

The new subsection (3) is based on the existing subsection (2) of section 252. The current provision permits the court to make an order dispensing with the requirements of subsection (1) where satisfied that it is appropriate to do so in the interests of the child. By contrast, the new subsection requires the court to be satisfied that it is appropriate to do so having regard to the interests of the child and to the public interest, including the protection of children generally.

Subsections (4) to (6), inclusive, reflect the wording of the current subsections (3) to (5), inclusive. The intention of section 3 is to allow the provisions of the new section 252 to apply retrospectively.

I have received Cabinet approval to support this Bill, subject to proposed Government amendments. There are some policy and drafting issues with the Bill which I propose to address by way of Government amendments.

The focus of the Bill is to permit the identification of a person accused or convicted of homicide offences against a child rather than the identification of the child victim. Subsection 2 does not include the offence of dangerous driving causing death or serious bodily harm pursuant to section 53 of the Road Traffic Act 1961 against a child. I will introduce an amendment to address this.

Subsection (2) does not provide for the publication of reports, pictures or images of a deceased child victim in the absence of an order of the court under the new subsection (3). I will introduce a new subsection, by way of amendment, to allow the identity of a child against whom an offence was committed to be published in reporting on such proceedings.

This will also allow reporting where parents wish to speak publicly about their child who has died. This amendment will be subject to the provisions of section 93 which involves restrictions on reports of proceedings in which children are concerned. This means that where an accused is a child, his or her identity will be protected. The amended section will also continue to protect the identity of living child witnesses and victims who are involved in the proceedings.

Even though subsection (3) expands the grounds for lifting the restriction, it is not clear that this would permit the media to report on parents of a murdered child who speak about their bereavement and pay tribute to their child, or on the content of victim impact statements in such circumstances. It would not necessarily allow for the publication of the identity of a deceased child victim, nor would it necessarily protect other child witnesses.

Expanding the grounds for lifting the restriction in this way would provide that a court could make an order permitting the publication of details of a child victim, whether alive or deceased, or details of a child witness, provided that it was both in the interests of the child and in the public interest to do so. It could be difficult to reconcile these interests in a given case.

The details of a deceased child victim could only be published if, and where, an order was made. Accordingly, if an application was not made to the court, the media would not have the right to publish details of the victim. There is a policy issue as to whether newspapers and journalists should be put to the expense of having to apply to court for such an order where no order is sought by a party to the proceedings.

I have outlined that I will bring a separate amendment to allow the identity of a deceased child against whom an offence was committed to be published in reporting on such proceedings. This will apply automatically and will not require an order of the court. It is therefore not necessary to expand the grounds in subsection (3) for the lifting of restrictions. I will, however, bring forward an amendment to substitute “best interests of the child” for “interests of the child”. The concept of the best interests of the child is an important principle under the UN Convention on the Rights of the Child and a well established principle in Irish law and policy. This key principle is central to the national policy framework for children and young people, or the BOBF framework. It is increasingly incorporated into new legislation affecting children and increasingly referred to in case law since the constitutional amendment on children.

A further issue which many Senators have mentioned and which has arisen on foot of the ruling concerns cases in respect of persons who were children at the time of the offence but adults when the proceedings were taken against the perpetrators. I will bring forward an amendment to address this issue insofar as the recent judgment has affected it. However, it is not the purpose of the Bill to stray outside the issue of child protection. The protection of adult victims and the lifting of that protection are a separate issue. There was a woman who spoke on “Prime Time”, I think, last week who could not name herself. We have all heard of many examples of victims of abuse who wish to name themselves, who are now adults and who cannot do so. We need to address that where it is their wish to waive their right to anonymity.

I will also bring forward an amendment which would allow the court, of its own motion or on the application of the DPP or another party to proceedings, to make a direction restricting any publication that is likely to lead to the identification of a deceased child or a person who was a child at the time the offence was committed but who is an adult at the time of proceedings. In this example the person may have been a child but a few weeks later or less than a year later may have turned 18 but there is still perhaps a need for his or her identity to be restricted. Such examples arise in other cases in the same way that the DPP can apply for that restriction not to be lifted where there is another child, perhaps a sibling, who may be hurt by the naming of his or her sibling.

I will bring forward an amendment to ensure that the new section 252 will apply in respect of proceedings which took place before the enactment of this Act and proceedings commenced after this Act. The wording of the section as drafted requires amending to ensure we do not inadvertently undermine protections for children who are deceased. Senator McDowell mentioned one case only in the past two weeks which this ruling has already impacted. We need to make sure that this legislation will apply to those families.

Senators Warfield and Bacik both mentioned supporting victims. This is an area to which I

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am absolutely committed. Last week we updated the victims charter and launched a new online platform not only to ensure that victims know the supports that are available to them but also to give them a clear route through the criminal justice system, which is often difficult and complex. There are also the different organisations that support victims of crime. I am absolutely committed to making sure they are fully funded in order that they can plan for multiple years ahead. That work is ongoing following on from the publication of the O'Malley report and the implementation of Supporting a Victim's Journey.

We will go into many of the amendments to the Bill in greater detail as we go through the Stages. I thank Senator McDowell for introducing the Bill and for his significant engagement on this issue. I thank Deputy Jim O'Callaghan also for his engagement on the issue. He published a Bill just in the past week on the very same issue with Deputy Murnane O'Connor. The collective and collaborative approach in which we are dealing with this is the best way to proceed. It is about doing this as quickly as possible and making sure we get it right and that the legislation is correct. I have no doubt but that as we pass through the various Stages, Senator McDowell will have the full support of all other Senators and Deputies to make sure that the parents on whose behalf we are all speaking will very soon be able to speak about and name their children publicly and remember them in the way that they want to do so and should be able to do so. Again, I have no doubt but that we will work together to bring this legislation into effect as quickly as possible.

Senator Michael McDowell: I do not wish to add very much to what the Minister has said. I thank her for her contribution and appreciate that she went to the Cabinet and got leave to support this legislation on terms, so to speak, that the Cabinet understood. However, I ask the Minister not to write that in stone either because there are issues to be teased out. I will give the Minister an example. If there were a homicide within a family where a father killed one child and another child is a witness to that, it cannot be the case that the mother cannot name the child because her other child was a witness who was on the record as having seen what happened. I am simply saying we cannot use a sledgehammer to crack that particular nut. If we want to afford anonymity to the sibling witness, so be it but it cannot be the case that the only way to do that is to make the child victim unidentifiable forever. I am just making that point. I fully accept the Government is concerned to achieve the best possible outcome but it does occur to me that there are subtleties here which would, in all probability, have us all back here in another 12 months. We have had cases where there have been child witnesses to their siblings being killed or gave important evidence in the trial. We cannot have a situation where the identity of the deceased in those particular crimes can never be disclosed because the incidental consequence would be that a child witness who was not the victim of a crime in any sense but just saw what happened would be identified.

I am just throwing that out as an example. It is not an inconceivable one and the Court of Appeal would apply the same kind of strict interpretive criteria to whatever we produce in this House now as it did to the last effort. Let us be very careful about what we actually achieve. I am not precious at all. If there are faults in what I have put forward, so be it. I fully appreciate the point the Minister made about not requiring the media to constantly have a team of counsel down in court to ask for permission to do fairly obvious things. We must have a law which is presumed to go one way unless the court goes the other way and there must be a presumption in favour of publicity rather than against it.

On whether this should apply retrospectively, I do not want to tear up that Court of Appeal decision. However, I do not want a situation where, for instance, in a specific case in west Dub-

lin, the parents of the child in question become prohibited from ever mentioning that case again because we are not affording retrospection. This is fraught with difficulty and we must be very subtle in our approach to it to ensure we arrive at the correct result.

Having said those few words, I thank all the Members of the House who contributed to the debate. I thank the Minister and the Government for adopting the course they have. I again thank Deputy O’Callaghan for his co-operation on the matter and the Minister’s officials for their co-operation. I am anxious that we get on with Committee Stage as soon as the drafting is done. I ask the Minister not to close her mind now to amendments at that stage because we must tweak this to get it absolutely right.

Question put and agreed to.

Acting Chairperson (Senator Fiona O’Loughlin): When is it proposed to take Committee Stage?

Senator Michael McDowell: Next Monday week.

Acting Chairperson (Senator Fiona O’Loughlin): Is that agreed? Agreed.

Committee Stage ordered for Monday, 1 March 2021.

Sitting suspended at 3.30 p.m and resumed at 4.30 p.m.

Remote Working Strategy: Motion

An Leas-Chathaoirleach: I welcome my neighbour, the Minister of State, Deputy English. I also welcome Senator Currie, who will propose the motion. Under a new procedure of the House, the combined speeches of the proposer and seconder shall not exceed 16 minutes. All other Senators have six minutes. I call Senator Currie to move the motion.

Senator Emer Currie: I move:

“That Seanad Éireann:

- supports the recent Government launch of the National Remote Work Strategy by the Department of Enterprise, Trade and Employment;

acknowledges:

- the transformative impact remote working can have on the workforce and communities;

- the difficulties people have faced working from home under emergency Covid-19 restrictions;

- the progress already made by recent Governments, including investment in co-working spaces, a network of hubs like DigiWest, along the Atlantic Economic Corridor, broadband connection points, the National Broadband Plan, Broadband Officers, remote jobs, community infrastructure, training opportunities and building local remote working communities, through the work of the Department of Enterprise, Trade and Employment, the Department of Rural and Community Development, Enterprise Ireland,

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IDA Ireland, Local Authorities, Údarás na Gaeltachta, Grow Remote, and the Western Development Commission;

- sár-obair atá déanta ag Údarás na Gaeltachta chun Gréasán nuálaíochta agus digiteacha a bhunú trasna na Gaeltachta agus na hOileáin Gaeltachta cois cósta;

and calls on the Government to:

- deliver on the actions contained within the strategy, including to:
 - mandate public sector employers, colleges, and other public bodies to move to 20 percent home and remote working in 2021;
 - review the treatment of remote working for the purposes of tax and expenditure in the next Budget;
 - provide employers and employees with ongoing up-to-date guidance on remote work;
 - explore how the National Broadband Plan can be accelerated;
 - map, invest and grow the network of remote working hubs across Ireland;
 - legislate for the right to request remote working;
 - develop a code of practice for the right to disconnect;
 - develop national data on the incidence and frequency of remote work;
 - identify a set of appropriate economic metrics to track the impact of remote work; and
 - promote remote work amongst businesses, including skills, training and best practice;
- firmly establish equal opportunities as the cornerstone of the strategy;
- make remote work visible in the job creation sector and support remote job creation in communities all over Ireland;
- develop and fund remote work community infrastructure like childcare and sustainable transport as well as broadband and remote working hubs;
- prioritise the impact and potential of remote work in local and national planning strategies, including forthcoming County and City Development Plans, the Rural Strategy, National Economic Plan and the National Development Plan;
- assist individuals, communities and companies through the remote work cultural transformation; and
- build a remote work ecosystem.”

I wish to share time with Senator John McGahon.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Senator Emer Currie: The remote work strategy marks a significant move towards changing how we work for good. It is a framework for long-term change, and we need it. For over 100 years, we have used the same traditional model of work for office workers, a version of 9 a.m. to 5.30 p.m. that is office-based and location-based. For approximately one third of the population, this involves leaving home early in the morning, making an increasingly long commute to an area of high employment and coming home again in the evening. If we were designing a model of how we work from scratch, we just would not do it like that. Why? It is because our settlement patterns have always evolved around access to employment. People followed jobs, and our planning, economic investment strategies and transport systems have all developed around supporting this dominant model of location-based work. Therefore, some communities thrive when others try to survive, creating a stark urban and rural divide, perpetuating regional inequality. The old model of work also does not perform well for other groups such as women or disabled people, where Ireland has some of the lowest workforce participation rates in Europe. In general, women in Ireland, when they become mothers, still tend to be the ones taking up the majority of care, child rearing and domestic work. A one-size-fits-all approach to work simply is not practical, conducive or attractive to many of them. Other structural inequalities can be added, such as the lack of affordable and accessible childcare, even in places like Dublin 15 where it costs €10,000 per year on average, and one can begin to understand why the odds are stacked against them. This outdated approach to work is simply not fit for purpose anymore.

When we reached full employment a mere 18 months ago, there were working parents getting up at 5 a.m. to drop their children to family or to crèches to get to work, to afford to pay rent or mortgages and commuter times further and further away, coming home to kiss their children good night, and rear them at the weekend. They were trying to beat the crowd to get onto trains that were absolutely jammers at Coolmine or buses at Littlepace every morning, sitting in lines of cars spewing tonnes of carbon into the atmosphere. These were people taking longer hours out of their day to secure the increasingly elusive social contract that many of our parents enjoyed, that is, the idea that if one works hard, one will have a nice life. As legislators, we tinker around the edges of a model of work that is fundamentally only suited to a limited amount of the population in an effort to rebalance workplace inequality, where people like me with good jobs, good education and ambition left those jobs when they have children because of the struggle to juggle everything financially, logistically and holistically. Is it any wonder that before Covid, surveys showed that most people would take work flexibility over a pay rise or that when Covid forced a third of workers to leave their offices behind and work from home that six months later, despite all the pressures that we are under, 94% of people surveyed said that they wanted remote working to be a feature of work for good? Is it a surprise that mortgage applications, according to Permanent TSB data, have gone up between 20% and 30% outside Dublin compared with prior to the first lockdown?

I could spend my 11 minutes telling everyone how great the Government is for recognising the potential of remote work when others did not, and in fairness, that would be deserved. It has invested €180 million in enterprise hubs, supporting over 300 hubs and 3,200 spaces nationally, and the innovative work of the Western Development Commission, the Atlantic economic corridor, Údarás na Gaeltachta and Grow Remote. It has forged ahead with the national broadband plan when others opposed it, undermined it, and just did not seem to get how fundamental it is to our digital and regional transformation, equal opportunities and work-life balance. That connectivity, through broadband and hubs, is at the very heart of locationless and remote working,

of building remote-ready communities.

The Government has recognised the need for our first national remote working strategy and the actions that are required to build a framework around it - the legal, tax, health and safety environment, training and skills, the national and local infrastructure required to support it and its place in our planning strategies. However, there is an urgency that leaves no room for complacency. Covid has not fixed our problems of work-life balance, workplace inequalities or regional imbalance, it has just proven that we can do things differently. Where we go from here is entirely up to us. My message today is that the Government should go big or go back, and nobody wants the latter. When people start to return to offices, equal opportunities must be the cornerstone of our new approach. We have to do that from the start. If somebody feels disadvantaged by working remotely, office presenteeism will quickly return. I am sure everyone has heard the expression that “you don’t get a promotion on Zoom”. Nobody wants to see remote work become gendered and it really does not have to be that way. A remote-first culture means that technology brings people and their work together, not the office, not one location and not where the boss is. Making an organisation location-agnostic creates a level playing field no matter where one is, regardless of whether one is office based or availing of a hybrid arrangement, or whether the arrangement is for five days per week. As with other significant changes in our economic and social environment, the Government should prepare and help organisations through a remote-first transition and with best practice. We did it for Brexit and other major social and economic changes, and we should do it for this. The carrot is always better than the stick.

We need a full-scale communications campaign with case studies to show where anchor tenancies and local hubs can be secured by employers; where people who work from home are using best practice in health and safety; where the forthcoming right-to-disconnect proposals are part of the working policy; where head offices have been swapped for regional bubble offices for co-working and team meetings; and where existing building stock is repurposed for the same reason. Somebody working for a Department, for instance, might not have to travel to Dublin headquarters but just to the nearest county office, where he or she could work alongside other departmental staff. This is all part of the digital transformation of Ireland and, because of Covid, it is happening at an accelerated pace. We need to help people through it by showing them the potential for change and best practice.

There is too much emphasis on delivering two days per week at home and three days per week in the office. That is what we are defining other people’s choice as. It still entails a location-based mindset. Without changing the culture, it could reinforce, rather than relieve, inequality. The Government should not define what the choice looks like; it should create a culture of choice so workers, with their employers, can figure out what works best for both.

Remote working is but one type of flexibility. There are others, including job sharing, compressed hours, annualised hours, core working hours and flexitime, to name just a few. The right to request should not just extend to remote working or working parents and carers, as outlined in the EU work-life balance directive. For all the reasons I mentioned, more people should have the chance to improve their quality of life. What about a young professional who could work compressed hours and then travel for a couple of months or parents who want to work in the office but whom it would suit to come in at 10 a.m. instead of another time? Only 40% of people working remotely at present are actually women. Part of the challenge regarding remote work is that it is not visible yet. It needs to take its place within the overall jobs sector or remote workers will continue to be invisible and we will undervalue the impact of remote

working on communities.

Remote work is not coming; it is here already. According to EU Remote Jobs, there are 720,000 remote roles available in Ireland per year. Why are we not talking more about that? How many people here know the name of the biggest remote company in the world, which actually employs a thousand people in Ireland? It is GitLab. Salesforce has just gone remote. When companies advertise roles, they are still slow to offer them as remote. There has been a 1,754% increase in roles advertised as involving working from home on *IrishJobs.ie* by comparison with last year, but that is more of a reflection of the base we have come from, and it is still called working from home instead of remote working.

Over the new year period, there were three different IDA Ireland announcements about 270 new remote jobs for Ireland, but on Twitter all the fanfare was about the physical jobs being secured in Galway and Dublin, even though remote jobs can benefit every county in the country. We need to find a way to recognise and celebrate remote jobs, especially for areas that could would normally see a red ribbon moment. Have Members seen a photo op at someone's home office? They have not but maybe they should. If we are serious about remote work, as we should be, we must create pathways to remote employment nationally and locally. Grow Remote is already doing it. We already partner with it but we need to up the game nationally and join all the dots together into a remote work ecosystem. Any Government action plan for jobs should set out ambitions and measure remote jobs per local authority area. IDA research shows that for every two jobs secured in a community, another two are sustained locally. That means more people being able to live and work wherever they want. That is progress in regional balance. That is change but it will not happen organically or by accident. It has to be planned. Now is the time to think about building remote-ready communities, prioritising remote infrastructure in cities, towns and villages that are aligned with Project Ireland 2040 and the national development plan, securing access to housing and Irish Water supplies in order that growth is organised and planned, as well as about prioritising mixed-purpose communities and local development plans. Mixed-purpose communities flourished because of Covid, while single-purpose communities declined. It is time to think about investing in hubs and community childcare like we invest in schools in targeted areas, supporting sustainable transport and allowing people to work closer to home, breaking the dominant one-size-fits-all model of travelling long distance for the majority of the day, which is limiting and which drives inequality for women, primarily, as well as poor work-life balance. Instead, let us make work flexibility and childcare accessible.

The forthcoming town centre first strategy will be critical and we need to ensure more flexibility in changing planning uses from retail to offices and residential, making use of our vacant premises. Some people mistakenly believe remote work is all about rural Ireland and they are wrong. Mixed-purpose communities and hyper-proximity principles of 15-minute cities are just as important in Dublin. Would it not be great to see more families living in our cities, like other European cities? I want to see a co-working space on every main street in every village of Dublin 15, where people do not have the real estate or space for home offices. It is entirely achievable quicker than one might think. There has been a marked increase in the funding of broadband connection points, BCPs, and co-working spaces and communities around Ireland but we need more. We need those funds to be updated and made more available and specific to hub roll-out, including in Dublin where the same funding simply is not available.

There are ways to get better value for money too. Instead of local organisations all over the country finding different suppliers to kit out co-working spaces individually, we could devise something similar to the design and build template for schools, where we have a c of suppliers

who will do it to a higher specification, getting better value for money and ensuring less variance. At present, there are more than 300 hubs around the country but they are primarily for enterprise, not co-working, and it is difficult to make the co-working model work financially. As well as taking their place in the network of hubs the Minister for Rural and Community Development, Deputy Humphreys, is introducing, I suggest the €3.20 employer tax relief be made available for employees working in such hubs. Long-term anchor tenancies is what they will need and that is dependent on an accessible, affordable and professional network of hubs. Revising the tax treatment and the limited return for personal tax relief is something I have spoken about at length and which I raised when I first entered the Seanad. It is simply not enough and it needs to play a bigger role while employers transition.

I do not stand here today as a party of one or even as one of just a party. This is bigger than that and the people with whom I work are fantastic and really believe in this. I refer to people like Tracy Keogh, John Evoy, John Riordan and Karen O'Reilly. The problems are well rehearsed. We have had a year to experiment because of Covid and people working from home but the problems can be overcome. I ask the Minister of State to work with us on that.

Senator John McGahon: That is a hard act to follow because Senator Currie has been talking about remote working since long before Covid existed.

An Leas-Chathaoirleach: Will the Senator formally second the motion?

Senator John McGahon: I second the motion. We can see how impressive Senator Currie is because of the clear and detailed ideas she has put forward. Credit has to be given to her for that.

In my part of County Louth, the national broadband plan will have to play an important part if remote working is to be successful. I pay tribute to Fine Gael and particularly its website, finegael.ie/broadband, which was announced this morning. One can go onto the Fine Gael website and look up 120 townlands in County Louth or look up any county in the country. For each of the 120 townlands in County Louth, it will show what week and month it is scheduled to have the surveying carried out in the area. It gives people totally up-to-date information. It is actually better and more accessible than the National Broadband Ireland website. Therefore, I pay particular tribute to that.

Senator Michael McDowell: I will not oppose this motion. I admire greatly the commitment of Senator Currie to the whole concept of remote working. To me, it is something that will obviously be part of our future to a greater extent than was ever envisaged. As Senator Currie stated, the process has been dynamised by the Covid-19 lockdowns as people are beginning to see it is possible to work remotely and to shift work from centralised bases.

I also believe it is a question of introducing flexibility and freedoms into our economy. As somebody who is a liberal by nature and also pro-enterprise, I believe there are huge positives to remote working and to its espousal by many enterprises in Ireland. I fully accept what Senators McGahon and Currie said about the infrastructural basis of it, especially in the context of our roll-out of broadband nationally and the creation of hubs. Those are important issues.

I want to say a few things, though, by way of caution. It is very simple to get enthusiastic about a project and see none of the downsides of it. I am not at all saying that critically of the proposer or seconder of this motion. I will make a number of points, however.

I heard the Tánaiste speak about introducing the right to remote working. In the context of most private sector employment, the right to do something, as opposed to a partnership agreement between employer and employee, is a crucial concept. We cannot have people saying they are off and will not be at their workplace and will work from home. There must be a realisation that some dynamics in organisations require the congregation of people, whether they are in local hubs or central hubs. One of the things I did when I was Minister with responsibility for justice was to move a number of State agencies to various places outside Dublin. For example, I relocated the Prison Service to County Longford. There was a great deal of scepticism at the time as to whether they could actually work properly, and there still is in respect of some of them.

I will also make the point - the Minister of State may agree with this proposition - that a Minister running a Department on occasion needs a centralised hub of people who are available almost immediately when a crisis breaks. One cannot just try to assemble people on a Zoom call over 12 or 18 hours in order to respond to a situation. There are critical requirements even in the public service, and there always will be.

There will definitely be cases in small and medium enterprises where it is unthinkable that one would confer a right to work remotely on an employee and put the employer in the position of saying that person has to like it or lump it. Particular problems would arise from that. Therefore, in the private sector as opposed to the public sector, where public administration is different in character, there must be a partnership approach.

I also raise the point about socialisation. We say that our children must go to school for socialisation purposes, that their education must be centralised and that they must meet each other. There is a socialisation aspect to employment and that is acknowledged in the strategy document. One cannot just simply spread people all over the place and thereby create a situation where they never meet each other and where the power of employers might be unacceptably magnified.

I ask people to also remember that accessibility to a place where one actually wants to do business is extremely important, as is direct interaction with people. Those of us who have seen our bank branches evaporate over the past ten years and been told to contact a call centre in Belfast or further afield now know what it is like to try to do something in the absence of direct interaction. With many State agencies the position is the same. One is dealing with people who are not accessible and one cannot sit down across a table and discuss one's problem with them. Let us remember that.

I agree with Senator Currie that the carrot, rather than the stick, is the approach to take with all of this. On commuting, one of the more amusing comments made by one Member was that people could commute on their bicycles from Kildare. I thought of what it would be like to commute by bicycle from Kildare during the last week. Commuting eats up whole swathes of people's lives, even in the greater Dublin area. Traffic jams and so on destroy people's daily lives if they also have to bring kids to crèches and schools, get food in the evening, collect kids, visit elderly parents and all the rest. The crippling experience of commuting is something we must try to minimise.

This is a good motion and I support it but we should also look around a few corners. There are some aspects of remote working which will need to be carefully balanced, rather than remote working simply being accepted in a naive and over-enthusiastic way.

Senator Ollie Crowe: I welcome the motion and recognise its importance. I compliment Senator Currie on her great knowledge of this issue, which she has raised for a number of years. From our point of view, the motion fulfils a programme for Government commitment in which it is specifically pledged to developing a strategy for remote working.

The Covid-19 pandemic has brought hardship and loss in so many ways across Ireland. Perhaps one of the few bright spots to come from this hugely challenging period will be the development of remote working. Although the adoption of remote working was already increasing in Ireland, Covid-19, as Senators are all aware, has greatly accelerated this trend, making remote work a central part of the workplace today and, hopefully, the future. Research carried out last October found that 94% of participants would like to work remotely after the crisis. As has been outlined by previous speakers, remote working has the potential to make significant positive impacts by improving work-life balance for people across the country. In conjunction with the implementation of the national broadband plan, remote working will rejuvenate towns and villages throughout rural Ireland, whether in Galway or elsewhere. We all know villages that it will help bring back to life.

With remote working set to be a permanent feature in the workplace in Ireland, we need to ensure the transition happens in a way that maximises economic, social and environmental benefits. The remote work strategy is built on three fundamental pillars, which will be bolstered by underpinning conditions. Pillar 1 is focused on creating an environment conducive to the adoption of remote work. As remote working is a new way of working, it will need new and different measures to be put in place to support it into the future, as the Minister of State will be aware. Changes to how and where people will work will have impacts on a number of different areas, such as the rights and responsibilities of employers and employees, health and safety legislation and tax arrangements. The actions in this pillar are centred on supporting employers first of all, as well as employees.

Pillar 2 highlights the importance of the development and leveraging of remote work infrastructure to facilitate increased remote work adoption.

5 o'clock

Adequate infrastructure must be put in place to allow employers and employees to avail of remote working opportunities both at home and in hubs. The actions in this pillar are focused on development and investment in national hub infrastructure and the delivery of broadband nationally, both of which will be significant drivers in facilitating people to work remotely.

Pillar 3 is centred on maximising the benefits of remote work to achieve public policy goals. To achieve this, policymakers need to be aligned with a shared vision and supported by access to the most relevant data to inform evidence-based policy. The actions relating to this pillar will ensure that data from collaborative practices is used to best effect to achieve multiple policy goals. The three pillars are bolstered by underpinning conditions. These horizontal factors focus both on the promotion of remote working and best practice, as well as the skills need for its increased adoption. This section also highlights the opportunity that the public sector holds to lead by example and to demonstrate best practice to employers nationally.

Employers and employees will be obliged to give a great deal. It is not a divine right to work from home. The co-operation of both employers and employees will be needed. By progressing actions in each of the areas to which I have referred, the Government will realise

the vision of this strategy to ensure that remote working will be a permanent feature of the workplace in a way that maximises economic, social and environmental benefits for everyone.

This is a welcome motion. I commend Senators Currie and McGahon on proposing and seconding it. It will be absolutely vital going forward. I have no doubt that it will receive the full support of the House.

Senator Marie Sherlock: I welcome the motion. The ability to work remotely and the use of such technology have thrown a lifeline to hundreds of thousands of workers and businesses across the country. While remote working is not new, we are all fairly certain that it is going to become more widespread after this pandemic. The motion refers to the national remote work strategy and the need for additional data.

We need to pay tribute to the Central Statistics Office, which has worked hard at putting together data as to who is and is not working from home, as well as what type of work people have done from home over the past 12 months. We know that before Covid kicked off just under 500,000 workers did some or all of their work from home, with 5% of workers doing all of their work from home. A much larger number of us, over 800,000, one in three of workers, are now working from home. There is an understanding as to how big this is.

While there is no doubt that the ability to work remotely has brought significant advantages, such as cutting out the long hours commuting, more time with children and less in childcare costs, it has also exposed many challenges such as inadequate workplace provision, people having to work from the edge of the bed and the failure of some employers to make proper provision. We know from extensive research conducted by Eurofound that remote working has led to longer hours and fewer rest periods, along with the corrosive mental and physical health impact of feeling that one is always on.

Do policymakers promote remote working first and then protect people afterwards? The clear message from the national remote work strategy is very much about taking a step back with regards to protections and promoting first. I do not think that is good enough. We are told the tax treatment of remote working will be reviewed in the next budget. We knew there was an issue at the previous budget and yet there was a failure to do anything. We are told that a code of practice will be put in place on the right to disconnect. If any employment lawyers in this Chamber will tell me that will do any good, I am open to those arguments. However, I do not believe that will be worth the paper it is written on. We are told there is a commitment to gathering more data on the incidence of remote working trends. I will point people in the direction of the Central Statistics Office. We are told there is a legislative commitment on the right to request remote working. That was going to be foisted upon us anyway because of the EU directive on work-life balance.

There is, therefore, a big difference between my party's approach and that of Fine Gael with regard to remote working. We want to protect first before we start to promote even greater levels of remote working. That is why my party produced a Bill on working from home last November. I was delighted to see the Government did not oppose that Bill. It seems now, however, that view has changed and the remote working strategy will take a much more hands-off approach towards the protection of workers.

Our Bill set out to do three things. It is important to state it here. First, to ensure employers adequately provide for workers in terms of a workstation. We have a raft of health and safety

legislation in this country governing the responsibility of employers towards their employees in terms of their workstation. However, we know that enforcement is a huge issue. The 2007 legislation is out of date. Therefore, the reality at the moment is that employees are very much at the mercy of their employers regarding what resources are put in place as regards a computer, desk, chair and so forth.

The second point is with regard to a flat rate payment in respect of the cost of the utilities of working from home. We have seen the cost of working in an office shift from the shoulders of an employer to a worker, and all the costs associated with that in terms of broadband and increased heat and electricity. There is a huge difference between being able to claim back some of the share of those costs from the Revenue Commissioners and what some good employers do, which is pay up to €3.20 per day as a tax-free allowance. The difference can be between €24.52, as one calculation put it over a six-month period, versus €576 as a tax-free payment. We conducted a survey last summer of those working from home. To me, the important point is that while for many it is a really positive experience, those who are renters are almost twice as likely as owner-occupiers to say they do not want to continue remote working into the future. That is a clear reflection of the obstacles and challenges for those who are younger and less economically secure.

The third key proposal we put forward was the right to switch off. Many of us are seeing a blurring of lines. While it is fine for those of us in the Chamber, and for me with three small kids, to say I want to log on at 10 p.m., for others, it is not a choice. They are under pressure to respond to their bosses' emails. We need to put those protections in place. France, Belgium, Italy and Spain have all moved to put in place legislation on the right to disconnect and yet this Government says it cannot do so and wants a code of practice.

I want to finish on a positive note. I know there is a line here about a stated commitment to equal opportunities in the context of working from home. We need to make certain it is about ensuring people working from home are treated just as equally as those in the office. We know from research, particularly in the United States, that those who work just as diligently at home are treated unfairly. They receive less of a pay increase and a poorer performance appraisal relative to those in the office because being in the office is equated with a sign of commitment. We can have all the codes of conduct in the world but we need legal protections in place for workers, otherwise the commitment to equality will not be worth the paper it is written on.

Senator Róisín Garvey: It is nice to see Senator McGreehan in the Chair. I welcome the Minister of State. I thank Senator Currie. This is indeed a fantastic piece of work. To alleviate some of the Senator's concerns, the Government has been working hard on this issue to ensure it is done properly and fairly for workers. As Green Party spokesperson on enterprise, trade and employment, since we have been in government, we have made submissions on many things to which the Senator has referred. To clarify, nobody is saying anything about stopping the right to switch off. I will go through a few things to inform the Senator properly about it. Perhaps she is not fully aware of what has been going on with the work behind the scenes. I have years of experience myself, so I have good experience of the pros and cons and how to do this right, as have many other people in government who have been working hard on this motion. I state that just to alleviate any concerns. This can be done and it can be done well, and that is the whole purpose of this motion we are working on. We know first-hand that if workers are not taken care of, they will not be as productive. We can look to the private sector in that regard. I met with representatives from Dropbox, a company which has been doing remote working for years. It was found there that not only was productivity better, but remote working also saved

the company money and made its workers happier. That is what happens if workers are taken care of, so that has to be a top priority.

It is also important, because we have committed to 20% remote working in the public sector, that we empower and enable all those public sector workers who can do so to work from home. We should look into the ergonomics involved in doing that, which we are doing as a Government. We must also ensure that remote working does not cause or exacerbate mental health issues and that is why it is great that we are doing so much work on the broadband connection points, BCPs, and the digital hubs. In Clare alone, we have digital hubs in Kilrush, Feakle, Carran, Miltown Malbay, Ennistymon, Kilfenora, Kilkee, Corofin, and those in Ennis, Cross, Einagh and Flagmount are on the way. It is a great development, which means that people like me, who do work from home, are able to take care of our mental health by booking into one of these super and excellently funded by the State social workspaces. Having worked from home, I know it is good to sometimes be able to clock into one of those places to meet other humans.

We are taking care of things, therefore, from the perspective of working from home and from the perspective of the provision of good broadband with the creation of these digital hubs all over the place. I was involved in a pre-budget submission on these Wi-Fi hubs to the Minister for Social Protection, Deputy Humphreys, who has approved €5 million for them. These digital hubs are specifically intended to target smaller rural places where people might be isolated in their homes. They will also be using existing community buildings, which is great because those assets will also be available in the evening.

In my village at home, we hope that once we have the digital work hub, post Covid-19 and because everything is going online, we will be able to engage with older people who find it difficult to do things online so that these hubs will be used by them and we will be able to help those people to do their online business. We might be able to train them up as well, so I feel very positive about this development. It is brilliant to see that people will now be able to work in any part of Ireland. I am a real rural advocate and, knowing how much it costs to live in cities and because our cities have so much traffic and living costs which are so high, it is positive that we are doing this and doing this well because it means people will now have choices to live in rural villages and towns that need life and breath brought back into them.

As Senator Currie mentioned, that is why it is so important that we get the town and village renewal scheme under way and that we do it properly. Remote working will be a major part of that endeavour, as will water infrastructure and being able to do up old buildings to make it possible and simpler for people to live above businesses in our small towns and villages. That is why we need these broadband connection points and these digital hubs, and why we need this initiative done and done well to protect the workers. It will also be great because we will be able to look at job creation as well. I have friends who work for Google and do website design etc. People from all over Ireland and Europe are now living where I do, which was not the case before, and this development has been made possible by digital hubs funded by the State.

We now have a digital hub where the founder of the GAA, Michael Cusack, was born in the most remote cottage I have ever seen, just outside of a village called Carran that is outside of any town. It is a place that already has a remote working hub, and three of the four desks are already booked up. These digital hubs are badly needed places. I thought nobody would use that hub, but all kinds of people live in places throughout the country. I am really excited about this development and the work that is being done on this by the Government. We must take our hats off to Senator Currie for her work on this motion. We are all in this together.

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I see no negatives associated with this initiative, because we also understand the need to protect those people who are going to be working from home. Aspects such as the quality of desks and other equipment are also important. If people volunteer to work from home, they must also ensure they can get the space and the time required to do that. As someone who works from home, I recognise that we must also choose the right to switch off ourselves. There is some personal responsibility involved. As Senators, we are online seven days a week anyway, but I know when I was working with an NGO, notionally from 9 a.m. to 5 p.m., I was often working sometimes on a Saturday and a Sunday. That is something we will all have to watch out for more, even if our bosses are not making us, which they will not be now, because it will be done properly now and there will be legislation in place. We will have to watch our own work-life balance, however, and keep an eye on what we are doing. We will all have to watch out for that, even if our bosses are not making us switch off, which they will not be in future because it will be done properly and there will be legislation for it. We will have to watch our work-life balance ourselves and keep any eye on it.

The last point I will make is that we have been talking about well-being metrics. There will be an analysis done on the economic metrics in regard to remote working, but we must have well-being metrics as well. I would look to the private sector in this regard. Having met many people in the sector who have been doing this for many years, they have it nailed down to a fine art and they know how to take care of their employees. We want to make sure that applies to both the public and private sectors across Ireland.

Senator Paul Gavan: It is nice to see Senator McGreehan in the Chair and to have the Minister of State, Deputy English, in the House. On behalf of Sinn Féin, I welcome this motion. There are lots of positive messages around remote working that we fully support. Like my colleague from the Labour Party, however, I am concerned about the aspirational nature of much of what is proposed as opposed to there being nuts-and-bolts provisions in terms of protections for workers. I will deal with that point presently.

As we all know, when the pandemic struck, there was a sudden shift to working from home, which fully awakened people to the possibilities in terms of remote working. While it has been a difficult experience for some people, it is fair to say that, for the majority, it has been quite positive. We need to build on that. The national strategy has the potential to do so, but we need to ensure that workers' rights are protected. I see this motion as one that falls within the frame of workers' rights. Unfortunately, I am sorry to say that, as I will outline, Fine Gael does not have the best of records when it comes to workers' rights. For example, we are one of the few countries in Europe that does not have collective bargaining rights.

In terms of the various issues that have been raised so far, I share the concerns around a code of practice in regard to the right to disconnect. That right is absolutely fundamental to this issue. Working from home is only a benefit if one can save time, including travel time, and get to spend more time at home. As someone who has practised industrial relations for well over a decade, I have to say that codes of practice do not work. In fact, when I hear the words "code of practice", I think of Captain Jack Sparrow and the pirates' code, which, if Senators remember, turned out to be just guidelines as opposed to an actual code. We need legal protections, not just good wishes. That is why this conversation is welcome. Now is the opportunity for Fine Gael to acknowledge that a code of practice is not enough and to ensure there are legal protections in terms of the right to disconnect.

Other speakers mentioned the tax issues. I hope we would all agree that the €3.20 allowance

per day is not enough and we need to do more in that respect. It should have been done in the last budget but if we can get a firm commitment from the Minister of State that something will happen in the coming budget, I would welcome that.

We need to ensure that workers are not taken advantage of when it comes to home working and that they are not expected to work more hours. For instance, how will the 48-hour working rule be policed when people are working from home? That needs to be teased out. The savings that companies are making, as referred to by other speakers, should be passed on to the workers. Surely that is the best benefit workers can get out of home working? There are massive savings for employers in terms of property costs and so forth. We need to ensure those costs are not transferred to the workers.

The Irish Congress of Trade Unions, ICTU, has had a lot to say on this issue. I urge Senator Currie and her colleagues in Fine Gael to look at its statements. I am surprised that in a 410-word motion, there is not one mention of the views of trade unions on what is, as we have agreed, a workers' rights topic. Again, there is an opportunity now to go back and look at those statements and consider the urgings of the ICTU, in particular, in regard to tax and the right to disconnect.

The most fundamental protection one can give workers working from home is the right to collective bargaining. In this regard, I must point out that, just last week, the Tánaiste aligned himself with the leaders of Hungary and Poland to block an EU directive that would have extended collective bargaining rights to workers in this State. How does that stand with the Government's position in the area of workers' rights? My union, SIPTU, was absolutely outraged by it. My colleague, the deputy general secretary, Gerry McCormack, said: "The Minister, Leo Varadkar, knows that if the proposals from the EU are just recommendations, they will be absolutely useless for workers in Ireland." The Tánaiste is saying that he does not want the directive to be legally binding; he wants it to be watered down to a recommendation. Mr. McCormack added: "The three parties in government have a track record of supporting employers' interests above those of workers and this is just another disgraceful example of this." That happened last week, and it was Senator Currie's leader who aligned himself with the leaders of Hungary and Poland. I find that more than just disappointing. How can we talk about workers' rights and improving rights for workers at home when the Government went out of its way last week to water down a key EU directive, the minimum wage directive, which also deals with collective bargaining and would have required the governments to work towards 70% coverage of collective bargaining? If workers do not have the right to decent union representation or the right to stand together, in particular when they are working on their own at home, what rights do they have? They are, in effect, at the mercy of employers.

The fact is that this Government has chosen in the past week to take that stand. As a member of the Joint Committee on Enterprise, Trade and Employment I am especially upset about this because we met with the Department only a couple of weeks ago and we discussed this directive and got legal advice on it. We were told there was no problem with the directive going forward. No one from the Department of Enterprise, Trade and Employment said to us that Ireland would align itself with Hungary and Poland to make sure that collective bargaining does not get strengthened in the legislation. That is what the Government did, and that is the most disappointing aspect. Fine Gael Senators have plenty of good ideas, but they have been let down by their leader and their party. We should see much better from this Government. If we are going to start with rights for workers working from home, let us start with collective bargaining rights. Let us see something concrete done on that. I urge those in Fianna Fáil and

the Green Party to raise their voices at this stage if they believe in workers' rights at all.

Senator Alice-Mary Higgins: Like other speakers, I welcome the motion. There was much that I liked in the wording of the motion. I commend Senator Currie on her proposal because she spoke to a number of important issues. Remote working is not the same as home working. It may be about hubs. She spoke about how important this is for rural areas, but also that the idea of a 15-minute city is crucial for cities. We do not want a hollowed-out city simply filled with office blocks where people commute but where they cannot live.

The motion contains many positive measures but because my time is limited, I will focus on the areas we need to strengthen because I think this is important. This is another moment in terms of the re-imagining of work, which is something that is important. It is unions very often that have led some of that debate. It was the Irish Women Workers Union that first pushed for the two-week holiday and the idea of leave. It was something no male-led union had ever done in Ireland. The union pushed for it and said that the way we think about work and its relationship with life, family and connection needs to be linked up. That is a wider conversation and it is appropriate at a time when we need to re-imagine work again given the way life has changed. Although there has been change, the way the working week has been planned has been very rigid for a long time. We have just about held on to the 40-hour working week, which again was won by unions. There has often been an invisibility of the reality of family life, care and community work that people are not paid to do. This is a really exciting moment but, as legislators, we must do it very carefully and strongly in a way that looks at the fact that it is only when one puts things strongly and firmly down in legislation and regulation that one gets best practice.

I wish to highlight issues concerning the private sector and the public sector. There are recommendations on the public sector, but the private sector needs strong regulation in this area as well. It is vital that we do not have a casualisation of work that comes with remote working. For too long we have seen, for example, that part-time work, which is usually done by women, got treated as somehow temporary or more casual when in fact it should be quality part-time work. Those who are working part time should still have pathways to progression. We do not want to create a new category in terms of remote workers being invisible when it comes to progression, greater responsibilities and opportunities. We have seen the casualisation of labour through the gig economy. It is important that remote working is a quality narrative of employment rather than a narrative of casualisation.

The issues of health and safety have been mentioned. It is really important that these are not optional issues because the health and safety of workers are vital. We will need to empower a new kind of health and safety scrutiny of organisations that are using widescale remote working to ensure they give the right protections and supports to their workers. Issues of heat and electricity, outsourcing of costs and the socialisation of costs from organisations need to be looked at. We need a conversation on the strengthening of PRSI and this conversation dovetails with that. We need more PRSI from employers in Ireland.

The right to disconnect is important. Again, this is one area where a code of practice will not be enough. If we are talking about legislating for the right to request remote working, then we need to legislate for the right to disconnect as well. That needs to be put in law. It is important for that to happen in a meaningful way.

As well as looking at the economic metrics on the impact of remote work, I urge for the economic and social metrics to be looked at because both these issues are important.

The question of unions and the right to collective bargaining is important. It becomes more important when we have a workforce spread over diverse settings where people do not get to congregate. There needs to be a right to collective bargaining because it will drive best practice in this area. It will lead to quality outcomes. It needs to be in place all the more when it may be that unions need to contact people remotely or virtually. There is a great challenge to be addressed and I urge all parties here to speak to the Minister on this issue. Ireland needs to move on in this respect.

I am keen to point to the question of the kinds of digital hubs. They need to represent a quality environment. It is exciting for people in the west of Ireland and other places that these can be hubs that allow people to have a short commute instead of a long commute. We need to look at how this fits with ideas like the community hubs, other spaces for digital empowerment in the community and childcare services. There is a chance to create strong community spaces in this regard.

My final point relates to the digital divide. We need a strong reality check all the time. To be clear, as someone who is excited about the digital era and what we can do with it, I note the EU digital economy and society index for 2020 found that 44.6% of people in Ireland lack basic digital skills. We do not want to create a split in society. We need to create digital empowerment. I have put forward proposals that I hope others in the House might support in this regard. We need to look at empowering people not only to be workers but to be empowered co-creators of online spaces, including online workspaces.

Senator Seán Kyne: I am sharing time with Senator Dolan. I welcome the Minister of State at the Department of Enterprise, Trade and Employment, Deputy English. I thank Senator Currie for her work on this motion.

Balanced regional development is something Fine Gael absolutely believes in. We believe it is good for the regions, as well as being good for Dublin and the east coast of Ireland. Infrastructure is necessary for this to happen. This has traditionally meant road, rail, water and waste water. High-speed broadband is now to the fore in this regard and is central to it. Fine Gael has been to the fore in this debate. We prioritised State investment to ensure all homes, businesses and farms will be connected to high-speed broadband. This has now started and we have budgeted to ensure it will be completed. This will allow and encourage remote working.

The onset of Covid-19 has shown what can be done from home or remotely in local hubs. This has been and has shown a positive impact on the lives of people. We can see more family time, rest time, social time and exercise time, as well as less commuting and lower transport costs. It may not be for everyone, but it should be possible for those who wish to avail of it. It may not always be a case of five days per week working at home or remotely, but it could be two, three or four days depending on circumstances. Some days may be still required back at base. To be clear, working from 9 a.m. to 5 p.m. in an office should not mean working any longer at home. Working from 9 a.m. to 5 p.m. can still be 9 a.m. to 5 p.m. at home. High-speed broadband is absolutely vital for this to happen. I believe the potential is immense. That is why Fine Gael has been to the fore in ensuring that all parts of our country, every townland, will be connected to high-speed broadband. As others have said, it is not just about the home, hubs are to the fore in this regard as well. I acknowledge the work of the Western Development Commission on the promotion and development of hubs within the western region. Freisin, tar éis an obair atá déanta ag Údarás na Gaeltachta le blianta anuas ó thaobh an ghréasáin dhigitigh, Gteic. Tá obair den scoth déanta acu trasna na nGaeltachta agus na n-oileán agus pleananna

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acu chun áiseanna le ceangal ardluais a chur ar fáil trasna na Gaeltachta. Tá sé fiorthábhachtach poist a chruthú agus daoine agus an daonra a choimeád sa Ghaeltacht agus ar na noileáin cois cósta. The pre-Covid work of Udarás na Gaeltachta, with its strategy for a network of digital hubs across its area of responsibility, has been immense.

I commend the motion and acknowledge Senator Currie's work and belief in the positives of remote working.

Senator Aisling Dolan: I welcome the Minister of State, Deputy English, to the House. In terms of his responsibility for employment affairs and retail businesses what we are discussing is really important. I commend Senator Currie on the work she has done on remote working and I welcome the strategy that has come forward.

The remote working strategy recently launched by the Department of Enterprise, Trade and Employment references three pillars, namely, creating an environment for remote working to flourish, remote working infrastructure and policies to support this. The goal is to have 20% of the public sector working remotely. That is fantastic. Hopefully, that will happen in the coming years. This is setting an example by the Government. The strategy speaks to how remote working will offer more flexibility, which can only be a positive, particularly for women, working mums, single parents, people with disabilities, carers and how it can change how people access and carry out their roles without having to commute. Remote working will also have environmental benefits. The drive here from Ballinasloe took two hours. Imagine the benefits if we could remove the need for people to have to do such long commutes.

We are in a period of change. As mentioned, the rights associated with remote working are very important. The report speaks to the need for a balance between remote working and the dynamic process of people coming together to brainstorm, which cannot be lost. We all know the importance of that. The infrastructure is an issue I have been looking at. Two years ago, two schools in east Galway were judged the worst in the country in terms of download speeds. This meant that children in the west of Ireland did not have equal access to education. Following on from the work of Fine Gael and National Broadband Ireland in terms of driving the national broadband plan, the roll-out is happening and schools are able to access broadband. I was told earlier today by staff at a Gaelscoil in Ballinasloe that they have to work from home because they cannot work from the school. Broadband is really important for education and business. It is about having equal opportunity.

We are supporting employers, employees and the self-employed across the country. In the Ballinasloe, south Roscommon and east Galway region, more than 3,300 premises will be connected by May and June. This includes areas such as Clontuskert, Ahascragh, Kilconnell, Ballydangan and Moore. We are one of the top five priority areas, which is amazing because there are many black spots in east Galway and south Roscommon. There will be provision for schools and farmers' marts as well because marts are outside of that zone.

I wish to acknowledge that the support the Government provided at secondary school level and at third level for devices in order that students from disadvantaged areas can access education is crucial. Finally, the Grow Remote initiative and the just transition funding have been crucial in supporting remote working hubs in particular areas in the midlands and the west.

Senator Malcolm Byrne: It is good to see Senator McGreehan in the Chair. I welcome the Minister of State, Deputy English. Like others, I pay tribute to Senator Currie, who is passion-

ate about this issue. This is a timely and appropriate debate as the Government contemplates issues around remote working. I would like to comment on a couple of the contributions. Senator McDowell is right to state that we need to encourage the decentralisation of the public service. When he was Minister for Justice, one of the things that he committed to was decentralising the office of the gambling regulator. This year we will finally see legislation on gambling regulation. I am quite confident that my Wexford colleague, the Minister of State, Deputy Browne, will deliver on that, 14 years later.

Senator Higgins was right in respect of the question around progression opportunities. It is most important for those in the public and private sectors, that if they choose to engage in remote working, they are in no way denied progression opportunities. Measures must be put in place to ensure that. Senators Higgins and Sherlock raised the question of the right to disconnect and the importance of putting that on a legislative basis. I am not quite sure how the right to disconnect could be enforced for Members of the Oireachtas, or indeed for local councillors, or how it could be explained to constituents. It is a challenge for us Members as we are so often in contact with constituents. However, as has been said, remote working has been transformed and has the potential to transform not just rural but many urban communities. I have seen it in my home town of Gorey where, in a partnership that was developed between Redmond Construction and Wexford County Council, the M11 business park was developed. It had a number of anchored tenants. The Hatch Lab was also developed which accommodated a small number of companies as well as hot-desking. There was, therefore, a local ecosystem which allowed the escape referred to by Senators Currie and Garvey, but equally allowed for the exchange of ideas, which is most important within communities.

In light of the welcome remote working strategy, a review of the outdated national planning framework is necessary. Given some of the overreach of the Office of the Planning Regulator in respect of our city and county development plans, the fact that we are all now working in a new and different way must be taken into consideration. This has been shown by the pandemic. The pandemic has also shown the importance of some of our values as a society around health, family and community, and how remote working can reinforce them.

I will make a few general comments on the change in the use of technology, which will be wonderful. However, I am concerned that we, as a society, and I include the Government more generally in this, are not sufficiently prepared for the pace of technological change and how that will impact not just on society but on the workplace over the years ahead. We will see a far greater degree of automation over the next decade in all areas. In fact, there are very few professions or occupations that will not be impacted by automation. We must put in place strategies to deal with that. That includes significant levels of upskilling and retraining. In my view, if the Department of Further and Higher Education, Research, Innovation and Science is purely an administrative Department, it will have failed. Its role must be to identify the technological change that we will see and to prepare all citizens to be ready for that change.

In the future, we will not see remote working or learning, where people are simply at home the whole time and locked away. We will see a blend. We still all need human company. Dare I say it, but I am missing physical meetings. One cannot read a room on Zoom. There is great benefit in being able to walk around a workplace and pick up knowledge and interact with people. There will be a blend. How that will be regulated will be important.

I welcome this motion. It starts an important debate that we must have about the nature of the workplace and the challenges we will face as a result of technology that is coming down the

line. I hope that, in the Minister of State's response and in the Government's implementation of this remote working strategy, we look at levels of serious investment in reskilling and upskilling and, as Senator Higgins, said, addressing the digital divide.

Senator Garret Ahearn: I welcome the Minister of State, Deputy English, to the Chamber. I welcome the motion and congratulate my colleague, Senator Currie, on the work she has done on this. Long before most people were speaking about remote working or Covid-19, the Senator was advocating a change in view in how we will work and live in future. From all of the contributions, most people recognise the importance of remote working and everything that goes with it. I agree with what Senator Byrne said about the right to disconnect. This is part of society adjusting to the opportunity of remote working. In my household, we try to work 9 a.m. to 5 p.m. but it can be quite difficult. People who have children do not get what they would normally view as a full day's work done between 9 a.m. and 5 p.m. and they can find that they are working later at night. It is quite difficult to manage. I suppose this is a process we will learn as we go on. The key is having the option. Just because there is remote working does not mean people cannot work in a workplace if that is what they choose to do. It is about having as many options for people as possible so they can be part of the workforce and contribute in a positive and effective way in whatever work they do.

In Tipperary, the most important factor in remote working and giving people this opportunity is broadband. Many people in Tipperary work in Cork, Limerick, Waterford or Dublin. They do so because they need to but not always because they want to do so five days a week. Broadband will be a game changer. Fine Gael is the only party that supported the national broadband plan long before the Covid-19 pandemic highlighted the necessity of a reliable broadband connection. Broadband is coming to every town, village and community throughout the country. This is based on Fine Gael's ambition to make Ireland one of the first countries in the world where every home, business and farm has access to high-speed broadband. This is a huge project that will take time. If we could, we would do it overnight but it has started. While Covid-19 might have delayed us it will not stop us and Fine Gael is determined that the 1.1 million people in 544,000 homes, 695 schools, 54,000 farms and 44,000 businesses in the country will be online under the national broadband plan. Not one of the Opposition parties supported Fine Gael's broadband plan and they sought to block it at every turn. There are remote and rural areas in Ireland where commercial providers were not investing, and if it were not for Fine Gael, places such as Tipperary would not have had investment in broadband.

Senator John Cummins: I welcome the Minister of State, Deputy English, to the Chamber. I echo the comments of my colleague on Senator Currie and the fantastic work she did in this area before it was popular to do so.

There is no doubt we are in an era of change. Covid-19 has probably accelerated the move towards remote work and remote learning. It has probably accelerated it by several years. It was going to happen but Covid has moved the process along. The possibilities are endless. We have probably seen a glimpse into the future of what it will be like. We have seen the advantages of remote GP consultations, remote medical services, smart farming, cloud computing, reduced travel and emissions and online public services. There are probably many such developments that we have not seen yet. Facebook did not exist ten years ago but we now have so many thousand people employed in companies directly associated with it. There are many more such examples. There will be so many online opportunities to work. This affords towns, villages and cities outside Dublin a great opportunity to attract people back to them. From them, staff can still work for major multinational corporations based in Dublin. A member of staff might

need to be in Dublin for only one day per week and might be working at home or in a remote hub for the other four. As other Senators have said, the blend is what will be appropriate. My wife has been working at home for 12 months at this stage. The lack of an office environment is difficult, particularly when there is nobody else in the house. I am acutely aware that while the opportunities are vast, we must also be conscious that we need to have a balance.

In my county, Waterford, 15,000 homes will eventually be connected through the national broadband plan. Many of the strategies being mentioned would not be possible without that plan. The decisions made by the previous Government to accelerate the plan are now bearing fruit and will continue to do so over the coming years.

Senator Fiona O'Loughlin: I welcome the opportunity to say a few words on this motion, which I welcome. I congratulate Senator Currie on her very hard work on it. I have heard her speak about the benefits of remote working on numerous occasions. I completely support her in that regard. Last week, I had the opportunity to raise on the Order of Business our need to reimagine our lives, look at things differently and work differently. We must also examine our connections and connectivity. Regarding the development plans being produced right around the country, Kildare has just started the process. The plans must support regeneration in our rural towns and villages. If people are to be able to work from home or remote hubs, families should be looked on more favourably through planning permission in relation to giving support to those around them.

There is no doubt that rural broadband is key to this, but I had to smile wryly when I heard my colleague, Senator Ahearn, saying broadband would not happen overnight. Fine Gael had nine years in government to deliver it. The national broadband plan is important and I am glad it is being implemented but I am sure the Senator will also send his congratulations to the former Minister, Deputy Naughten, who also helped to deliver it.

Opening up the workforce is important. There are many people with disabilities who do not have the opportunity to leave home to seek or go to work. Remote working could open a new area for them. There are many women at home who have not had the opportunity to reskill and return to work. There are opportunities in this regard that we should be able to tap into.

Our small towns have been haemorrhaging residents for many years, particularly in areas that are more rural. They have a huge opportunity. We can live healthier lifestyles when we are not racing or rushing to train stations to get onto crowded carriages. We are paying a significant amount of money to do so. We can lead healthier lifestyles when we are not racing to leave babies and toddlers at childcare at unearthly hours of the morning and collect them at unearthly hours in the evening. It can certainly lead to a better lifestyle. It gives people the opportunity to be part of stronger, healthier communities. There are many people living in communities who do not have the opportunity to connect because of the hours of commuting and unhealthy lifestyles due to that commuting. There is much to gain.

Not all roles lend themselves to remote working. It is important to note that some employees who have had the opportunity to correspond about remote working over the past year have referred to experiencing isolation, loneliness and stress. We have to look at that too and at how we can explore creativity, group dynamics and shared ownership, because there is nothing like getting around a table with colleagues at work to brainstorm about solving a problem and finding a shared vision going forward. I certainly do not want to see everything being dealt with remotely. Senator Cummins mentioned health being delivered remotely. He is right that that

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can be a good thing but it cannot be a replacement. In one small town in Kildare, Ballymore Eustace, instead of a general practitioner, a remote health service was put in place in a local shop. That has certainly filled a gap but it is not a replacement and we should not see it as such.

Remote hubs are important. Apart from working at home, the idea of being in a remote hub where we can have a sense of collegiality is important. My village, Rathangan, is a small village with a population of less than 1,000. A quick survey was done on a Sunday ten months ago and 87 people said that they would like to work from a remote hub. We are looking at ensuring that the local community centre can be kitted out as such. Finance to help support that is important. Those necessary financial supports have to be rolled out together with broadband. We also have to look at other aspects of remote working that we can support. I support and commend the motion.

Senator Micheál Carrigy: I welcome the Minister of State, Deputy English. I fully support this motion and thank Senator Currie for the work she has done on this important issue. It is important to acknowledge that the national broadband plan was signed off on by Fine Gael despite opposition from all sides at the time. It is impossible to envisage any vibrant future for Ireland without broadband at its heart. Our vision as a party at the time was to enable new ways of working and to exploit the significant benefits that remote working offers to each citizen and to society in general. It is the largest project undertaken by the State since rural electrification, and we all know from speaking to our parents how important that was at the time.

We placed a significant emphasis on remote and flexible working in our general election manifesto. The Government has advanced this policy by publishing a remote working strategy and increasing investment to provide hubs. We also have proposals to introduce tax expenses and allowances for changes to help those who make this choice. Another significant step was the funding provided by the Department of Rural and Community Development in 2017, with €42,000 for each local authority to appoint a local broadband officer. In my own county, the local broadband officer, Christine Collins, has been proactive with the establishment of broadband connection points and WiFi4EU being established in town centres. It was the first local authority to introduce eduroam Wi-Fi hotspots to support local students and researchers. A number of schools have been connected, with a commitment to accelerate this plan so that all schools are connected by the end of 2020. I welcome the announcement by National Broadband Ireland last week that all households, more than 8,500, will be connected by June 2022.

Remote working hinges on having a proper broadband service. We need to address the issue whereby some providers are advertising services that can be accessed from a mobile signal and looking for new customers while their existing customers are not getting a proper service and are paying a full price. I got an email from a friend of mine who works for the Department of Social Protection. He is based in Dublin but has been working from home. His work for the past 12 months has related to the pandemic unemployment payment. He asked whether if a person goes into a store and sees a damaged or faulty item, he or she would be prepared to pay the full price or would one look for a properly functioning item? That is the case at the minute. Some people are paying the full price for a service which is not good enough and has been wrongly advertised.

I welcome the work that has been done by a couple of voluntary committees in my county to provide hubs, including the Co:worx building in Edgeworthstown, which was an old Ulster Bank building purchased by the local authority in conjunction with a local voluntary group to develop a hub that is linked to Athlone Institute of Technology. We now have a situation where

some of the private providers are looking for more than €20,000 per year to provide 1 Gb of fibre. The Government needs to look at that. Excessive costs are being imposed on the voluntary organisations that are putting these projects in place. I also wish to refer to the Yard Hub, a collaboration between Longford County Council and Waterways Ireland in Abbeyshrule, which is well known as one of the tidiest villages in the country. Funding has been put in place through the rural development fund to provide a hub and they now have a significant issue about not getting a proper, dedicated fibre line. It is an issue they have taken up with Eir.

I ask the Minister of State to take those two points on board. It will be difficult to fully deliver those two significant infrastructural projects in the county because companies are looking for excess funding while another company is not prepared to put in the infrastructure to make the projects a reality. A national remote working strategy will be of significant benefit to our county. It will show that our county is a great place to live and work, with opportunities and great people.

Senator Lisa Chambers: I support the motion. It is great to get an opportunity to debate this issue. I am smiling somewhat at the number of Fine Gael speakers who have referred to delivery of broadband. It has been a long road to get to here and we are all obviously friends in government, but it is worth pointing out that Fine Gael were involved in the two previous Governments and that broadband still has not been delivered to Mayo. Many people are still waiting for it. However, I would agree that it is vital for a remote working strategy that people can actually get online. That is something to which the three partners in government are committed. We will finally deliver broadband to every citizen, business and community in this country.

The public has been ahead of us on this matter and remote working is here to stay. It is something that was forced upon us but it has accelerated a change that was happening anyway. People want this, they are demanding it and we have to make it happen. There are many aspects to making this happen but the process is well under way. People want remote working because they want to reduce the stress and anxiety in their lives and achieve a better work-life balance. For many families, while lockdown is very difficult, having that extra time at home and not having to commute an hour or two each way every day and not rushing to the childminder in the morning and evening has meant that people have had a different way of life for the past year. It would be almost impossible to go back to the way things were previously. Thank God for that because I do not think that anybody wants to go back to the stress we had in our lives.

There is a commuter belt around our capital city and more are developing around other cities. Travelling long distances to get to work is having detrimental impacts not only on commuters' mental health, but on the well-being of their families and children, who are missing out on vital family time when both parents, mum and dad, are present together - if they are there - or even in a single-parent household. It is important that parents are present with their children and not absolutely wrecked tired from a long day at work and a commute. The quality of the time, rather than the quantity, is important and that has been missing from many families. They have been missing quality time where people have the space and energy to have a proper family life.

We need to acknowledge, however, that there are consequences to remote working and all of us who are here in Leinster House today and have walked around the streets of our capital city can attest to how quiet Dublin is right now. The same is true for Galway, Limerick, Cork and many of our bigger towns. They have been hollowed out and are very quiet.

6 o'clock

That has implications for many people's jobs. Many of the coffee shops and other retail outlets, as well as bars and restaurants, are built around those people coming into city and town centres to work. We must deal with the fallout. We know it is happening but how will we protect all those businesses that will lose out from the reduced footfall, from people not being there in the morning to get their cup of coffee going to work, picking up lunch on a break from work or popping into some of the retail shops on that lunch hour? Many businesses are losing out because of this and many will not survive remote working. As a Government, we must do something quickly about this and prepare for what we can see coming down the tracks to protect those businesses and jobs while trying to realign how we use our city and town centres.

With regard to the required facilities, I have touched on broadband, which is clearly a massive deficit in many rural communities in delivering a proper remote working strategy. Remote working has also thrown up a plethora of challenges around duties of care by employers to employees and how to ensure that when an employee is working from home, he or she can still be working in a safe working environment with proper equipment. For example, employees must log off from work and not take that work from the workstation to the kitchen table and then into bed at night. It is really important that there is that cut-off. I know some companies are doing great work in this regard by ensuring employees have a set working space that is separate and distinct from where they live and have their family life. That will be a challenge for employers as not every employee has the space to do that. That should not preclude them from availing of the option to work from home.

There must be some out-of-the-box thinking from employers, and the biggest employer in the country is the public service and the State, so we must lead the way on this to ensure employees have the option to work from home. When they do so, they must be properly cared for and the duty of care owed by an employer to the employee should be properly maintained so we do not see any difficulties down the line. We can do this by planning ahead and anticipating the challenges we know are coming down the tracks, putting a plan in place and ensuring we can deal with them adequately.

We must also look at local amenities. If more people than ever are to work from their base at home and not travel to the towns or cities to which they would normally travel, they will require better local amenities in smaller rural towns and villages. We have come to have a new or greater appreciation for shared outdoor public spaces. There was much discussion in the Chamber today at various times about the national development plan, and many of us have said the deadline is this Friday for having a say or giving a view on how the plan should be shaped. It will effectively deal with every fabric of life, including the distribution of housing, education, public amenities, transport and communications, as well as all other aspects of life. It is important these national plans, which are for the long term, reflect the changes that have occurred at an accelerated pace in the past year. Part of that will concern the redesign and reconfiguration of our outdoor shared public spaces not just in the large urban centres but in villages and smaller towns. They have really been neglected because, until now, most people left their villages and travelled elsewhere to go to work. People still need to have the space to go outside with work colleagues at times, and for their well-being and health they should have an opportunity to exercise outside.

Remote working is here to stay but because of it we will see many challenges. We must ensure people have the facilities for it and the employer's duty of care is maintained. We must

have the required resources, such as broadband. We must also deal with the incoming difficulties arising from the fact that people will no longer work to the same level in our city centres and think about how we can reconfigure city centres to still work for us.

Senator Tim Lombard: I welcome the Minister of State to the Chamber for this very important debate. I acknowledge the proposer of the motion, Senator Currie, as it affects all parts of Irish society, including rural and urban areas. It is a key because society has changed so dramatically in the past year. We are now catching up with how society is working. The motion encapsulates the view of the public, so it is important we have the debate.

Many elements of the remote working strategy must be discussed but I will touch on just three because I know time is tight. The first is broadband, which has been mentioned by many people in the Chamber this afternoon. It is a key driver in ensuring equality of service and opportunity for people in both urban and rural areas. The national broadband plan, controversial as it was, will be key to ensuring that equality. We must accelerate that plan and get more information out to the public. People need to know when the installation in their property will happen. That information is not fully on the national broadband website at present and we must do more in that regard. As was mentioned by other Members, the national broadband plan will change Ireland forever, particularly rural Ireland. The opportunity to have high-speed broadband in every house in Ireland will change how we do business. A person in Goleen in west Cork who has the opportunity to have high-speed broadband will not have to travel for two hours to Cork city to work as the person will be able to work from that beautiful, remote part of the world. That is the advantage of having broadband in that part of the country.

The concept of how we are going to change our society will be a big issue. The remote working strategy is very important, but there must be changes across all Departments. There has to be a whole-of-government approach because it involves every Department, whether the Department's responsibility is local government, finance or environment. All Departments have a crucial role in ensuring that the strategy works. I wish to mention one anomaly in the system, and the Minister of State will be aware of this from his time in local government. There is an exemption in place for dwellings whereby there can be a development at the back of the dwelling of less than 25 sq. m. In my constituency people are opting to develop what are basically pods in which they can work remotely from home. They have the opportunity to work from home, so they are now going to build these exempted developments at the back of their houses.

However, one of the anomalies in the system is that the 25 sq. m includes all development on the site, whether it is a garden shed, a pump house or, in the case of the constituent who spoke to me, a tree house. All of these must be taken into consideration in that 25 sq. m. We must examine the planning regulations in that regard. The world has moved on but, unfortunately, the planning regulations have not. To have a restricted development of just 25 sq. m that takes into consideration every part of the development, be it a pump house, garden shed or tree house, makes no sense. A 25 sq. m development is a modest development when one considers what we are seeking to provide in this case, which is nothing more than a room so the individual can work from home. There is a plethora of those planning applications being made throughout the country. I have six of them, currently, in west Cork. These people want and need to work from home. They want to plan for the future. We are going to provide them with the broadband, so we must change the planning regulations so they have that opportunity.

There are other people who do not want to work from home. They want to work in an e-

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centre or hub. These facilities are very important. There are hubs in places such as Skibbereen, where the Ludgate hub is one of the most amazing centres one can see. There is also Brookpark Business Centre in Dunmanway, another state-of-the-art centre. These work spaces that provide hot desks and other amenities are important because they provide a dynamic whereby people do not simply have to work from home but can come to a centre and work there as well. We must invest more in that strategy. There is no single fix to this issue - people want choice. As all of us are aware, working from home for five days per week is very taxing, to say the least. To have the opportunity of spending three of those days in a hub or something similar is the model people are talking about, because they want to have that break. It also helps how society is going to deal with it. Whether one has a coffee shop or is the owner of a shop in a town, one wants to have footfall and the ability to still make a living. There are issues that must be teased out.

However, I return to my first point, that this will have to be a whole-of-government approach involving all Departments. If we have that opportunity, we can do something special. The broadband is on the way. It is being brought to areas in my part of the world at present. The national broadband plan is up and running within a mile of my part of the country. That is what we have seen, so we must now join the other dots together to ensure that rural Ireland can thrive.

An Leas-Chathaoirleach: I will have to call the Minister of State soon, but Senator McGreehan wishes to contribute.

Senator Erin McGreehan: I was not going to speak. Having listened to the contributions and all the advertising about Fine Gael's new telecommunications company laying the pipes and fibre broadband across the country, however, I had to say something.

I commend Senator Currie on the motion. Remote working has been the only way my family has been able to operate over the past five or six years, having a business at home and being lucky enough to have broadband. Now more than ever, we are at home constantly. As Senator Lombard said, it is about the blend. My partner has been working from home for the past 12 months. I think he is on the verge of killing us all and maybe the four children as well. It is an incredibly difficult time for many. We are all being pushed into this and I do not think community and business would have been as open to remote working were it not for Covid. That push to get ourselves ready for remote working has been the one silver lining of Covid. We need to be sure that we do it properly. As previous speakers noted, it is about getting a framework and guidelines and legislation put in place to protect workers and ensure that there is better family and community life.

Hubs will start popping up across the country. There is funding for one in Dunleer in Louth. My colleague, Councillor John Sheridan, has been speaking about this for so long. It is the way forward. I look forward to a community hub in north Louth along with the fibre broadband. We are on the verge of something great which will change the way we work. It creates so many opportunities to improve communities. I spoke to someone in my area during the week who became disabled recently and who is unable to go out to work because he is not medically fit to travel. He is starting work from home next Monday. It is a brilliant day when we can say that he will be a full part of our community because of remote working.

An Leas-Chathaoirleach: I ask the Minister of State, insofar as he can, to conclude by 6.25 p.m.

Minister of State at the Department of Employment Affairs and Social Protection (Deputy Damien English): We will manage. The Leas-Chathaoirleach can give me a kick to remind me when we are nearer the time.

I thank all the contributors to this debate and Senator Currie for bringing forward the motion to give us the opportunity to have this conversation.

An Leas-Chathaoirleach: Apologies for interrupting. As we began late, the Minister of State has until 6.30 p.m.

Deputy Damien English: Could we not push it to 7 p.m.? No, there is no problem with that. I am conscious of the rules in having to finish by 6.30 p.m.

I compliment Senator Currie on bringing forward the motion. This is a conversation that we need to have as a country. It is one we have been having over the past 12 months, but it had started before that. We need to build on what has gone before.

Senators raised various issues which need to be addressed. The Tánaiste launched the strategy a few weeks ago. It is an action plan but it also gives us time to have conversations of this nature in the coming months as we bring forward legislation. It is important that we tease through the various aspects of what is involved, which this motion gives us an opportunity to do. People have said that they have been talking about this a great deal. I have been listening to them, which is important.

Senator Currie has been driving this issue in this House and elsewhere for some time. She put forward the many reasons - I will not repeat them - as to why it is so important that a proper strategy is in place and why we should facilitate remote working and recognise it as equal to working in the office or elsewhere. It is the future. It has been building in recent years but the concept has been proven over the past 12 months for many people that it really is an option. The strategy is about making it an option and giving people the choice, as many Senators have noted. It is not about forcing remote work on anybody but about giving them the option that if they would like it, they can request it and that we can make it happen. The job of the Government and other parties is to make it happen and ensure that the choice is a real choice. It is also necessary to work with employers and employees to facilitate that, as well as recognising that many jobs never had to be done in an office in the first place. Locationless jobs have become the norm in many countries. It is important that we build on this and make it happen. We want to work on that. I thank everyone for their work and comments today. I have taken a note of most of them and we will feed back through them.

Senator Currie said that for 100 years we have had the same logical approach to work. Thanks to our involvement with the EU, things have changed over the years, particularly in terms of the working time directive and various other initiatives. From an employment point of view, matters have changed dramatically over the past 30 or 40 years in terms of employment rights. I want to be very clear on this. It is something the Tánaiste are very much committed to.

Senator Gavan should check his records. We did not impose any directive last week. I attended two of the meetings at which we discussed the issue he raised. He forgot to mention that countries like Sweden, the Netherlands and Denmark were part of the same letter and conversation. We correctly raised some issues regarding the approach with the Commission through a directive, something we, as a country, are well ahead of in terms of what is being sought by means of the directive. We had concerns around-----

Senator Paul Gavan: Information-----

Deputy Damien English: We had concerns about it. It is not opposed. It was a letter in which concerns were raised, which is part of the conversations we have on the way to a directive. I sat here politely while the Senator misled the House earlier. I ask him not interrupt me when I am trying to make a point.

Senator Paul Gavan: How dare the Minister of State-----

(Interruptions).

Deputy Damien English: The House was misled earlier when the impression was given that the Government imposed a directive. We, along with many other countries – I understand 12 or 13 were included - wrote to the EU to raise some concerns regarding a directive relating to the process to get there. That is the way we have always done our business and the Tánaiste has been very clear on this. The Department has responsibility for employment rights and creating jobs. We are committed to employment rights, and our record shows that.

Senator Paul Gavan: The Minister is watering down-----

Deputy Damien English: Senator Gavan should not try to mislead the House. It does not help politics.

Senator Paul Gavan: Opposing an-----

Deputy Damien English: I have said repeatedly in these Houses that I have no issue with debating facts and having factual conversations. I do not like people who mislead, tell lies or exaggerate positions. It does not help any debate. I will park that now.

In those situations in Europe, we are very much involved in progressive legislation and employment rights. The illusion that there is no collective bargaining in this country is wrong. We have collective bargaining, and our unions are very strong on and involved with that. Legislation was brought through the Houses by the Labour Party, when it was in coalition with Fine Gael. A Labour Party Minister brought it through-----

Senator Paul Gavan: There is not a right to collective bargaining.

Deputy Damien English: -----in 2015. We are very committed to upgrading that.

On the subject of this debate, remote working, everyone touched on its benefits, how important it is for family and community life and the opportunities it provides. Over the past year many people were sent home to work remotely in an unplanned way and this has had various consequences. Many difficulties have been worked out over the past year and conversations became more planned and organised.

We can see the benefits of working from home. If it is planned, it is much better for everybody and has much more positive outcomes. People had to adapt quite quickly last February and March. The conversation Senator Currie is leading and which we, as a Government, want to lead is how to plan and allow for it and put strategies in place that back it up, facilitate it and make for much better outcomes. A big part of that comes down to trust. Employers and many organisations have learned a great deal over the past year in terms of trusting employees

and understanding that, in the majority of cases, productivity did not drop but, rather, was enhanced. We have all been on a journey and it is now much more acceptable to discuss options and the right to work from home. Many want to buy into that because they can see all of the benefits of it for our communities, towns, villages, families and, more importantly, individuals and employees.

I represent a commuter town. We were not born with two legs in order to sit in cars for four or five hours each day. That was not meant to happen. As a result of poor planning over many years, things worked out that way. People were left having to make journeys of two or three hours to and from work or did not know how long the journey would take, which is even worse because they could plan their lives. Remote working, as well as investment and all of the other infrastructure, including rail and so on, will lead to a much better lifestyle. Remote working is the biggest part of the latter but that will involve investing in digital infrastructure and skills.

The Senator also touched on the importance of upskilling - not just for our workers but for all of us. If we invest in digital infrastructure in our communities, people of all ages can come with us on the journey because everybody has tried to live remotely and live with technology over the past 12 months but not everybody could perfect that or benefit from it. We have a lot of work to do in investing in technologies and infrastructure but also in people. Apart from the societal and community living aspect of that, there is an opportunity for jobs growth. If we do not invest in upskilling and people, we will be left behind when it comes to job creation and those opportunities. There are, therefore, many reasons to do this.

Likewise, investment in broadband is key. I know the Chair had to struggle through a lot of speeches by Fine Gael Members mentioning the success of the broadband plan. When the contract was signed a little over a year, not everybody agreed with it and we had to defend it, so the odd time, when we get a chance to compliment something we did in the past, we will avail of it. Under the national broadband plan, there is a commitment to spend €5 billion on broadband, half private and half public money, and rightly so. We all agree with and want to benefit from it and make sure it happens. All of our jobs involve making sure it happens more quickly, which is where we, the three parties working in government, come in, supported by many other Members in opposition who sometimes agree with this. They might say something different at home but in here, they agree with it. The key is to make the plan happen more quickly. One of the actions in this remote working strategy is seeing whether we can speed up that contract and deliver broadband more quickly to some of the places to which we are committed. That they will have to wait for two or three more years is not really what many people want to hear. Now that the contract has been signed and is in play, let us try to drive it on as much as we can.

The review of the national development plan will examine the various projects that we all compliment. Broadband is part of that but it also includes other infrastructure that helps people to be able to work remotely, develop our communities and create a sense of place. A key part of this, which was touched on, is the national planning framework. When we put that plan in place about three years ago, we needed to think about what would happen in the future. We looked ten, 20 and 30 years ahead. The pace of change over the past year has been dramatic, which is a positive, but we need to make sure we adapt our strategies to that. The 20-year planning framework has jumped on so much in the past year that we need to look at the population levels we set at the time. Our main aim was to ensure the next 1 million people living in this country were spread out. Where would they live? Where would we invest in hospitals, education, housing and jobs? That population growth was to be spread all over Ireland, not just on the east coast. Many people on the east coast have gone home to Longford, Tipperary, Cork, Wexford

or wherever else ahead of the strategy and are looking for homes in their towns and villages. We have to adapt quickly to that and put plans in place to accommodate people in a correct and planned way. This is what the planning framework was about. The review of the framework and the investment strategy is, therefore, timely. Thankfully, as a nation, we have the option to spend the guts of €120 billion in capital to make all this happen in the years ahead. We are in control of our destiny because we have the resources to do so and we have plans in place that can be adjusted, moderated and driven on. We are in a very good place to deal with what the pandemic has brought us and to future-proof this country. A major part of that is allowing for and developing remote working as much as we can.

One issue raised relating to planning involves pods for people's homes. There is a long-standing planning rule that people can extend their house by up to 25 sq. m without requiring planning permission. It is probably time to consider how we can accommodate home offices without imposing on people the cost of making a full planning application, which can be quite expensive.

We also need to have a conversation about how we maximise the uses of houses in rural Ireland. It was mentioned that it is harder to get planning permission in some counties than in others but there are also loads of empty houses in rural Ireland. We need to bring forward policies to join those two dots. People are more interested in living at home. We have debated how to save rural Ireland here many times. The whole conversation was around how people needed to have a functional reason and not just a desire to live in rural areas. They needed to have jobs, which meant investing in infrastructure and much more besides. Now people can have jobs elsewhere and they can be at home. There are many more opportunities to develop rural Ireland now. We knew these would come eventually but it is now a matter of dealing with them as quickly as possible.

The Making Remote Work strategy is a plan to make remote working a permanent feature in a way that benefits our citizens. It is about options and choices. Senator McDowell spoke about forcing it on employers. I do not think that is what he meant but that is the impression he might have given because he views working from home as a right. What we are talking about at this stage is the right to request to work from home. We are proposing to deal with that. Likewise, people have a right to parental leave and then they work through with the employer whether they take it in blocks of six weeks, two months, one month or in whatever way they do it. That is also what we are saying in respect of this right. It is a right to request the ability to work remotely. For some jobs, it will not be possible at this time but technology is constantly changing. However, for many jobs, it is absolutely possible once the employer is willing to have that conversation, to see what supports are there and how to make it happen. Going back to the carrot approach, we are asking that employers embrace this. There never has to be force involved. They will recognise the benefits for themselves, their organisation, their staff and the community and country as a whole. That is what we are trying to do and that is the message that Senator Currie and many others have been pushing and driving for a long time.

Grow Remote and many others are involved in this conversation. As a Department, we took on this challenge well before Covid and there was a great deal of research into remote working, what had to happen, how to develop it, what the opportunities were and what the interest was. That was happening in 2019. We had some guidelines published in early 2020 and they had to be updated because of all the changes. As a Department, they were looking at this but it has jumped on a lot so we had a review of that strategy and a consultation day over the summer and out of that, the Tánaiste launched this strategy and this plan a few weeks ago. Interestingly,

more than 500 submissions came into that from many representative bodies and employer bodies. They were all positive and everybody wanted the opportunity to develop remote working. In many cases, research will show that people still want that blended model with the option of both. We have to facilitate that. For many, it will be fully remote working in the house or local hub; for others, it will be two or three days. It is all about giving people the choice and the recognition by all State agencies, including the IDA, Enterprise Ireland and the local enterprise offices, that jobs do not always have to have a location. They can be completely remote. They do recognise that and we have seen some good success. Companies were named by Senator Currie earlier on that have come into this country and created hundreds of jobs and yet there is no office that one can link them to. That is really positive. There is so much opportunity for everybody if we tap into that.

I had a speech to go through the details of this but I will not go into it now. It is a strategy with actions, a 15-point plan that we want to work on with everybody over the weeks and months ahead. It will mean some legislation to be brought in here. That is what we are working on and hopefully we will be back here in the near future with the legislation.

On the right to switch off, I absolutely agree. I think everyone would support that. That would be developed as a code of conduct first and we will see how to bring everybody with us on that journey. Codes of conduct work extremely well if everybody buys into them. They are well recognised in our labour legislation and our infrastructure to deal with labour issues. Codes of conduct are a positive step and we want to build on that.

An Leas-Chathaoirleach: I thank the Minister of State for that and for his co-operation with the order of the House, which I did not determine.

Senator Emer Currie: I thank the Minister of State and everybody for their comments and contributions. There is so much work to do with this and it is important that we recognise the challenges because only by recognising the challenges can we come up with solutions. That is what I ultimately want to do and the people who are invested in this want to do that as well. We have had so many naysayers about remote work for years and then Covid happened and it showed things could be done differently. So, when people tell me again that something cannot be done because of X, Y or Z, I will push back and say it can because of this experience. The strategy is aspirational in parts but behind the aspirations there are ideas to make this work. If it can change the way we work and live, that is a good thing.

We are living in an extreme at the moment. We are all working from home and it is ironic that by limiting our choice and restricting our movements, that is the time where we are showing that remote work can work as a choice. Remote work is all about choice, even with the irony that it had to be under conditions in which we did not have a choice. That will change. The real challenges are coming now. We have seen what can happen when going from one extreme to the next. The question is how we are going to cope. We are talking about a blend, but a blend is what is just naturally going to happen and we have to be set up for that.

I do not buy into this idea that remote means the death of the office. I do not buy into the idea that it is the death of physical meetings or the death of cities. It is not. It is coming together with a purpose. If we are working remotely more, we come together with more of a purpose. There will be plenty of offices where people congregate and nobody is suggesting that is not going to happen. It is about choice and maintaining equal opportunities around those choices.

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It is very important to stay connected to the companies that are doing this well, like Dropbox, which is giving up its fancy HQ office to go for bubble offices around the country, where people can meet for team meetings or for co-working, and where people get to work side to side. While there are problems in regard to socialisation and peer-to-peer training, there are ways around that.

In regard to the point that the strategy takes a hands-off approach to health and safety, the Department came out with advice very quickly and ran a public consultation that became a bigger conversation, and it now has more guidance on health and safety. It is very difficult for people whose homes are just not set up for this, and the question of the right to disconnect has really shown how important this is. We need to look at the legislation that is there and that people do not know about, given there seems to be quite a bit that the public does not know about. We can then see what needs to be done to fix the gaps, wherever they are.

A booklet around home working is very important. We have done this for other sectors and we need it for people who are working from home going forward. That work is not going to be wasted. There needs to be clear guidance because there are places where employers come to me and say they are not sure about this and say that the guidance is not as clear as it should be.

In regard to tax, we have to be careful about the transition for employers given that only 5% of employers are paying employer tax relief, and we need them to invest in remote first.

To sum up my main points, we need to focus on remote first for equal opportunities and we need a communications campaign around that. I want to leave the House with that idea. I accept what speakers say about the gig economy, but this should not be about that. It is not the casualisation of work and it should be about pensionable jobs. The quality of the hubs is going to be very important. That is why I came with ideas about how we can do that and how we can ensure that, instead of communities doing this by themselves, we are offering a standard quality whereby, if someone has a phone call, he or she can go somewhere private and we do not have those issues. We have to create supply. Employers have to be able to advertise jobs that are remote. We need to be able to create the pathways to employment and then, locally, we need to create remote-ready communities where the demand is.

An Leas-Chathaoirleach: I thank the Senator, the Minister of State and other colleagues.

Question put and agreed to.

An Leas-Chathaoirleach: When is it proposed to sit again?

Senator Emer Currie: At 10.30 a.m. on Friday next.

The Seanad adjourned at 6.35 p.m. until 10.30 a.m. on Friday, 19 February 2021.