



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Dé Máirt, 25 Bealtaine 2021

Tuesday, 25 May 2021

Chuaigh an Cathaoirleach i gceannas ar 9 a.m.

*Machnamh agus Paidir.
Reflection and Prayer.*

Gnó an tSeanaid - Business of Seanad

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

The need for the Minister for Housing, Local Government and Heritage to make a statement on the adequacy of the funding provided to Galway County Council.

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

The need for the Minister of State with responsibility for special education and inclusion to make a statement on the withdrawal of sanction by the National Council for Special Education for a reading class at St. Francis Xavier National School in Dublin 15.

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

The need for the Minister for Education to ensure that appropriate supports are given to special needs assistants.

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

The need for the Minister for Education to increase the number of secondary school places for south Kildare.

I have also received notice from Senator Barry Ward of the following matter:

The need for the Minister for Transport to make provision for cycle lanes alongside the Luas tracks, to create uninterrupted and safe routes for commuter cycling along existing corridors.

I have also received notice from Senator Garret Ahearn of the following matter:

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The need for the Minister of Agriculture, Food and the Marine to make a statement on the negotiations of the new EU Common Agricultural Policy, CAP, and the opportunities this brings for farmers and food producers in County Tipperary.

I have also received notice from Senator Rónán Mullen of the following matter:

The need for the Minister for Health to implement a review of the operations of patient's private property accounts under section 2 of the Health (Repayment Scheme) Act 2006 and, in particular, if he will consider extending the scheme to include patients in private care.

I have also received notice from Senator Martin Conway of the following matter:

The need for the Minister for Housing, Local Government and Heritage to extend the pyrite remediation scheme to include County Clare.

The matters raised by the Senators are suitable for discussion and I have selected Senators Kyne, Currie, O'Loughlin, Wall, Ward and Ahearn and they will be taken now. The other Senators may give notice on another day of the matters that they wish to raise.

Nithe i dtosach suíonna - Commencement Matters

Local Authorities

An Cathaoirleach: I welcome the Minister of State at the Department of Housing, Local Government and Heritage, Deputy Malcolm Noonan, back to the House. He spent a lot of the day in the Seanad yesterday, between Commencement matters and legislation. The first matter is Senator Seán Kyne's who has four minutes.

Senator Seán Kyne: I thank the Cathaoirleach for selecting this Commencement matter. I welcome the Minister of State, Deputy Noonan, to the House. I know the Minister of State, Deputy Peter Burke, has recently engaged with councillors on a cross-party basis on the issue of funding for Galway County Council. Obviously, they are better placed than I am to put forward the case. As I understand it, the amalgamation of the city and county councils is off the table, so there is no point in talking about the merits or demerits of that.

Funding of Galway County Council has been an issue for some time but, particularly, since the economic crash of 2008-2009. Realistically, however, it has been an issue for more than 20 years, particularly in comparison with other local authorities. If one looks at the tables of funding going back to 1999, there has been an anomaly in relation to funding for Galway County Council.

Galway County Council has a low rates base, as the city is in a separate authority, and pulls in so much investment. Compared with Mayo, which has large towns such as Castlebar, Westport and Ballina, we have much smaller towns with a lower rates base. Similarly, Shannon and Ennis in Clare are drivers while in Kerry, Killarney and Tralee are good drivers of the economy and provide a good rates base. The budget of Galway County Council in 2021 is €136.5 million. In comparison, Mayo's budget is €159 million, Kerry's is €168 million and Tipperary's is €185 million. I certainly do not begrudge any other local authority what they receive or what

they are able to generate but the truth is that Galway has not got the capacity to grow its rates, in particular, because of the influence of the city.

In regard to staffing in Galway, according to the 2009 figures, Galway County Council had 767 staff, Mayo had 1,000, Kerry had 1,153 and Tipperary had 1,034. Clearly, in terms of funding, and the consequence of that, which is staffing, Galway County Council is at a lower level than other comparative local authorities. That has an impact on the provision of services. It is totally unsustainable and it cannot continue in this fashion.

The councillors, in fairness, were the first to increase the local property tax to try to fund a shortfall. They got no thanks for that from the Department. Indeed, the Department ignored the gesture. It did not look at providing any additional funding. In fact, the Department has starved Galway for more than 20 years. The carrot of improved funding that would come with amalgamation was dangled, but even with that, there was no clear indication of additional funding.

The position of chief executive officer was left unfilled for seven years. For seven years, there was an acting CEO in Galway. I take responsibility in that regard. We were in government for that period, but that was position was left unfilled. Would the position of Secretary General or assistant secretary general in the Department of Housing, Local Government and Heritage be left unfilled for seven years? I do not think so. It would not be left unfilled for seven weeks.

Clearly, there have been certain issues and anomalies regarding the funding of Galway County Council. When we approached officials in the Department - again on a cross-party basis - a number of years ago, there was an admission that Galway had been badly served for a long number of years in comparison to similar local authorities, some of which are our near neighbours. However, there has been no resolution to that. There has been no additional funding. The then Minister of State, Deputy John Paul Phelan, provided an extra, I think, €1 million, which eventually came through, based on issues surrounding the municipal districts, to try to improve the situation.

We have a stark situation in Galway. The Minister of State, Deputy Noonan's officials have been aware of this matter for a long number of years and yet nothing has been provided for Galway. I look forward to the Minister of State's reply.

Minister of State at the Department of Housing, Local Government and Heritage (Deputy Malcolm Noonan): The case was very well made by the Senator. The funding system for local authorities is complex, with authorities deriving their income from a variety of sources, including commercial rates, charges for goods and services, and funding from central Government. Local authorities vary significantly from one another in terms of size, population, population distribution, public service demands, infrastructure and other income sources. All of these factors should be taken into account when comparing levels of funding for different local authority areas. Most of the funding from central Government must be used for specified services. This can be grouped into five broad programme categories: recreation, education, environment, housing and transport.

Across all schemes and funding sources, the Department of Housing, Local Government and Heritage provided €51.1 million and €82.9 million to Galway County Council in 2019 and 2020, respectively. The increase between 2019 and 2020 is due to an increase in housing funding, as well as funding in respect of the Covid-19 rates waiver and other Covid-19 related

expenses that occurred in 2020.

It is a matter for each local authority to consider how it can maximise local income sources and manage its own spending in the context of the annual budgetary process. Local authority members may decide, as part as of the process, to vary annual rate of valuation, ARV, and local property tax, LPT, in order to increase revenue available to them. I understand that Galway County Council has opted not to use these tools for many years.

The power to vary the local property tax is a reserved function. Local authorities must balance with these priorities against available resources. To achieve that balance, the elected members must make informed and necessary choices to balance the level of service provision with the available income. For 2021, 22 of the local authorities throughout the country opted to vary the local property tax upwards, while only three have opted to vary it downwards. Arising from the variation decisions, the local authority sector will gain an additional €11.5 million from the LPT when compared with 2020.

Galway County Council would have gained an additional €2.2 million if it had applied the maximum upward variation of 15% for 2021. Galway elected members decided not to vary the LPT rate for 2021, thereby denying themselves additional discretionary income. The Department does not, as a matter of course, provide supplementary funding to local authorities in lieu of the LPT changes. Doing so would undermine one of the reasons the LPT was introduced, namely, to strengthen the link between the decision-making of elected members of local authorities and services provided in the area. This has consistently been the position since 2015.

The programme for Government, Our Shared Future, commits to bringing about reforms in the workings of the local property tax. These reforms will involve bringing new homes, which are currently exempt from the tax, into the taxation system, as well as providing for all money collected locally to be retained within that county. This will also be done on the basis that those counties with a lower LPT base are adjusted via an annual national equalisation fund paid from the Exchequer, as is currently the case. The Minister for Finance is examining options for reform of the LPT in light of the 2019 interdepartmental LPT review report, the views of the Committee on Budgetary Oversight and the programme for Government commitments.

On 13 April 2021, my colleague in the Department, the Minister of State, Deputy Peter Burke, met a delegation from Galway County Council and agreed the Department will work with the council to explore the options available to putting its finances on a more sustainable footing. Preliminary work is under way in the Department and I understand that efforts in this regard will intensify in the run-up to the local authority budgetary process later this year.

Notwithstanding all of what I have outlined, Galway County Council was given an exceptional allocation of €1 million to support the municipal districts in 2021 and to be distributed equally among them. This was a significant commitment by the Government in supporting the council, which, coupled with the more general Covid-19 related supports provided in both 2020 and thus far this year, represents significant financial support for the council and the wider local government sector.

Senator Seán Kyne: When Galway County Council increased the LPT - it was one of the first local authorities to do so - it was done on the basis that the Department would come with it some of the way, but it did not do that. While one could argue it would have gained an additional €2.2 million by increasing the LPT, I return to the comparisons. Galway County Council's

budget for this year is €136 million, while the budgets of the local authorities in Mayo, Kerry and Tipperary are €159 million, €168 million and €185 million, respectively. An additional €2 million, while welcome, would not fill those gaps.

There is a fundamental issue with the model of funding for Galway County Council, as has been conceded by officials in the Department. In fact, they went on to say that the initial model, which dates from more than 20 years ago, is so complex that they do not know which model is used to decide where funding derives from. While Galway County Council has a certain ability to raise additional funding itself, the direct grants it receives from the Department are insufficient for the needs of a county that is the fifth largest by population. The funding we receive is up to the third lowest *per capita*. There is a serious anomaly in regard to funding for Galway County Council and I ask that the Minister of State's officials address that in a serious fashion.

Deputy Malcolm Noonan: I note the concerns of the Senator. Every local authority is facing similar challenges. We can look towards the budgetary process for 2022, whereby elected members can again give consideration to the LPT, which is a mechanism that can be used.

I reiterate that the Minister of State, Deputy Burke, is committed to working with Galway County Council to try to resolve these issues, notwithstanding the significant pressures on local government and the recognition that local government, through the community call, has been front and centre of dealing with the Covid pandemic. That has been recognised by the Department in a measured way that supports local authorities to continue to do that valuable work and provide the valuable services they do to the community. That has been highlighted throughout the pandemic.

I will convey the Senator's concerns to the Minister of State, Deputy Burke. He is firmly committed to resolving these issues over the lifetime of the Government.

Special Educational Needs

Senator Emer Currie: The matter I raise relates to equity in education and goes to the heart of an inclusive education system. The backdrop is that a national school in Roselawn, Dublin 15, wanted to provide a reading class for the community and the board of management and staff were fully on board. The school successfully opened a special class for autism called Sonas in June 2019 and I attended the opening.

The special educational needs organiser, SENO, endorsed the application for a reading class because they know the demand is there in the school and in Dublin 15 and beyond. In April 2021, the National Council for Special Education, NCSE, wrote to the principal confirming that a specific learning disability class, SLD, had been sanctioned for the 2021-22 school year and the school was told to progress the practical side of things, such as the prefabricated classroom, the set of grants and the staff. Six students in Dublin 15 were identified as suitable, including pupils from the school in question.

Three weeks ago, however, out of the blue, the decision to sanction the reading class was reversed. I do not need to tell the Minister of State about the disappointment that has caused. These are families and students who struggle with severe dyslexia and really want the opportunity to avail of a reading class for a couple of years. They know the location of every reading class in Dublin and beyond and they also know how long the waiting lists are. I have received

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messages from parents of children with severe dyslexia from all areas. One of them wrote that if their son had been successful in accessing a place at Catherine McAuley reading school, they were willing to allow him, at eight years of age, to get on a school bus and go all the way to Dublin city to attend. Another wrote that their son's learning needs were not being met at his mainstream school, and while the school was doing its best, it could not give him the individual attention and support he required.

That student should not have to travel to the city to access education that other children can get in their communities. Dublin West does not have any reading class and now it seems to be the Department's policy not to open one. The parents and the school are, understandably, confused and they deserve an answer as to what happened. If opening a reading class is not the policy any more, surely the SENO, NEPS and the Dyslexia Association of Ireland should know that. What if they disagree? We have rightly seen a move away from exclusively inclusive mainstream classrooms for other special education needs and we have a model that seems to work for reading classes.

A report by NEPS has stated that not all children with special needs are the same. It goes on to state that while inclusive school settings might be beneficial for some children or groups of children, special classes or schools may be beneficial to others, and that we need to rethink the divide between inclusive education in mainstream settings and segregated education in special schools or units. A crucial issue in that regard is that of choice. Moreover, a progress report on the future of special schools and classes, presented by Irish National Teachers Organisation, INTO, to the NCSE on 11 March, endorsed this approach.

Minister of State at the Department of Education (Deputy Josepha Madigan): I hope to put this matter into context for the Senator. As she will be aware, enabling children with special educational needs to receive an education appropriate to their needs is a priority for the Government. The principle of inclusive education is set out in the Education for Persons with Special Educational Needs Act 2004 and embedded in the Department's policy for supporting children with special educational needs, including those with reading difficulties. The Act provides that a child with special educational needs should be educated in an inclusive environment with children who do not have special educational needs unless it is not in the best interests of the child with special educational needs or is inconsistent with the effective provision of education for the children with whom the child is to be educated. The Department's policy is, therefore, to provide for the inclusive education of children with special educational needs in mainstream schools and this policy is supported by significant investment. Senator Currie will be aware that the Department will spend approximately €2 billion, or just under 25% of the education budget, in 2021. That is nearly a quarter of the entire budget spent on making additional provision for children with special educational needs this year. Only where it has been assessed that a child is unable to be supported in mainstream education are special class placements, as the Senator mentioned, or special school placements recommended and provided for. The majority of children with special needs attend mainstream education with appropriate educational and care supports.

In the context of the reading class, I want to talk about the new model for allocating special education teachers to mainstream schools, which, as the Senator will be aware, was introduced from September 2017. This is based on the profile needs of schools. The special education teacher, SET, allocation model provides a single unified allocation for special educational teaching support needs to schools based on a school's educational profile. It allows schools to provide additional teaching support for all pupils who require it and to deploy resources based

on each pupil's individual learning needs. We know that a diagnosis of need is not required to access such supports.

At the moment, we have in excess of 13,600 SETs who are provided to mainstream schools to support the learning needs of pupils who have additional needs in literacy, including those arising from specific learning difficulties. The Department's policy, in accordance with the principles of inclusive education, is that people with such additional learning needs are supported in mainstream classes with additional provision made by a special education teacher.

Therefore, in that context the Department no longer supports the opening of new reading schools or classes, and no such classes have been opened since 2017. However, I understand that the National Council for Special Education, NCSE, which the Senator mentioned, recently engaged with St. Francis Xavier National School on an application for the opening of a reading class. The NCSE response to this was an operational error, I understand, and the school has been informed. I very much regret that this operational error occurred.

The NCSE has responsibility for co-ordinating and advising on the education provision for children nationwide, and it has well established structures in place for supporting schools and parents. I am aware of the good work being done by the teachers and SNAs of St. Francis Xavier National School in Dublin 15 in supporting children with special educational needs. The inspectorate's 2020 report on the whole school evaluation carried out in the school provides ample testimony in this regard. I have asked the NCSE to review the special educational teacher allocation at this school to see if it meets the needs of the pupils in the school.

It is important to stress that I have also asked my Department to arrange a review of the policy on reading classes and schools. This review will, in turn, inform future policy for supporting children with special educational needs and the place of the specialist provision in these supports.

Senator Emer Currie: I thank the Minister of State for conducting a review of the process and of reading classes. She said it was an operational error, but an operational error does not give any comfort to families whose hopes were raised and who have now been disappointed. I refer to the postcode lottery in that children in certain areas may be able to access this type of education, facility and service, and yet children in Dublin West will not. I know how much we are investing in special education. It is only right and it is a very positive development. We say we will support these kinds of settings where they are needed, but I believe it is needed in Dublin West, to make it equitable compared to other parts of Dublin, for children who have been recognised by the NCSE, the special educational needs organisers and the school, as needing this additional support.

Deputy Josepha Madigan: As Senator Currie outlined earlier, the school deserves an answer as people's hopes were raised. I hope I have set out an adequate answer for them. Obviously, I cannot speak on behalf of the NCSE, but I can certainly communicate what happened. What happened was an operational error and I understand the school has been informed about that. I am satisfied that the 13,600 SETs we have should be supporting literacy needs and teaching within the school environment. What I have said specifically in relation to St. Francis Xavier is that the NCSE is reviewing the SET allocation at that school to ensure there are adequate numbers of SETs to support children, particularly those with dyslexia, or any other child who needs support with reading. My Department is undertaking a review, as I said, of the policy on reading classes. This review will, in turn, look to inform future policy.

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Special Educational Needs

Senator Fiona O'Loughlin: The Minister of State is very welcome, and I appreciate her coming in to take my matter. This is about supporting SNAs. We have in excess of 16,000 in our inclusive education system. That inclusive education is hugely important to everybody. It is an aspiration that children with special needs, and special educational needs, will have the opportunity to be educated in their own localities, along with siblings and neighbours, in mainstream schools. Without the 16,000 SNAs, who are the bedrock of the system, that would not be possible. It is the work of the SNAs, day in, day out, that helps to ensure these children can go to school and participate in education locally. Their care and compassion are a testament to them. I know many SNAs and, honestly, the care and comfort they give to children makes things so much easier for parents and, of course, teachers and the whole school community.

We have a record number of children in mainstream schools. I think approximately 38,000 students avail of an SNA. I commend the Minister of State on launching the national training programme for SNAs last year, because everyone within the school community requires continuous professional development. This is the first time a course has been put in place to enhance the knowledge, skills and expertise of SNAs, and that is very important. This is being done in conjunction with UCD over a period of four years. Some 500 SNAs started this training in January. I have spoken to a number of these SNAs. It is a very ambitious and in-depth programme, which is good, but there is a concern that there is a lack of accreditation for SNAs undertaking the programme and I think that is wrong. SNAs undertaking this programme, both the present cohort of 500 and those who will undertake it, should be accredited when taking this course.

I take this opportunity to raise two applications for autism spectrum disorder, ASD, classes in Newbridge, with the Minister of State. In Newbridge, we have a particular problem with a growing population and the need for extra places. St. Conleth and Mary's Primary School has an ongoing building programme. It has put in an application, which the Department supports, for a second badly-needed ASD class. The Holy Family Secondary School has also put in an application. I ask for the Minister of State's support in these.

I have one other issue I would like to raise. I commend the Minister of State and the Minister, Deputy Foley, on the extra €80 million funding that has been put in for the summer provision to help support both children with special needs and those with educational disadvantage and give them the opportunity to catch up on the education they have missed over the last 14 months. It is a really good programme. However, I hear of schools not taking this up. Are there extra supports or is there a plan B to ensure the €80 million is taken up for the children that need it?

Deputy Josepha Madigan: As the Senator correctly pointed out, €2 billion, almost 25% of the total education budget, is going into special education this year. Budget 2021 provided for an additional 900 SNAs who are vital to the smooth running of the schools for children with additional needs. An unprecedented 18,000 will be in place by the year's end. They play a critical role in supporting children with additional needs, many of whom would not otherwise be able to attend school or participate in any school activities. Children often have a great attachment to their SNA. They attend to the significant care needs of students with complex needs and work under the direction of the class teacher to help ensure that class teaching and learning proceeds smoothly for all students.

Specifically, on the training programme in UCD, the Senator correctly pointed out it is the first SNA national training programme. The 2018 NCSE policy advice on the SNA scheme recommended that a new national training programme at level 5 of the national qualification framework be developed for existing SNAs who do not have the requisite level of training, and for new SNAs on appointment. That policy advice was considered at length by the Department. It was decided that priority should be given to the development of a training programme for SNAs who may not have had a recent opportunity to access a training programme tailored to their role. The aim was to provide an upskilling opportunity rather than a formal qualification. As the Senator set out, it is in UCD and 500 SNAs started in January, there is up to a maximum of 3,500.

On accreditation, as it is the very first national training programme, it is appropriate to take the time to review the outcomes from this training which will inform the future approach to ongoing training and professional development of SNAs. Part of that consideration would include accreditation. The programme is fully funded by the Department and delivered online at no cost to the SNA themselves. Completion of the programme may serve as a stepping stone to further education opportunities in this area. Each participant who completes the programme successfully will receive a certificate from the UCD school of education, which I think will be of assistance to them in pursuing further education. Some €2.45 million has been allocated over the next four-year period. The next cohort of SNAs due to take part will enrol in September 2021.

I appreciate what the Senator is saying around the care and comfort that is given and the compassion they give in their job every day. That is why the Department has rolled-out this national training programme for the first time. It is a stepping stone - it is not the end of the line, it is only the beginning. I have had great feedback from SNAs individually around it. I appreciate the issue around accreditation. It is something that will be considered as part of the outcomes of the review after we see how this first program actually transpires.

Senator Fiona O'Loughlin: I thank the Minister of State for her response. I commend her and the Department on setting this up. Education is very important. It has to be valued in its own right in what it does for the individual as well as the continuing professional development. Everybody in the education world needs the opportunity as there are always new things to learn. I appreciate that there will be a review of this first programme and the outcomes, but it is very important for those undertaking the course that there be a formal accreditation process and that when the outcomes are reviewed and when the question of accreditation is examined down the line, that it be given retrospectively to those taking the course now. It is important that it is recognised in its own right.

Deputy Josepha Madigan: As I mentioned, part of the consideration of the review will include accreditation and no doubt the retrospective element will be considered as well. I am satisfied that the new training programme now in place is of very high quality. It will help the experience of our children with special needs in our schools.

The Senator mentioned Newbridge and St. Conleth and Mary's Primary School and the Holy Family Secondary School in relation to ASD classes. As Minister of State with responsibility for special education, I have an acute awareness of the dearth of ASD classes and will do all I can to assist in any school. The NCSE encourages schools, and particularly existing schools, to open ASD classes. I will certainly pass on those applications, and if they come in I will bring them to the attention of the Department.

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To clarify on the summer provision, the funding is €40 million. I wish it was €80 million, although €40 million is double the amount last year. There are 81,000 children who will be eligible for summer provision this year. We have removed all barriers and impediments, as far as the Department is concerned, around the participation of schools in this programme over the next month in July and August.

School Enrolments

Senator Mark Wall: I welcome the Minister of State to the House to discuss a very important matter for many people in the county in which I live, Kildare. There is no doubt there is a problem there. It is acknowledged by the Minister for Education in replies to my Labour Party colleagues over the last year or so, and the direct conversations I have had with the Minister and her office. In acknowledging the problem in her replies, the Minister stated it could be caused by different factors, including duplication of applications where pupils have applied for a number of schools in the same area and where pupils cannot get a place in their preferred school, while there are places in other schools in the town or area. Some towns have single-sex schools and while places are available in the school, they are not available to all pupils or they draw pupils from outside the local area. One would expect much or all of this information to be available. The Minister went on to say only until these issues are discussed with the relevant school authorities will the true extent of any capacity issues become known. Unfortunately, this is the reply or a version of it I have continued to receive for over a year now, and still parents are without places. The latest waiting lists range from 20 to over 40 in some schools. The Minister continues to tell me that she is engaging with patron bodies to identify particular capacity requirements for the forthcoming year. I sincerely hope that there is some good news today.

I have been involved in campaigns for new schools in the area that have still not commenced, although I acknowledge a number of extensions of schools in the Kildare south area. However, there is growing concern around what is happening with the proposed new 1,000 pupil school for the Curragh which we were told would include joint Educate Together patronage. Recent updates on this school tell us that the land deal is still at a sensitive stage. Perhaps the House can be given an update on that today.

I hope the Minister of State will give us some good news here today. I have been contacted by parents as well as young people who are very upset that they do not know what school they will attend in September. This is especially hard on the student, the young person, whose friends are aware of his or her school place and where he or she will be attending.

There are lessons to be learned here by the Department. The question put to me repeatedly is why Kildare County Council allowed all of these houses to be built without enough school places to accommodate the children in the families who came to live there? The south Kildare Educate Together secondary school campaign presented these projected growth figures to the Department a number of years ago. There was an obvious delay in acting upon them and there is no doubt about that.

We all welcome the school extensions and what we hope will be the urgent announcement on the new school in the Curragh, but that good news is a number of years away. Until then we need to create school places in existing schools and invest in these schools to accommodate that. We all await the Minister's response as to how this might be achieved.

Deputy Josepha Madigan: I thank Senator Wall. It is important to set out the context around the consideration of additional secondary school places, not just in Kildare but throughout the country. To plan for school provision and to analyse the relevant demographic data, the Department, as the Deputy may already be aware, divides the country into 314 school planning areas. It uses a geographical information system, using data from a range of sources, including child benefit and school enrolment data, to identify where the pressure for school places across the country will arise and where additional school accommodation is needed at primary and post-primary levels.

The most recent analysis, which I believe is interesting, undertaken by the Department projects that over 60% of the 314 school planning areas at primary level have stable or decreasing projected enrolments for the period to 2024. This can be contrasted with some 90% of the school planning areas at post-primary level that are anticipated to have increased enrolments for the period to 2027. The level of demand volume, therefore, across school planning areas with an increasing net requirement ranges from small to medium increases that are likely to be accommodated by existing schools, through to significant projected growth that may require additional provision.

Where our data indicate that additional provision is required at primary or post-primary level, the delivery of such additional provision is dependent on the particular circumstances of each case and may be provided either through one or a combination of the following. First, there is the utilising of the existing unused capacity within a school or schools. Second, there is extending the capacity of a school. Third, there is the provision of a new school.

As the Senator may be aware, since April 2018, the Government has announced 47 new schools to be established over a four-year period from 2019 to 2022, including two new post-primary schools to serve the school planning areas of Kilcock and Maynooth in County Kildare. I advise the Senator that the Department is aware of increasing pressures and demands for additional post-primary school places in a number of school planning areas, including in south Kildare. The Senator has quite correctly outlined what happened when capacity issues arose. It may not be as a result of a lack of accommodation. There is the duplication of applications, which the Senator has set out. He also talked about single-sex schools and the external draw. The Senator further mentioned that it is only when these issues are discussed with the relevant school authorities that the true extent of any capacity issue will become known.

Similar to the process adopted in advance of the current academic year, it is important to stress that the Department is engaging with patron bodies, including in the area in question, to identify particular capacity requirements for the forthcoming year which may necessitate action.

The Senator asked specifically about the Curragh Post Primary School. It is intended that significant additional capacity to address this demand will be provided by the planned new 1,000-pupil building for the existing Curragh Post Primary School. The school at present has an enrolment of 145 pupils. As the Senator may be aware, a new site is required for the replacement of the Curragh Post Primary School. This project is also proposed to address demographic need in the Kildare, Curragh and Newbridge school planning areas. Officials in the Department are in advanced negotiations at present with the landowner in respect of the acquisition of a suitable site to address the aforementioned needs. The Department continues to work closely with officials from Kildare County Council to progress the transaction under the memorandum of understanding, MOU, between the Department and local authorities for the acquisition of

school sites with a view to securing a suitable site for the school.

Should agreement on the proposed acquisition be reached, the process will advance then to the conveyancing stage where draft contracts will be prepared and due legal diligence is undertaken in respect of the proposed transaction. It would be expected at that stage that the project to deliver the new school accommodation can simultaneously progress to architectural planning stage.

Senator Mark Wall: I thank the Acting Chair and I also thank the Minister of State for the reply. Unfortunately, we are not hearing anything new in the reply the Minister of State has given us today. These are the same replies that all public representatives who have been pursuing this issue have been receiving because it is a very significant one for us all in south Kildare. It is the same reply as the one we received one year ago which referred to the Department looking at, and talking to patrons about, additional places. Yet the pupils and their parents in south Kildare are still waiting on news on the 40 places and are trying to get places for September.

Will the Minister of State please go back to the Minister for Education and to the Department and ask them to be more forthcoming as to what is actually happening in south Kildare? We cannot continue to receive the same answer, year after year, month after month, on places. This was known back in 2014 and 2015, when the figures were brought to the Department, yet we are still looking at schools two years down the line, which are nonetheless very welcome. We need to get answers now, to solve this problem, to talk to patrons and ensure those who need places in south Kildare have them come September. We cannot wait any longer, but I thank the Minister of State for her reply.

Deputy Josepha Madigan: I thank the Senator and I understand his concerns around clarity for students who wish to attend school, whether it is a primary or a post-primary school. The instructions I have from the Department specifically on the school mentioned by the Senator are that the negotiations are at an advanced stage on the site acquisition. I will obviously bring his views back to the senior Minister, Deputy Foley.

Furthermore, St. Conleth's Community College has agreed to an additional first year class and the patron has agreed to the expansion of the school to cater for a total capacity of 1,000 pupils. There is also an accommodation brief for the major project in Cross and Passion College in Kilcullen, and that has been increased to cater for a 1,000-pupil school to provide for increased demographic growth. The accommodation brief for the Patrician Secondary School in Newbridge has also increased to a 1,000 pupils to provide for increased demographic growth. I will bring the Senator's concerns to the attention of the Minister, Deputy Foley, and the Department.

Cycling Facilities

Senator Barry Ward: Cuirim fáilte roimh an Aire agus gabhaim buíochas leis freisin as teacht anseo chun labhairt ar an ábhar seo. The Luas, as we know, and I am specifically talking here about the green line that runs along the old Harcourt Street railway line corridor, was constructed without regard to other transport options that might have been put alongside it. For example, as you go through Ranelagh, right out through Milltown and the Milltown viaduct, and through all of the other places as far as Bride's Glen and Cherrywood, there is no facility for people to walk or cycle alongside the Luas line. Undoubtedly, there is not enough space to

do that in places, but given that the corridor was there and there was certain land acquisition, it seems to me that it was a real missed opportunity not to create a parallel facility. The Minister and I have spoken on a number of occasions about the provision of corridors, particularly for commuter cyclists and walkers. The one we have probably spoken most about is the Sutton to Sandycove greenway, S2S, which would be along the coast of Dublin Bay. The principle is the same here.

We are trying to encourage people to be commuters on foot and on bicycles because of the myriad benefits that arise from that both to them personally and in respect of the traffic and the levels of pollution, etc. If that is the starting point, we should also be making it as easy as possible for them to do that by putting in place properly segregated and separate spaces for cyclists and pedestrians to commute in and out of the city centre.

That is exactly what I am proposing with the S2S, which is separate from the road and not on the Rock Road but on the coast, away and uninterrupted. The same is possible with the Luas line. If we go as far as the end of the green line in Bride's Glen, there is definitely space throughout Cherrywood before construction takes place adjacent to the Luas line to create a segregated cycle space for commuter cyclists and, ultimately, for the thousands of people who will be living in Cherrywood to use that direct, uninterrupted line into the city centre if that is where they need to go to commute to and from work. It may not be possible to do that at every stage. The Luas goes through some fairly tight spaces in places like Dundrum, Balally and Ranelagh. Even if it involved extra construction along places like the viaduct in Milltown or if the line was to be extended through the viaduct at Bride's Glen, there is an opportunity to create a segregated cycle lane that would be a safe and easy route for commuter cyclists and it would encourage more people to use their bicycles to commute along spaces between different points along the Luas line or between points and the city centre.

The Minister will be aware that bicycles are not allowed to be brought onto the Luas, which is an issue that is not specifically related to the question I am asking the Minister. That is regrettable. People can take their bicycles onto the DART at certain times and under certain conditions but there is no tolerance whatsoever by the Railway Procurement Agency for bicycles to be brought onto the Luas. Again, it is another disincentive for people to part-use the Luas and part-use bicycles.

The purpose of my raising this issue today is to ask the Minister to give serious consideration to making it easier for cyclists to use their bicycles rather than their cars, essentially to use public transport rather than private transport which clogs up the roads and all that goes with that. There is an opportunity, even if it is retrospective, to refit the sides of the Luas line with cycle tracks, or one side as the case may be, but there was a missed opportunity to do that when Luas line was constructed. We have an opportunity now possibly to correct that. Will the Minister endorse the notion that we should have these separate segregated safe cycle routes and pedestrian routes for people parallel to the Luas line where there is space and an opportunity to provide them?

Minister for Transport (Deputy Eamon Ryan): I thank the Senator for raising this topical and important issue. I will give some of the historical background to the issue because what he is suggesting was considered when the first Luas plans were being drawn up. The original plan was to run a cycleway alongside the Luas, right the way through along all the sections. It makes obvious sense. It is flat terrain and would provide a direct route into town, existing alongside Dundrum Road, which is difficult and dangerous, so it made a great deal of sense. At

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the last minute it was felt we would have to consider upgrading the Luas from light rail status to metro status and, literally at the last minute, it was decided to take out the cycle facility. It was considered that a slightly wider breadth width would be needed for a fast-moving, potential driverless metro train. The Dundrum bridge design was changed at that time to cater for the heavier requirements a metro would involve. Now it is uncertain as to whether that metro route will use that line.

As part of the greater Dublin strategy review, we are currently considering three options. The first is the metro extending south from Ranelagh either south-west to Terenure, Rathfarnham and Knocklyon. The second is to go up the green line, which would involve considerable disruption. It would be difficult to convert it, even though it was originally designed to be metro compatible, for a variety of reasons which I will not go into. The third option is to run the line south-east via Donnybrook to UCD and Stillorgan to Sandyford and in that way cope with long-term traffic demand on the green line. If it transpires we will not use the green line, it would make sense to reconsider the original design proposal, which was to run a cycle facility parallel to the line. Knowing the line very well, as I am sure the Senator does, there are certain sections where that would be very difficult now. However, I agree with the Senator. There is real potential.

Regardless of what happens, if we consider, as the Senator suggested, for example, having cantilever cycling facilities either side of the nine arches bridge, that would give a very attractive, safe route and provide a relatively easier way into town. Another example would be to use Dundrum bridge, and if people were travelling from Taney Road, and the Senator will know that area, they would be able to cross over and follow that route. I absolutely will commit to asking my officials to look at that design option. We have to wait and see the outcome of the consideration of the three different metro route options. My view is it is not likely the green line will be the metro route because of the significant disruption that would involve. We would have to close it for two years. We will come back and look at it.

The wider issue in Dún Laoghaire and across the city and country is that there is great potential in the shift we need to make to create safe cycling infrastructure. My frustration is the length of time that has passed and the lack of priority it has been given in past decades. At the time we were considering putting cycling facilities along the Luas line, we were also considering sections of what is known as the Sutton to Sandycove route. The Senator will know the pinch point at the Blackrock DART station. Between Deepwell Gardens and the station there is a narrow pinch point, which is the key missing link to creating a spectacular service. I remember at the time, which must be 25 year ago, being told it would be addressed shortly, and now, 25 years, later thousands of people use the facility but those pinch points are still in place. The rest of the facility in Dún Laoghaire along that route is excellent. If we could deal with the pinch points such as that one in Blackrock, it would be of significant advantage to all the people of our city.

Senator Barry Ward: I am very grateful to the Minister for his response. I am very encouraged by what he has said about potentially looking at this again in the future. Regarding what he said about the Sutton to Sandycove, S2S, route, I must disagree with him, although I agree with him on the frustration caused by that small laneway next to the platform at the DART station in Blackrock. It is not the pinch point for the S2S route because it is outside the DART line; it is a coastal route. It is uninterrupted and it could be built in very short order, particularly as part of the reconstruction of the DART seawall. That wall has been in place since the 19th century. It is beginning to disintegrate and it will have to be ungraded as a flood defence in any

event. There is a real opportunity to create a proper coastal segregated cycle route there. It is not about bringing it inland and on-road. It is about creating that separate segregated space.

I am encouraged by what the Minister said about the Luas line. If it comes to pass or does not come to pass that the metro will use the green line, I am very encouraged by what the Minister has said about reconsidering the provision of cycle facilities there.

Deputy Eamon Ryan: I support the construction of that seawall or further protections and cycle facilities on the coastal side. It will take time because it is an special area of conservation and we all know the environmental sensitivities and the planning difficulties that would involve. Let that not stop us doing immediately what we need to do, which is to build the Strand Road section of the coastal cycle route. We would then be able to do a section from Sean Moore Road down Pigeon House Road. There is a pinch point at the East Link Bridge but from there we would have a safe route to Alfie Byrne Road. We could create a spectacular coastal sea route this summer when we want to get people outdoors, to give people safe options for their children and for people to have a variety of different uses. That is achievable now. Do not let the perfect get in the way of the good in terms of what we can do here and now. The sections that have been done in Dún Laoghaire-Rathdown provide great support and it has been a great success. Let us build on that. It will take us several years to build the coastal sections of an alternative seaside route but that should not stop us doing what we can do today.

Common Agricultural Policy

Senator Garret Ahearn: The Commencement matter I have tabled consists of a long statement. I welcome the Minister to the Chamber today and particularly thank him for being here, which indicates the seriousness of the matter. This is a very important week in Common Agricultural Policy, CAP, negotiations and a breakthrough is expected. I wish the Minister well in those negotiations. He has the support of all of us in this House to get the best outcome possible for all our farmers.

I met the local IFA group in Tipperary last Friday. There are two IFA groups. The chairperson of the IFA group in north Tipperary is Imelda Walsh and the chairperson of the IFA group in south Tipperary is Erica O’Keeffe. The president of the IFA, Tim Cullinan, comes from Tipperary; he is a good Tipperary man. There is concern within the agricultural community about the negotiations. That happens at every juncture where there are new CAP negotiations. The members of the IFA group asked me to relay a number of points they consider are very important. Certainly farmers in Tipperary believe they are very important. This is not about trying to pitch one farmer against the other but about getting the best outcome possible for all farmers in Ireland.

10 o’clock

Farming is a major factor in all walks of life in Tipperary and the amount of productive farmers that are a benefit to the community there is hugely significant. They asked me to raise a number of points. I am sure the Minister will be familiar with some of them, but I wish to emphasise the areas they think are important in the negotiations.

The first is to minimise the impact of eco schemes on each farmer’s basic payment. The proposals on eco schemes will see 30% of CAP pillar 1 funding ring-fenced for environmental

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measures. The eco schemes must be paid in addition to basic payments and must not be based on costs incurred on income foregone. If introduced, costs incurred on income foregone will mean further cuts to farm incomes.

The second is that the proposal for agriculture must be robustly defended. I refer to the EU Council's position on 75% internal convergence. The key message I get from farmers in Tipperary is about convergence. I know the European Parliament wants a full flattening of that. At a minimum, we must hold to 75% internal convergence. I welcome the fact that the Minister is seeking more flexibility for the State on the spending of this money. Convergence is a key point of that, so that we support it to a certain level, but we must be in a position where CAP does not make it unviable for more farmers to get into the industry.

The Government must confirm its commitment to maximise national co-financing of CAP pillar 2 schemes. My background is in tillage farming and there needs to be a pillar 2 scheme for tillage farmers. Sometimes it is a forgotten area of agriculture and we need to focus on it.

The Government must also honour its €1.5 billion carbon tax rural environmental protection scheme, REPS, 2 commitment in the programme for Government. Other areas of concern include an appropriate genuine farmer definition and the phasing out of long-term leasing of entitlements, as they are EU requirements in the next CAP negotiations. The IFA proposes a minimum economic output metric to be used in defining a genuine farmer and this metric would be based on sales or output per hectare, with a differentiated rate depending on the areas of natural constraint, ANC, definition. A range of issues are of huge concern to farmers in my area, in particular productive farmers. I will follow up when the Minister has responded. I thank him for being here.

Minister for Agriculture, Food and the Marine (Deputy Charlie McConalogue): I thank Senator Ahearn for raising this issue. His timing is important, as I am flying to Brussels this evening and I will be there until Friday for three days of a trilogue meeting between the Council of Ministers, the European Commission and the Parliament to try to get final agreement, as the Senator indicated in his contribution, to the European CAP plan.

The CAP negotiations have been under way for just under three years. The CAP reform proposals were first presented to the European Commission in June 2018. The European Council reached a position with regard to those proposals in October 2020, as did the European Parliament. Since then, trilogue negotiations between all parties have been under way. The negotiations have been challenging. The Council favours a position of broad flexibility for member states. I fully support this approach. It is important to be able to take account of the very different farm structures across Europe. The Parliament, however, is seeking a more prescriptive approach. As always, a compromise must be found. I continue to work with my counterparts in Europe to achieve a successful outcome for Irish farmers.

The new CAP proposals are focused around a number of key areas. First, there is an increase in environmental ambition with the introduction of eco schemes in pillar 1, enhanced conditionality standards and a number of targets for spending directed towards environmental actions. I believe farmers more than anyone understand the impacts of climate change and are willing to engage on this topic. Farmers have always been adapters and they have also been adopters in this regard. We can see this in the keen interest shown in the results-based environment-agri, REAP, pilot. The new CAP will include interventions to support environmental ambition. For the first time there will be a new eco scheme as part of pillar I payments. Under this, farmers

will be rewarded for undertaking environmental actions and farming in an environmentally friendly fashion.

Second, the proposals have focused on the continuing redistribution of farm payments through capping, degressivity and convergence. I recognise that this is a challenging area and there are mixed views among farmers and farm organisations in this regard, as Senator Ahearn outlined. I have always been clear that I believe in capping of overall farm payments and that is something I have pursued throughout the negotiations in Brussels.

The new CAP will introduce a new delivery model, which will move away from the compliance-based approach to focus on the results and outcomes achieved. I support the intention to focus more on the outcomes and results. Each member state must submit a comprehensive and coherent CAP strategic plan to cover both Pillar I and Pillar 2 expenditure. The entire process is the subject of extensive consultations with stakeholders and citizens alike. We began this process even before the regulations were published and since then we have set up a CAP consultative committee with broad representation among stakeholders. There have also been public consultations at various stages including a strength, weakness, opportunity and threat, SWOT, analysis, so there are ample opportunities for all to engage in this process.

This week's Agrifish Council aims to reach an overall conclusion. If we are to submit our plans to the European Commission by January 2022 it will be necessary to reach agreement soon. The next CAP will be a further evolution in this central EU policy that has served farmers well for many decades. Citizens are focused clearly on climate change and environmental action and the new CAP will address those demands and support farmers to bring about this change. These are and will be challenging negotiations. There are clear differences of opinion between the various EU institutions. I assure Senator Ahearn that my intention is to achieve the best possible outcome for Irish farmers.

Senator Garret Ahearn: I thank the Minister and wish him well in his negotiations this week, which he will attend following this contribution. What I have heard from farmers right across Tipperary is that it is important that the Minister stands up to the Commissioner because there is a feeling that he does not have farmers' interests at heart so the Minister must represent Irish farmers, including those in Tipperary, as strongly as possible. We in Tipperary lost approximately €13 million when the previous CAP negotiations took place and we could potentially lose €7.5 million if convergence happens again. That is a hugely damaging to the industry. At the moment, the industry is doing quite well but it is volatile and that has always been the case. We must be seen to support productive and sustainable farmers going forward. I stress to the Minister the importance of the position he and the Government play in supporting productive farmers. In recent weeks we have seen issues in other areas, which I know we cannot speak about too much, but there are areas within farming that can be very vulnerable on the back of decisions that are made. Productive farmers in my community in Tipperary cannot survive without the support and payments coming from Europe. We must support productive farmers. We produce food for 50 million right across the world, but to do that we need the support from the Minister, the Government and European Union. I urge the Minister to represent all the farmers within this country in his negotiations in the coming days. I know he will do that, and I wish him well in it.

Deputy Charlie McConalogue: It is complex at European level because we have the three institutions – the Council of Ministers, which is made up of the various agriculture Ministers from the 27 member states, the EU Commission, which tries to co-ordinate policy and the Eu-

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ropean Parliament. It is not necessarily that the Commission is pushing for one thing, it is more a case of the moving parts between all three institutions and the fact that 27 member states are feeding into the process.

The funding pot has been defined for the next CAP at European level. We will have to define what our domestic contribution to that is. I will be working to maximise that in every way I can. My key objective this week is to ensure that we have as much flexibility and discretion as possible to be able to make our own decisions on our national CAP plan. I do not want our hands to be tied in a way that sets our course, as I believe we should set our course ourselves during the summer in terms of developing the next national CAP. There are difficult issues involved but I want to engage with farmers from all counties and all parts of the country to frame it and to get an outcome that is ultimately fair to all types of farming and all parts of the country. That is a challenge, but it is my objective. As I engage at European level next week, it will be about trying to ensure the outcome is one that gives us the capacity to have the best CAP possible to reflect our national agricultural model and the interests of farmers across the country over the next period of up to seven years.

Acting Chairperson (Senator Mary Seery Kearney): I thank the Minister. We wish him well and thank him for his hard work on our behalf.

Sitting suspended at 10.10 a.m. and resumed at 10.30 a.m.

An tOrd Gnó - Order of Business

Senator Regina Doherty: The Order of Business is No. 1, motion re the arrangements for the sitting of the House on Friday, 28 May 2021, to be taken on conclusion of the Order of Business without debate; and No. 2, Health and Criminal Justice (Covid-19) (Amendment) Bill 2021 - Committee and Remaining Stages, to be taken at 11.45 a.m. and to conclude at 12.45 p.m. by the putting of one question from the Chair which shall, in respect of amendments, include only those set down or accepted by the Government.

Senator Timmy Dooley: I welcome the decision of the 27 EU member states last night to launch fresh sanctions against the Lukashenko dictatorship in Belarus. The intervention of President Biden overnight in his comments of support for the European Union and the decision it has taken, and an indication that the United States will follow suit with increased sanctions on Belarus, is to be welcomed. I think most right-minded people have been deeply disturbed by what has transpired in recent days. The effective hijacking of an Irish-owned airliner by the Belarusian Government was an audacious act which must be condemned and in respect of which appropriate sanctions must be put in place. The free movement of people within and between member states is one of the fundamental freedoms of the European Union, and anything that might undermine it has to be dealt with in the most aggressive manner possible. I hope that in the coming days we will see the strength of those sanctions and they will bring some consideration to bear in the minds of the people of Belarus, particularly its leadership.

I ask the Leader again to try to arrange, if possible, a debate here at the earliest possible opportunity on the issue of Irish Water and its operational programme. Yet again the town of Kilkee finds itself with a no-swim imposition, with no bathing in the bay at Kilkee for the third year in a row now. Going back to 2018 and 2019, the town and the area were promised that a plan was under way to improve the infrastructure such that this kind of situation would not

be allowed to continue. Unfortunately, however, it has continued. This comes at a really difficult time, when the Government and the State are encouraging people to stay at home, to stay focused, not to travel too far, to utilise our beauty spots and to work within our own resources. There is nowhere more beautiful than Kilkee on a fine summer's day. So many people find an attraction there. They go there on visits and to take their holidays. However, there is little point in people heading to Kilkee on their holidays if they cannot swim. Until such time as Irish Water comes forward with a plan and a programme to upgrade the sewerage infrastructure, we should not stop either in this House or anywhere else. We need to see these kinds of locations addressed. We need to see the infrastructure appropriately repaired and upgraded in order that people are not left on holidays in a town but unable to use the most important amenity there.

Senator Rónán Mullen: Well-deserved tributes have been paid to the great Bob Dylan in recent days as he has reached that great milestone of his 80th birthday, but another legend, an Irish one, deserves to be remembered here too, and that is the great Barney Curley, who went to his reward in recent days. He had a particular connection with these Houses. We have important debates that we need to have on gambling and changes that are needed in order to protect people, so it may seem unusual to extol the achievements of a famous gambler, but Barney Curley was a truly exceptional person who did wonderful things for some of the least fortunate people in the world. It was for that reason that in 2015 the then Ceann Comhairle, Seán Barrett, presented him with the Oireachtas human dignity award on the part of the human dignity group.

Barney Curley was famous for his exploits in getting the better of bookies over the years and he did very well in that department, but he was a deadly serious man who devoted much time and energy to and raised millions of euro for the good work being done mainly by missionaries, as I recall, in Africa, particularly Zambia, in the fields of education and healthcare. He was an enigmatic and interesting individual. The phrase “ní bheidh a leithéid arís ann” is often used when maybe it is not always the case, but Barney Curley was certainly a one-off. He worked closely with Irish priests and nuns abroad. Senator Keogan's uncle, Fr. Jim Brady of Kiltegan, worked with Barney Curley. The people near Kavu health centre, in rural Zambia, may remember the name of Barney Curley and many of them may never have heard of Bob Dylan. Ar dheis Dé go raibh Barney Curley.

I wish to raise the issue of the Personal Injuries Assessment Board. As we all know, to give false statements in court, either in evidence or by affidavit, amounts to perjury, which is a very serious offence, but there is no provision anywhere in law that would lead to a similar penalty for making false statements to the PIAB. As we know, the PIAB was set up in 2003 to divert personal injury cases away from the courts, but nothing in the legislation contains the words “false”, “misleading”, “truthful” or anything like that, so somebody could submit an application to the PIAB that could be a tissue of lies but he or she would not have committed an offence. Contrast this with the fair deal legislation of 2009, which provides that somebody who knowingly or recklessly gives false information relating to a material particular could be liable for a fine of up to €5,000 or up to three months in prison. There is a glaring gap in the legislation that I do not think has been brought up in these Houses before. I wish to ask the Government what it thinks of that gap and whether it would see fit to plug it.

Senator Marie Sherlock: We await the roadmap for the reopening of indoor hospitality to be announced today, and it will be very welcome to hear that announcement. I understand that the Government intends to publish a national economic recovery plan at the end of May or on 1 June, according to the Tánaiste's statements last week. In this national economic recovery plan it is absolutely crucial that we see very clear and very specific proposals to assist young

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workers who now find themselves out of a job or those who are attempting to start their working life or who need to work to try to get themselves through college or education. Last month just short of 70% of all young women between 15 and 24, women who are in the labour force, were out of a job. For men of the same age the figure was 53%. Some will attempt to minimise these figures or cast them aside and say they are only a small share of the overall population in that age group, but that misses the point. The reality is the people in this age group depend on jobs in hospitality, retail and other services. People in these sectors have been out of work for many months.

With the reopening of our economy and with our streets coming to life again some people could be forgiven for thinking that this is a temporary blip for young workers and that all will return to normal in good time. The evidence so far from this pandemic and from previous recessions is to the contrary. Even when shops and hospitality were back open in full last December, the unemployment rate for young men and women remained at the high level of 53% with some 99,700 of those between 15 and 24 years of age remaining out of a job.

The question of job security is relevant. We know that young workers under the age of 25 are almost three times more likely to be on the pandemic unemployment payment rather than the employment wage subsidy scheme. We should not assume that we are going to go back to normal. Instead, we should work off the evidence from previous recessions and recognise that youth unemployment will be one of the major legacies of this pandemic.

My particular appeal today is that when the Government publishes the national economic recovery plan next week, we see clear commitments to deal with the triple problem we now have of the high rate of those not in employment, training or education. The ESRI research has highlighted that this problem was elevated even pre-pandemic. The cohort of 75,000 graduates coming out of college will find it difficult to find work over the coming weeks, months and even in the coming year or two. Those in the hospitality and leisure sectors who are now out of work may not have a job for the foreseeable future.

Senator Róisín Garvey: Is oth liom a rá go bhfuil mé ar ais anseo arís ag caint faoin scéal mar gheall ar uisce. It saddens me to have to come back up here to the Seanad again today to raise the issue of water for possibly the tenth time. My first speech was about water as well. I should not laugh because it is such a serious issue.

We are in a water emergency. I know we are in a pandemic and we talk about a housing emergency, but if we do not look at water and the issues around water as an emergency in this country then we are going nowhere.

Last week we saw the beach in Kilkee closed down due to raw sewage. That is something we would expect in a poor underdeveloped country but not in this country. Last year we saw the beach in Lahinch closed down. We had major issues with raw sewage in Liscannor. It kills me to name places with raw sewage issues because I want people to come and visit these places in my country.

This is an issue throughout Ireland. We have seen the statistics from the Environmental Protection Agency and the Department of the Environment, Climate and Communications. There are major issues with water at so many levels in this country. Until we start looking at water as an emergency we are not going to solve these issues.

The people of Kilkee were promised a treatment plant in 2021. It was to be finished by the

beginning of this year. Now they are told it will be 2025. We are promised a similar plant in Liscannor. I had to make a YouTube video about it to try to draw attention to the raw sewage there. The plant was promised for the third quarter two years ago. It has only started although we are still unsure how it is progressing.

I am unsure whose fault it is and I do not care. However, we need to solve our water issue first. We will not be building any houses in town centres or developing serviced sites or anything like that until we sort out water.

I urge the Leader of the House to have a specific debate on water and what we can do as Senators to help the relevant Department and all Departments to look at the issue of water as a priority. We have people getting sick from E. coli poisoning. That is a major issue. We have major issues with people not having access to water. I get calls almost every day from someone who has lost water. The situation in Miltown Malbay has been an ongoing disgrace but I imagine Clare is not unique on this issue. I do not believe we are taking it seriously enough. It is a basic human right to have access to clean water. Many of us pay for water as we are in groups and so on but we are not getting it right. I am unsure what Irish Water needs. Does it need more staff or money? Whatever needs to be done, we need to look at getting it done. I urge the Leader to bring in the Minister for Housing, Local Government and Heritage, Deputy O'Brien, to focus on water alone. I know he has a great deal going on - everyone does - but the need to have water as a basic right must be dealt with and seen as an emergency, now more than ever.

Senator Fintan Warfield: The conversation about Seanad reform has slowed. The programme for Government is completely silent on the need for Seanad reform. I am concerned that the conversation has slowed.

We have had a Bill from Senator McDowell and others. This is essentially the work of the Seanad reform implementation group that was set up by Deputy Leo Varadkar when he was Taoiseach. I do not want the work of that group, which I was involved in, to go to waste.

I encourage all the new Senators to embrace the Seanad reform conversation and the need for reform. It is not good enough to push all these issues off to the electoral commission and say that the commission will deal with votes for those aged 16 years and Seanad reform and the myriad issues facing electoral reform. We need to take responsibility for these issues.

Christina Finn is writing in the *Journal* today about the vacant apartments and investment funds sitting on huge swathes of vacant apartments throughout the State. This is a scandal when we are in a housing crisis. There are 183,000 vacant homes in this State, excluding holiday homes. Vacant housing is anti-social and irresponsible. There is extraordinary potential that could be tapped by tackling vacancy in terms of urban regeneration that is socially, environmentally and economically sustainable. These premises do not need new schools or roads. They have services like water. The turnaround can be at a fraction of the cost of new-build premises.

There are three Government schemes that tackle vacancy - I will not go through them. Combined, these schemes have reached and achieved only 30% of their collective target of 5,600 homes. A little over 1,600 homes have been brought back into use. This is simply not good enough during the housing crisis. The repair and lease scheme, building renewal scheme and the housing agency fund need to be resourced by Government to end the crisis in vacancy.

Senator Lynn Ruane: Today I rise to ask for a debate. I am unsure how specific it should be. It may be to talk about green spaces in general or limited to the 2018 cross-agency group

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set up by the Department of Justice.

The group maintains the problems is caused by scramblers but for me it is about trying to reframe the conversation. The reason I am bringing up the matter today is because over the weekend I read the plans and proposals for a park in Tallaght and the reinvention of the park there that has become completely void of use in so many senses. I was excited at the idea that a park might have some creativity and imagination put into it.

When I was younger we heard about the problem of horses. I never saw a problem with our use of horses. If anything, it was one of the most exciting and formative times in my life. We would go around to the local men who ran stables from the backs of their gardens. They taught us how to look after, mind and ride horses. We saw the craftsmanship that went into the making of sulkies.

Now, I look at young men on scramblers. It is a problem only in the sense that we are not providing adequate, safe or organised space for young people to invest in their interest in understanding and looking after the bikes. In the 1990s Fr. Liam O'Brien and a local woman, Catherine Tynan, in Killinarden set up stock car racing. They tried to be creative in addressing the fact that there was a great deal of joyriding at the time. It was a great success but it did not get the support to continue.

We need to be creative in how we look at our green space and communities. One suggestion for the park in Killinarden was for an orchard. I was baffled at the idea that what we have all been asking for in Killinarden is an orchard. How does that even make sense? People talk about the fact that the pitches are ruined because of the scramblers and that young people do not want to have to be taken chase by the gardaí. They would love somewhere where they could be licensed and trained to use those spaces. Another recommendation was for a skate park. That sounds lovely but for every person we see on a skateboard in Tallaght, there are 50 scramblers. This too misses the point of the social fabric and social context of the community. Skate parks and orchards are nice, but are they what we are seeking? Most likely not. It is not joined-up, creative or imaginative thinking. The solution in so many estates has been to build a wall because that will stop scramblers entering or cars being stolen. How about just building a scrambler park or spaces that are adequate to enable people to live in and use their communities in a safe way? A request from the GAA club to extend the boundary wall so that the club would be within an enclosed space and the pitches could at least remain intact was refused. The authorities do not like building fences in parks but they will build walls at every entrance to the park to stop scramblers entering. It does not make sense. I ask that we return to the working group on scramblers that was set up and include a conversation on how we can creatively use green spaces.

An Cathaoirleach: I thank the Senator for raising that issue. She might like to table it as a Commencement matter.

Senator Mary Fitzpatrick: This day three years ago, a majority of voters voted to amend Bunreacht na hÉireann to repeal the eighth amendment and make abortion services freely, legally and safely available for women. Following on from that in 2018, the legislation was introduced and in 2019, abortion and the termination of early pregnancy became legally and safely available to women. It has worked for many women in crisis pregnancies but the legislation is not perfect and the provision of early termination of pregnancy services is not perfect either. Thankfully, at the time the legislation was introduced, there was a commitment to conducting a

review after three years, which was prescient.

I ask the Leader to raise with the Minister for Health the promised review of the provision of termination of pregnancy services. Many women have availed of the service, particularly in crisis circumstances, with 90% of terminations taking place before 12 weeks. For some women, however, who may be in very disadvantaged circumstances, the legislation has further disadvantaged them. Only ten of the 19 maternity services in the country provide abortion care, while the legislation to provide for safe zones around abortion care facilities is still pending. In 2019, the year after the referendum, 375 women with an Irish address travelled to the UK for a termination. The pandemic has been so lonely and isolating for all of us, but I cannot imagine how it has been for women facing a crisis pregnancy. It is estimated that 30 of them had to travel to the UK for a termination. Imagine the loneliness, pain and hurt, and having to deal with strangers and justify a trip that no woman would ever want to make.

Will the Leader ask the Minister for Health to advise the House on what arrangements he has made for a review of the legislation? Specifically, he might confirm that an independent expert chairperson will be assigned and that he will engage with all stakeholders, including, most critically, women who have availed of abortion services not only in Ireland but also in the UK, and those who have been charged with the provision of abortion care in order that the recommendations can be evidence based and promptly made.

Senator Maria Byrne: Last week, I raised the issue of vaccines and vulnerable people and called on the Minister for Health to come to the House for a debate on it, although I am pleased to say those people have since received vaccines. Having said that, I am concerned about the increasing number of Covid-19 cases detected in Limerick and the fact that many young people are being treated in the hospital. My main concern is that, allegedly, a 60-bed unit opened there recently, but people are on trolleys awaiting beds and I have discovered that 45 beds within the hospital have been closed, which has not been reported. This is really serious. Covid numbers are increasing, I am ashamed to say, and people are waiting on trolleys. It is not acceptable. It is opportune that the Minister come to the House for a debate because we cannot allow people who really need care to be left waiting on trolleys in corridors, especially in these Covid times.

Limerick has not been included in the provision of pop-up driving test centres. More than 3,000 people from the city centre alone are on the waiting list and there are many more in the wider county. It is a disgrace that Limerick has not been included because it has a high number on the waiting list. I call on the Leader to intervene and see whether something can be done to have Limerick added to the initiative.

Senator Ollie Crowe: I raise the issue of backlogs for driving tests and driver theory tests. As I am sure is the case for most Members, this is an issue I am contacted about daily, particularly from people in Galway city. The Road Safety Authority has confirmed that more than 100,000 people are awaiting a driving test, which is staggering, and a further 100,000 are awaiting a theory test. Given the size of our population, with 200,000 people awaiting tests, there certainly needs to be action. In excess of 95% of those waiting are young people who have been severely impacted by the pandemic in terms of their lifestyle, freedoms and so on, as we are all aware. If they are on a provisional licence, their insurance costs will be significant, putting further pressure on their mums and dads or whatever the case may be.

The Road Safety Authority has confirmed that once testing resumes, it will have the capacity to carry out 50,000 theory tests to resolve that issue, which is welcome, but driving tests are

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a much more complex issue, with waiting times in Galway in excess of seven or eight months. The Minister for Transport has confirmed that an additional 40 testers have been undergoing training in recent weeks, which is welcome, but we need still more urgency. The Road Safety Authority has stated that even with these additional resources, the best case scenario is for waiting times to decrease to four months by the end of the year. In order to reduce those waiting times to eight to ten weeks, an additional 40 testers are needed, bringing the total increase to about 80. I ask that the Minister come before the House at his earliest convenience, given that this is such a critical issue for young people, who have suffered so much.

Senator Mary Seery Kearney: I highlight a group of people who have been a little forgotten. Throughout Covid, people have been admitted to hospital who are elderly and may suffer from early forms of dementia and other illnesses such that their release from hospital is dependent on their getting home care packages, and it may be their first home care package. There has been a delay in that regard, although that is a separate issue that probably deserves its own debate. As a result of the delay, they remain in hospital. In other circumstances, they may have moved to nursing homes or be in a patient category equivalent to that of people in nursing homes. Because they are in hospital, however, they are not receiving visitors. Many of them are not able to use mobile phones, and not having that face-to-face contact means they cannot have conversations. There may be a regression in their mental health.

I ask that we address the issue of this group and put in provisions for them to have the opportunity to be visited in the same way as people in nursing homes.

11 o'clock

This is a very discreet group of people and, because of that, a system could be put in place with the hospitals through which a family member would be given a specific pass to visit for at least one hour per week. That would be really important and valuable. It is important we highlight and address as a priority the plight of people who are in hospitals for a long time, who are receiving no visitors and who have no means of communication with the outside world. I call on the Leader to communicate the matter to the Minister for Health on behalf of the Seanad.

Senator Lisa Chambers: Yesterday, Oireachtas Members from the west and north west met the Minister for Further and Higher Education, Research, Innovation and Science, Deputy Harris, to discuss the progression of the application of the Institutes of Technology in Galway-Mayo, Leitrim-Sligo and Donegal to merge to form the Connacht-Ulster Alliance, a technological university for the north west. It was a huge moment for the region when on Tuesday the three campuses submitted their formal application to join forces and become a university for the region. It is a step change in the provision of third level education in the region. The excitement is palpable across all the counties that will be catered for and served by the university. The prospect of a university town in Castlebar, County Mayo, is huge. People locally are really excited about the potential for the county and Castlebar in terms of this new development. I commend all three campuses, Galway-Mayo Institute of Technology, GMIT, Letterkenny Institute of Technology, LYIT and Institute of Technology Sligo for putting this proposal together. It is long awaited. They have put forward a fantastic application to the Minister, which I have no doubt will be progressed.

It is my understanding we can look forward to the establishment of the Connacht-Ulster Alliance as early 2022, when students from across the west and north west will have an opportunity to attend a university in their locality. There is some work yet to be done. A governing

body will need to be appointed which, ultimately, will make the decision on the layout of the campuses and courses and the location of the head office. I make a pitch today for the head office of the Connacht-Ulster Alliance to be located in County Mayo, but I am sure other counties will make a similar bid for it. It is a fantastic opportunity for the west and north west and is part of a wider Government agenda for balanced regional development and the provision of top-class third level education for citizens and students across the island.

Senator Sharon Keogan: I want to raise the issue of the slow roll-out of vaccines in County Meath. I am not sure if the Leader is aware of it, but there is only one vaccination centre in County Meath. The population of County Meath is 210,000 and the vaccination centre is in Simonstown. Some people have been given appointments in Dublin, Drogheda and Mullingar. I have raised this issue with the HSE and I have asked it to consider the provision of an additional centre, be that in Ashbourne or Fairyhouse. The vaccination programme in County Meath is a very slow process. Although it has been a success in many other areas, County Meath appears to have been left behind.

Last night, the Seanad debated the issue of reproductive leave for people who have had miscarriages, during which we heard about the importance of recognising the loss of a baby at any gestational age and the need to provide support to families to cope. However, in repealing the eighth amendment, we effectively viewed the unborn as a non-person. We all want to support reproductive health, but we have to look at the rights of the unborn as well. It is difficult to understand how what we give them on the one hand, we take away with the other. Are they recognised in Irish law or not? Should they be shown the compassion and humanity afforded to all other persons or not? We all voted in whatever way was right for us, but I do not think many people understood the ramifications of their votes. We were told abortions would be rare, but there have been 6,666 abortions. In late-term abortions, potassium chloride is injected into the heart of the baby. This is the same product used on death row to execute people. There is no obligation in our legislation to give the unborn any pain relief during abortions. I was shocked to note that the website informs people who have taken abortion pills to flush the babies down the toilet.

Last night's debate was compassionate and open. For me, it brought back a lot of memories and I had a very lonely journey home last night. I would like to think that when this House comes to review the abortion legislation, it would be compassionate, including to the unborn.

Senator Martin Conway: Covid-19 has affected the entire world. The World Health Organization has done good work in terms of pulling together all of the strands of the pandemic. However, one particular country, Taiwan, does not appear to have much, if any, access to the World Health Organization. Taiwan has proven to be enormously successful in terms of its response to Covid-19. I call on the World Health Organization to give the Taiwanese Government representation at the World Health Assembly and to work out a structure to bring Taiwan into the World Health Organization so that we all can benefit from its experience and it can feed into the overall world response to the pandemic.

I was troubled to hear that the National Women's Council of Ireland has issued a report which states that only 10% of GPs are providing advice and support in regard to the termination of pregnancy in this country. Three years ago this week the people of Ireland voted overwhelmingly to amend Bunreacht na hÉireann to allow for the termination of pregnancy up to 12 weeks in this country. It is worrying to hear reports that many GPs have opted out of this service. My fear is women in rural Ireland in particular are being extremely affected by this decision. It is

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troubling to hear also that many women still find it necessary to go to England for a termination of pregnancy, alone and with no support. The legislation needs to be reviewed and amended to reflect these challenges and difficulties in the system.

Senator Fiona O'Loughlin: I endorse and support Senator Fitzpatrick's call for a timely review and debate in this House of the decision we, as a country, took three years ago.

I also want to raise the important issue of young people in care in Ireland and how they transition from the system of foster parenting up to the age of 18 years to life afterwards. I commend the bravery and honesty of Danielle McGarry and Sarah O'Brien in speaking recently about their experiences. I learned a lot about young people in care from an incredible young man, Shane Griffin, who spent time in 19 different care homes. Sadly, he had his own battles and he departed this world two years ago on New Year's eve. Shane was an incredible advocate for young people in care and, with Wayne Dignam, established a group known as Irish Care Leavers' Network. Shane believed young people in care, who on reaching 18 are living in a happy, stable environment, should have the opportunity to remain there and not have to leave. In this regard, England has the Staying Put scheme, Wales has the When I am Ready scheme, Scotland has the Continuing Care scheme, and Northern Ireland the Going the Extra Mile scheme. The transition from care to independence is very challenging. We have 6,000 young people in care. If they are in a family and the foster family agree that they are happy to continue supporting that young person after he or she reaches 18 years then that should be the case. I commend the Munster Technological University that, in conjunction with EPIC, is bringing in a supports system. We need to debate the care system and I would appreciate if the Leader would arrange same. Finally, I acknowledge that the Cork Life Centre has announced that it will be renamed the Shane Griffin Centre after the inspiration and legacy given to many by him.

Senator Gerry Horkan: My apologies because I had to attend a meeting of the Joint Committee on Transport and Communications and my slot has had to be rescheduled a couple of times.

I wish to refer to the hijacking of an aircraft. Senator Dooley has briefly mentioned it and I am sure it was mentioned by a number of Senators yesterday. As a member of the Joint Committee on Transport and Communications, I welcome what happened yesterday at the EU Council and the imposition of sanctions on Belarus.

We must, as a Parliament, insist that Mr. Protasevich and his girlfriend are freed in Belarus and provided with safe passage to their original destination of Vilnius that is in a nearby country. It is horrific to think that an aircraft, albeit registered in Poland but owned by Ryanair Holdings which is an Irish-based and headquartered company, was taken down by military jets on the basis of a fake bomb threat. Nothing was found and nothing was proven so the threat was made up. In fact, the plane was far closer to the border than to Minsk yet the pilot was expected to fly to Minsk where not just the journalist and his girlfriend were taken off the plane but three other people mysteriously vanished. We have been told this morning that the three other people are of Russian nationality but I do not know whether that is true.

I ask the Leader to arrange for the Minister for Foreign Affairs to come here and let us know what he is doing in terms of contact with Belarus. Also, I want us, as a Parliament, to ask that the journalist and his girlfriend are released and given free passage to another country where they will be safer.

Senator John McGahon: Normality has returned with children now being able to play outside and play sports so when will swimming lessons for children resume in the Republic of Ireland?

Last night, I spoke to the manager of the Aura Leisure Swimming Pool in Dundalk who outlined a couple of things and it is not until one thinks about these things that one realises they make perfect sense. Perhaps, as a Government, we should consider the nuances of re-opening and my rationale is as follows. First, numerous scientific studies have identified that the Covid virus is killed within 20 seconds in a swimming pool facility due to the chemical disinfectants in the water. Second, modern swimming pools due to having high humidity have ventilation systems that provide a total of ten complete air changes per hour. So at a time when discussions are taking place about a resumption of indoor dining it needs to be noted that swimming pools are one of the much safer indoor environments in terms of sporting activities. Swimming pools are a part of the debate that has been missing in recent weeks.

I have spoken previously in this House about cross-Border trade and travel but now there is cross-Border swimming as swimming lessons became available in Northern Ireland yesterday. Swimming lessons are usually offered in blocks of eight or ten weeks and one pays for a block of lessons. Now there is a viability issue in the medium-term as Border town leisure facilities have no idea when they will re-open and, as a result, parents, who naturally want to ensure their children have a good level of swimming, will travel across the Border to Newry and spend money there. I ask the Government to outline when swimming lessons for children will resume. I must say that it has been great to see children playing sports over the last couple of weeks and we must seek the same for sports that predominantly take place indoors..

Senator Tim Lombard: Due to a heavy rainfall this month, May 2021 will be recorded as being the wettest May ever. The rainfall has had knock-on effects on the agricultural community because, traditionally, ten or 11 days of silage cutting would have been completed. As there is now a backlog the end of this month and the month of June will be very busy. I am also very concerned about the statistics for farm safety during these few months. In the last decade, with machinery and farm accidents but particularly with machinery, 118 people were killed of which 13 were minors.

The next four weeks will be a very busy period so we need a debate and a campaign that urges people to be responsible on farms. Safety on farms is a real worry because there is going to be real pressure on contractors. Farmers need to realise that silage has always been cut, and that although the work may be ten, 12 or 14 days behind they do not need to put their contractors under so much pressure. We do not need to put everyone in society under so much pressure, and we do not need to start talking about working 24 hours a day because we know that fatalities happen when people make mistakes. I do not want to see a peak in farm fatalities between the end of May and into the month of June due to pressure being placed on contractors. Therefore, we need a campaign to combat a potential spike.

I suggest that the Minister of State at the Department of Agriculture, Food and the Marine, Deputy Martin Heydon, who has direct responsibility for farm safety and thus has an important role to play, starts a campaign that calls on people to calm down and reiterates that the silage will be cut but there is no need for anyone to lose their lives because life is precious.

Senator Niall Ó Donnghaile: At this very moment, once again crowds of young people who are representing An Dream Dearg, which is the campaign group for an Irish language

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Act, are gathered safely and in a socially-distanced fashion outside of Stormont. The group is predominantly made up of young people. It is not all young people who are involved in the campaign but the vast bulk of them certainly are.

Albeit in a much changed societal situation, the group is once again engaging with political leaders and representatives there about the need to deliver on the promise to deliver Irish language legislation. The language must also be protected in the North as part of the New Decade, New Approach agreement, the premise and basis on which the five political parties in the North returned to operating the institutions in the North last January. It is important, as people gather there, to remind Senators of our own steadfast support in these Houses, and as indicated by the Irish Government previously, for the implementation of an Acht na Gaeilge.

The Irish language is something that we all share on this island no matter what tradition one happens to come from. Whether it is new Irish communities who have taken to the language and enriched it as a result, I remind people that there is absolutely nothing to fear from a language. There is nothing divisive or contentious about a language. What makes a language political, divisive or contentious is when it is denied rights, protections and when people try to marginalise it, and demonise those who simply want to speak their language, live their lives through their language, educate their children through that language, celebrate and see them, and their language, represented in the world around them.

Senator Regina Doherty: I thank colleagues. I do not know how we can support Senator Ó Donnghaile. The provision of an Irish language Act is incredibly important in the whole island of Ireland and, indeed, to our diaspora. If there is anything that he specifically thinks we can do to help in this House, or as a Government, I would be very willing to help and hear him. The Irish language has beautiful words and we do not use them enough. Some of us use them a hell of a lot more than others and we should certainly promote the Irish language. So if there is anything that I can do to support the Senator, I certainly will.

Senator Lombard made an incredibly important and timely request. I will contact the Minister of State, Deputy Heydon, by letter to ask him to consider a campaign on farm safety for the next couple of weeks. We know the harvest has been delayed because of the incredibly bad weather in May and it is certainly not something we should be trying to catch up on by cutting corners so I will contact the Minister of State today on behalf of everyone.

Senator McGahon spoke about swimming lessons, an issue raised by a number of colleagues last week after a very important meeting with the sector. Our children, particularly some smaller children, babies and their mummies, have not had an opportunity to bond and learn that life skill. As we know and reports have shown us, swimming pools are among the safest places in this country and I think we will hear that a lot more in the next couple of months. Please God, everywhere will be safe. They are places we need to reopen so I will put a call into the Department of the Taoiseach today to ensure it is announced on Friday with the rest of the announcements we are looking forward to.

Senators Horkan and Dooley spoke about the incredible incident that occurred in the past number of days with the hijacking of the Ryanair aeroplane. The public was made aware of more details yesterday evening about how military jets forced the two very experienced pilots to return to Belarus. It is incredible. It is something one would see or expect to see in a movie, and not in real life. The EU sanctions announced yesterday are very welcome. The US following suit today will also be very welcome but what we need are real economic sanctions. The

no-fly zone is a good start but we need to demand the release of the political prisoners who have been taken in the past number of days and impose economic sanctions that will really hurt Belarus and force it into a recognition that we live in a democratic society and its carry-on will not be tolerated.

Senators O'Loughlin and Keogan and others raised the issue of the review next year of the legislation passed following the referendum on the eighth amendment. I know we might be a bit ahead of ourselves as the legislation was not passed until 2019 so the three-year review will commence next year. I am not aware of the exact context of it but I will write to the Minister. I think Members have been very balanced and aware this morning that some people think the Act has some limitations while others think it went too far. The fact that we have a relatively small number of GPs willing to give the service shows how important the clause was so that if it went against a person's beliefs, he or she had the ability to opt out. That sits very well with some people and does not sit well with others but the review needs to be comprehensive and independent. I will see if I can find more information and come back to Members.

Senator O'Loughlin also mentioned what provided and still provides inspiration - the inspiration that Shane Griffin offered. We need a debate but more importantly, we need a programme of legislation. I do not know how anybody else feels but I have young people at home who are only 18 and 19. Perhaps this is just the mammy in me but I do not consider them adults to be set free who are able to forge their way. I still feel they need guidance, help and most of all, money on a Friday. That is very true of all our young adults who have lived most of their lives in care homes. It does not just stop at 18. They do not just grow up and suddenly become independent and the State certainly does not treat them that way so it is really timely that we have that debate and I will try to arrange it as quickly as I can.

Senator Conway also touched on the three-year review but more importantly, he spoke about Taiwan not being allowed access to the table of the World Health Organization. I will talk to the Minister for Foreign Affairs and see how we can help with regard to that. The Minister for Further and Higher Education, Research, Innovation and Science met with various members of parliamentary parties yesterday. The Connacht-Ulster Alliance will be very welcome. It is lovely to see regions that have had no universities over the past coming together and working together for the betterment and education of our children and I very much support this.

Senator Seery Kearney raised a vital issue. I do not think we realise how many people are isolated and locked away in our hospitals through no fault of their own or their families. We have reinstated visiting rights in nursing homes and it is certainly something that needs to be addressed. More importantly, these people should not be in hospital at all. They should be at home with home care packages so I will send a letter, as the Senator requested, today.

The massive backlog in driving tests and driver theory tests will become very evident to all of us in the next number of weeks as society starts to reopen. The figure of 100,000 on both waiting lists is astronomical and needs to be addressed. I will ask the Minister to come to the House for a debate, although it is proving difficult to get debates at the moment because in the run-up to the recess, everybody's time is becoming very tight. Senator Maria Byrne spoke about the need for pop-up driving test centres in Limerick given that there is a backlog of 3,000. I will write to the Minister of State, Deputy Naughton, and ask her to come back to us with a response on this issue.

Senator Fitzpatrick also asked about the review of the eighth amendment legislation. Once

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I have information on that issue, I will come back to her.

In the way she so eloquently does, Senator Ruane described how the State has provided a solution to a problem that does not exist in Killinarden where she lives. She pointed out the disconnect regarding officials who sit around the table thinking they are solving problems that do not actually exist while ignoring the real evidence of what is required in communities. I will ask the Minister to come to the House for a debate on the actual activities that would suffice and solve the real problems that exist in society. I will come back to the Senator on that.

Senator Warfield spoke about his dismay at Seanad reform having slowed down. I would suggest to him that he has not been to any of the meetings of the Committee on Procedure and Privileges of Seanad Éireann for the past couple of months because it is on the agenda every single week and will certainly form part of our Seanad 100 response. I think this is down to the Cathaoirleach and I appreciate and support him for doing that.

Senators Dooley and Garvey highlighted the unacceptable conditions in Kilkee and other places around the country. I will ask the Minister for Housing, Local Government and Heritage to come to the House for a debate but in the absence of that, to meet us to talk about solutions.

Senator Sherlock spoke about when we reopen fully over the coming weeks. It will obviously be very welcome and we will do it cautiously. The most important thing we need to do is make sure that the people who have been hurt and harmed the most by Covid do not get left behind. The national economic recovery plan will be a major road map regarding how we recover as an economy and society to be able to support people earning their own livelihoods. That is something that will be very welcome in the next couple of weeks.

Senator Mullen raised a very important issue. When someone makes a false statement in court, it is perjury and he or she can be charged. When someone makes a false statement to PIAB, nothing actually happens. I do not think this is right, particularly given that this was supposed to be the way to stop people from having to go to court. It is certainly something I will bring up with the Minister but we might be able to produce legislation ourselves. I might talk to the Senator again but I will certainly bring it to the attention of the Minister.

Last week, it was remiss of me not to address an issue raised by Senator Keogan. She spoke about a project she started a number of weeks ago called the Feel Good Project. She described how during the past couple of months when we have all been walking around our towns and villages, she and a considerable number of Independent councillors around the country got together and put up some lovely signs of flowers and rainbows. I have some in my own village. The signs are really nice and they lift people's spirits. The sentiment behind the project was incredibly kind and thoughtful and I pay tribute to and congratulate the Senator.

An Cathaoirleach: I join with the Leader in congratulating Senator Keogan and all those involved in that project. It is positive and a good way to lift people's spirits.

Order of Business agreed to.

Sitting Arrangements: Motion

Senator Regina Doherty: I move:

(1) That, notwithstanding anything in the Standing Orders relative to Public Business, the Seanad on its rising on Tuesday, 25th May, 2021, shall adjourn until 9.30 a.m. on Friday, 28th May, 2021, in the Dáil Chamber, and unless otherwise ordered, the following arrangements shall apply:

(a) Standing Orders 29 and 30 shall stand suspended;

(b) there shall be no Order of Business;

(c) the business to be taken shall be confined to the items set out in the Schedule to this paragraph and, accordingly, no other business shall be taken unless the Seanad shall otherwise order on motion made by the Leader of the House or such other Senator as she may authorise in that behalf.

Schedule

Affordable Housing Bill 2021 –Committee Stage.

The proceedings on the Committee Stage of the Affordable Housing Bill 2021 shall commence at 9.30 a.m. and shall, if not previously concluded, be adjourned at 4 p.m.; the proceedings shall be interrupted at 11.30 a.m. for 15 minutes and at 1.45 p.m. for 30 minutes whereupon the sitting shall be suspended on each such occasion to allow for the sanitisation of the Chamber, and the order of debate shall resume thereafter;

Suspension of Sitting.

On the adjournment or conclusion, as the case may be, of the proceedings on the Committee Stage of the Affordable Housing Bill 2021, the sitting shall be suspended until 4.15 p.m., or for 15 minutes after such adjournment or conclusion, whichever is the later;

Motion regarding Search and Rescue Services.

The proceedings on the Motion regarding Search and Rescue Services shall be taken on the resumption of the sitting, and shall, if not previously concluded, be brought to a conclusion after two hours.

(2) The Seanad on its rising on Friday, 28th May, 2021, shall adjourn until 10.30 a.m. on Monday, 31st May, 2021 in the Dáil Chamber.”

Question put and agreed to.

Sitting suspended at 11.29 a.m. and resumed at 11.45 a.m.

Health and Criminal Justice (Covid-19) (Amendment) Bill 2021: Committee and Remaining Stages

An Leas-Chathaoirleach: I remind colleagues that this item of business must conclude at 12.45 p.m. They should bear that in mind in terms of their contributions. It is a pleasure to welcome the Minister for Health, Deputy Donnelly, to the House.

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An Leas-Chathaoirleach: Amendments Nos. 1 to 4, inclusive, are related. Amendments Nos. 2 to 4, inclusive, are physical alternatives to amendment No. 1. Amendment No. 4 is a physical alternative to amendment No. 3. Amendments Nos. 1 to 4, inclusive, may be discussed together, by agreement. Is that agreed? Agreed.

Senator Sharon Keogan: I move amendment No. 1:

In page 5, to delete lines 7 to 21 and substitute the following:

“(b) Part 3, continue in operation for the period beginning on the 10th day of June 2021 and ending on the 30th day of September 2021.”.

The Minister is very welcome back to the House. I spoke extensively on Second Stage yesterday regarding my objection to the duration of the proposed extension of these lockdown measures to 9 November. There is no information, data or public knowledge relating to the extension. The virus is one with which we have lived and there is significant public awareness of it. The vaccine roll-out is currently under way. The virus is not the unknown threat necessitating these measures that it arguably once was.

The circumstances justifying these emergency measures no longer exist. It follows, therefore, that the continuation of these measures, particularly in the absence of the most robust and critical analysis, can no longer reasonably be claimed to be a proportionate response to a pressing need to preserve public health. The impact that the continuation of the lockdown measures will have on freedom of movement, the EU digital Covid-19 pass, foreign travel and the mental health of individuals, as well as the negative effect on employment and struggling SMEs, mean that the extension would do more harm than good. It is for these reasons that I strongly oppose the Bill as it stands. The Bill cannot reasonably be said to have passed the legal requirement of proportionality or necessity. I propose that the powers be extended until no later than 30 September 2021. Any further extension, as this Bill proposes, cannot be claimed to be lawful interference with the rights of individuals.

Senator Lynn Ruane: Before Senator Mullen speaks, what amendments are in this group?

An Leas-Chathaoirleach: We are discussing amendments Nos. 1 to 4, inclusive.

Senator Rónán Mullen: The Minister may recall that in the 1980s, when Ronald Reagan met President Gorbachev of the Soviet Union, he began with a famous line, saying that he would let Gorbachev know why he could not trust him. That is a question that I find myself having to ask the Government at this point as we discuss emergency powers in this House yet again. Throughout this crisis, I have been among many who have said that given the scale of the threat to public health, we had to trust the Government to make decisions in the public interest and to use the draconian powers that we gave it only to the extent necessary. Notwithstanding the good work that has been done, the Minister and Government have taken our trust for granted in many respects and have abused their power.

I draw the Minister’s attention to one matter. On 29 March, I asked the him in this House to address the legality or otherwise of the ban on public worship and the points raised by people such as Professor Oran Doyle in Trinity College Dublin about the idea that the regulations as they stood at that point did not actually manage to make the organisation of religious worship illegal, while at the same time the gardaí were imposing fines on at least one priest I was aware of for saying mass publicly. The Minister replied:

I would prefer to get the Senator a written response because he asked a very reasonable and very important question about what is legal and what is advisory. I want to ensure he gets a precise answer to that question. I will ensure that the Department reverts to him with exactly that.

Two months later, I have received no such response in writing or otherwise, despite his express commitment to me as a public representative in this House. How does the Minister expect me or any other Senator to vote for an extension of emergency powers when he has not accounted in even the most basic way for what I claimed was a flagrant breach of the existing powers that he had been given? He went and amended the regulations quickly and somewhat secretly to make sure that he was on stronger legal ground in enforcing the restrictions on worship that then stood. I cannot understand and do not know whether it was a matter of incompetence or insouciance, whether his departmental officials do not care about the commitments that he gives in the Dáil or Seanad or whether he has instructed them not to bother with non-Government inquiries. I just do not know. I was mystified by the discourtesy of it. I do not claim to have any rights greater than other citizen but I would have thought that when a Minister gives a commitment on the floor of the House, it would be followed up on.

The biggest question hanging over the legislation is why an extension to November is needed at all. The Tánaiste said last week that everyone who wants a vaccination will be offered one by the end of June. On that basis, surely we can reasonably expect the entire population to be vaccinated by August? If that expectation is reasonable, why on earth does the Government need to extend these powers until November? What exactly does it foresee that it would be needed for in circumstances where virtually the entire population will have been vaccinated?

I hope that no Government Senators will run for the smelling salts if I mention the game of golf. It has caused some political turmoil in recent times. I am sure the golfers in the House were watching the final day of the US PGA tournament in South Carolina at the weekend. That is a place with a similar population to our own at approximately 5 million. Its Covid statistics have been similar to ours of late as well. On Saturday, it had 362 cases and one death. At the last count, we had 425 cases and four deaths. Some 40% of its population has had at least one dose of the vaccine. We are not far behind that, at 33%. The difference is that they are reopening their state. The mandatory wearing of face masks was suspended in early May. Last Sunday, 10,000 spectators were allowed on to the course to witness Phil Mickelson, who is wonderful at 50, winning. Here in Ireland, no more than 25 can attend a funeral.

We are here talking about extending the Government's draconian powers until November. What is it that justifies the difference in approach? The Government constantly maintains that its caution is based on scientific evidence, but is it? Why are other countries opening up much faster than Ireland and with no apparent significant ill effects, given the rate of vaccinations. The Government has not exactly contributed to a climate of trust, such that we would accept its assurances at this point that there is a rationale for what it is doing at face value.

I draw the Minister's attention to a conversation that I had over the weekend with a hospital consultant, who pointed out that many healthcare workers received the AstraZeneca vaccine. With this vaccine, the time before the second jab is much greater than would be the case with, for example, the Pfizer vaccine, the first jab of which I have received. He put it to me that there is now a situation where many healthcare workers are less protected than many people who might not be operating in the healthcare sector. We heard at the weekend that even after the second jab, the level of protection against the Indian variant would be approximately 60%

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in the case of AstraZeneca and somewhat higher in the case of some of the other vaccines. If healthcare workers have received the first jab of AstraZeneca, should it not be the case that they are prioritised for a second jab, much sooner than others who have received the AstraZeneca vaccine would get it? It seems to me that there is a risk. The hospital consultant was of a view that some healthcare workers were being put at unnecessary risk because of the delay with getting the second jab.

The Minister may think it unnecessarily picky of me to have raised the issue that I did about the lack of clarity around the law on public worship some months back and the fact that he did not respond to my questions. There was a real worry. The police prosecuting citizens on the basis of non-existent laws is the very definition of the abuse of executive power. If something like that happened in Hungary or Poland, Twitter and TikTok would be awash with virtue-signalling condemnations from Ministers. Even the politburos in Beijing and Pyongyang generally have the decency to at least pretend to put formal laws in place before they start prosecuting their own citizens. I am not for a moment comparing this Government with repressive regimes elsewhere but it has become a bit casual about our democratic institutions. It has presumed too much about its right to carry on and to keep saying that what it is doing is in the public interest, and generally disrespecting the very Parliament that has given it powers to do what it does. That is the reason for my interventions.

We want to support the Government but it has shown itself to be less than interested in keeping Parliament fully informed. In fact, there has been a virtual collapse of parliamentary accountability over the past year, a point that was well made by my colleague, Senator McDowell, in a recent article by him that I read. The Taoiseach has made a seemingly endless stream of announcements on live television instead of making them to the Dáil. The Dáil was in session when he made his latest such announcement on the “Six One News”. Meanwhile, both of these Houses are barely working half hours, even though many Oireachtas Members and staff have been vaccinated.

12 o'clock

Senators on the Government side are clearly satisfied with whatever excuse is necessary to protect the Government from scrutiny but that has to end now. It is time that the Minister got serious about his parliamentary responsibility, even while we support him in the measures he has been taking to keep this country safe. I am supporting Senator Keogan's amendments because the Minister has not earned our trust at this point. To echo former US President Reagan's statement, the Minister gives us reason not to trust that he is on the level when he says he is doing things in the public interest. There does not seem to be a good reason to continue to extend these powers until November in circumstances where most people will have been vaccinated much earlier. There is certainly not a reason to leave in legislation the ability to continue to make regulations extending ministerial powers further. If there are future problems in regard to this pandemic or anything else, the Minister should have to come back to the Dáil and Seanad in the normal way and introduce legislation on which we would vote in the normal way. That is not too much to ask in a parliamentary democracy. It is about time that the Minister reflected on the importance of parliamentary democracy, the citizens' right to have their Government properly scrutinised and tested by their elected representatives, and those representatives' right to get answers in a timely fashion when they are asking reasonable questions on their behalf.

Senator Niall Ó Donnghaile: Cuirim fáilte ar ais roimh an Aire. I want to speak to my amendments in the group, Nos. 2 and 4. I have spoken at length about the rationale for them.

The Opposition groups in the Seanad are seeking to do similar things but in a different way and with different intended outcomes. The discussion we had yesterday was respectful, by and large. From right across the Chamber and, indeed, the Minister, we heard concerns over the level of power being gifted to the Minister. We heard from Members across the House on the merits of such draconian powers being brought back for regular scrutiny and approval and for a regular vote by the Oireachtas. That is entirely appropriate and in keeping with proper parliamentary procedure. That is really the purpose of my two amendments in this group and similar amendments concerning other sections of the Bill. I seek to replace the word “November” with “July” and to bring the Minister back here to give us an early opportunity to engage with him, hopefully in a much more comprehensive way and in a way that affords us, as parliamentarians and legislators, an opportunity to properly scrutinise the measures. I have said consistently during our consideration in the House of legislation pertaining to the emergency that while we understood the position and wanted to work collaboratively with the Government and other parties, additional time had to be given to us. I appreciate entirely that we were operating in a different set of circumstances throughout last year but we should have more than just one hour in which to engage on Committee and Remaining Stages of such important legislation. Before even getting into all the other arguments that Members across the House and, indeed, the Minister made yesterday, the fact that we have only one hour in which to deal with this legislation today champions my argument that the Minister should come back here in July.

Having worked well with colleagues in the Civil Engagement and Independent groups, I believe our motion is the way to go. I say respectfully to colleagues that I will not be able to support their amendments but I understand why they have been tabled. July — in the course of the summer and in the context of what we have to deal with at that time — is an appropriate time for the Minister to come back. I look forward to being able to move amendments Nos. 2 and 4.

Senator Lynn Ruane: Our amendment, No. 3, is part of this grouping. It relates to the extension of the emergency measures by resolution. The emergency measures introduced by the Health (Preservation, Protection and other Emergency Measures in the Public Interest) Act 2020 and the other relevant Acts last year are extraordinary. They are unlike any other emergency legislation we have seen in recent history. Although they may be necessary, there is no doubt but that they amount to a substantial restriction on human rights and civil liberties. The Bill, as currently drafted, provides that the operation of these emergency measures may be extended by a resolution passed by each House of the Oireachtas. At the same time, the Bill neglects to set a limit on the number of resolutions that could be introduced to keep these measures in operation. In practice, it means that the Bill does not provide for a real sunset clause. It is therefore possible that the operation of the emergency legislation could be extended indefinitely by a series of three-month resolutions. The Civil Engagement Group is moving its amendment to ensure the emergency measures, as issued, may be extended once and only for two months. If the Government wishes to extend the operation of the legislation beyond that period, it must do so in the form of a Bill, to be scrutinised and debated in the Houses of the Oireachtas. A resolution or motion is not a substitute for legislation. This is especially the case when the legislation at issue is as far-reaching and consequential as the emergency legislation we are debating today.

The various Stages of the legislative process are not just a series of formalities or boxes to be ticked. They exist to ensure laws delineating rights and obligations are properly scrutinised. We ask that the Houses of the Oireachtas be given the opportunity to perform their function and to scrutinise and debate this important legislation.

Senator Martin Conway: I have listened carefully to the debates both yesterday and to-

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day, particularly on the matter of the time limit. To a large extent, I agree with what was said but, unfortunately, we are still in a very precarious situation. While people are uncomfortable with the date in November, it exists for a reason. I was disappointed to hear Senator Mullen stating he did not get a written reply from the Minister on the position on masses. I was actually in the Chamber when the discussion took place and I heard the Minister make the commitment. I would imagine it was just an oversight and that there was nothing ill-intended. Perhaps the Minister can clarify the position.

Could the Minister tell us whether he has had a request from the Minister of Health in Northern Ireland, Mr. Robin Swann, because it appears that he has stated publicly that he has sought a meeting with our Minister on several occasions over the past couple of weeks to discuss co-operation between the North and South? Such a meeting should be facilitated. There should be weekly meetings with Mr. Swann so we can have an all-island approach to taking on and beating this deadly virus. We need co-operation from all areas, regions and stakeholders on the island. If the meeting has been requested, I urge the Minister to facilitate it.

The amendments are tabled with good intention. Under normal circumstances, one would have to say they are very reasonable but we are still not in normal circumstances. Unfortunately, every week there are people dying as a result of this disease.

Senator Lorraine Clifford-Lee: As Senator Conway outlined, there is merit in the amendments tabled by colleagues. I accept the good faith in which they are put down. There is particular merit in the proposal outlined by Senator Ruane on the limiting of the automatic rolling over of the renewal periods.

I will address some of the comments made by Senator Mullen. I too was watching the golf a few days ago. It was a great performance by the winner but the weather is completely different in the United States. One can have a very full outdoor life at the moment in the United States. I wish we had better weather.

The funeral restrictions are very harsh. I unfortunately lost two uncles during the past 14 months and had to watch their funerals on YouTube. It is very restrictive but it is done with the best of intentions. Senator Mullen referenced the fact that the Minister needed to earn the trust of the public. I think he has more than earned the trust of the public. The schools have reopened, the vaccination programme is flying along, our death rate and infection rates are dropping and we are holding it together very well. To suggest the Minister and the Government need to earn the trust and that they have not already earned it is highly insulting.

The constant references to repressive regimes when referring to the Government or anything the Government tries to do are highly insulting. Other people have referred to Ireland as being like a Nazi country and a Hitler regime being run. That is completely inappropriate and we need to stop with-----

Senator Rónán Mullen: Will the Senator take a point?

Senator Lorraine Clifford-Lee: No, the Senator had his time to speak. On the topic of human rights and the State oppressing the human rights of people, I remind the Senator of the many women who had to go to the European Court of Human Rights to vindicate their health rights. I am talking about women like Deirdre Conroy, who had to sue this State because she could not access termination services.

Senator Rónán Mullen: It is because babies have rights too. The Senator should not be frightened of that.

An Leas-Chathaoirleach: Senator Clifford-Lee, without interruption.

Senator Lorraine Clifford-Lee: If we are talking about human rights and oppressive regimes, that is what is in place in this country. It is completely inappropriate for Members of this House and the Lower House to constantly use emotive language when we are discussing these health regulations. Members put down amendments in good faith. I do not question the good faith of anybody in this House but to use inappropriate and insulting language like that is completely inappropriate. I ask Senator Mullen to retract his comments from earlier today.

Senator Rónán Mullen: I was clear that I was not comparing the Government with a repressive regime but we need to be aware of the dangers.

Senator Lorraine Clifford-Lee: If the Senator wants to have a debate about human rights, let us have a full debate about human rights and how women's human rights were suppressed in this country for years.

An Leas-Chathaoirleach: There is no need to protract this on either side. The next speaker is Senator Higgins.

Senator Alice-Mary Higgins: There is a number of detailed aspects in each of the four Bills being extended here and each time one of them came through we engaged and put forward amendments. In many cases, there was no chance to debate those amendments. In all cases, there was no acceptance of the amendments, even those that came from Government Senators who spotted flaws in the drafting of the legislation. Given the way this Bill is being put through and the fact there is only one hour for this Stage, we have not had the opportunity to give our detailed proposals on every section of each of these Bills and that is not appropriate.

We had to make a choice which is not appropriate in parliamentary scrutiny. We had to say we would only get to make maybe two points about these four large Bills and the operation of the numerous statutory instruments that have been created under them. If we have to choose one thing, let us make sure we at least protect the process for the future.

I have many opinions on many aspects. I support public health measures. I have often called for stronger public health measures on different aspects. This is not about being for or against public health measures. It is about whether one believes it is appropriate, when a Minister is given greater powers than a Minister would normally hold by the Oireachtas, that there should be an appropriate coming back for scrutiny.

We came in in March in an emergency and showed great solidarity across the House. We all supported the measures. The Minister who came in then at least justified and talked about the compromise and why it would expire on 9 November. He gave the justification that it could be in the middle of the night and that we did not yet know how parliaments would operate. It was March 2020. That was the justification for the emergency powers legislation. We did not know but now we know how we operate in a pandemic. It is difficult but we operate. I do not see what the excuse is. The Minister needs to say what the excuse is for not having any future date when this legislation will come back for parliamentary scrutiny. That is the challenge and the key question.

I am not opposing or changing the dates. Our amendments do not change the Minister's date. I sympathise with and will probably support those who are looking for earlier dates because I think earlier review is healthier. Nonetheless, even if it goes to November, the concern is there are resolutions which, given there is a Government majority, can go through without debate. There are often one or two attached to the end of the Order of Business. They will not allow any nuance, any opportunity to say a certain aspect is working well, another aspect has had unforeseen consequences or something needs to be changed. The measures we have on statutory instruments stipulate they can be challenged within 28 days. We have forborne objecting to statutory instruments because we have given trust to and supported the Government. We have done so in the context that the powers to continue to create statutory instruments would eventually be discussed. When we came in in March, there may have been an excuse for a rush. There is no excuse now. This date has been down in Bills and has been coming for a long time. There is no excuse for this Bill to be rushed over one or two weeks. It could have been planned for and this could have been a robust and proper debate, informed by a review or by the insights that elected Members from all parties might have. That opportunity was not given. I urge the Minister to give a final date after which this will not be extended by resolution and allow at some future point, if this is to continue, that the legislation will be scrutinised in detail.

Senator Barry Ward: To a large extent, I made the points I wanted to make on Second Stage. Even the Title of this Bill refers to "Health and Criminal Justice", two uncomfortable bedfellows. It is important to acknowledge this legislation is not desired by anybody. The Minister made it clear in his Second Stage speech that this was an undesirable situation to be in. We would all like for this situation to be finished.

I have great sympathy with these amendments and with the frustration of Members who want this to be brought forward. I agree with Members about the timeframe of the legislation, the fact the deadline was well known in advance and that we could have done this earlier. Notwithstanding that, I do not think we can in any way question the bona fides of the Minister or Government in bringing in this legislation. I do not think this is really about human rights but I accept the criticisms of the current situation in terms of how it impinges on people's individual rights. That is an important matter for us to consider.

I agree with Senators who have said we need to be careful about the emotive language being used. For example, Senator Mullen referred to the secretive passing of regulations. Regulations are never secretly passed, so I do not think that is really what he meant. Sometimes we can use language and talk about things in a manner that is not appropriate. There is no doubt the people of Ireland have suffered through the Covid regime and as a result of these restrictions. There is also no doubt that lives have been saved because of those restrictions. The spread of the disease has been halted because of them. However uncomfortable I am with this legislation and however unhappy I am with the restrictions and particularly the time periods involved, I have faith that they are being put in place for good, sensible and defensible reasons. That is why I cannot support the proposed amendments and I must support the legislation.

An Leas-Chathaoirleach: Everybody has had a fair chance now. I call the Minister to respond. I will then go back to Senator Ó Donnghaile who wishes to make an additional contribution.

Minister for Health (Deputy Stephen Donnelly): I thank colleagues for their contributions, both at yesterday's session and today. Essentially the debate we are having now deals with nearly all the amendments. There are amendments at the end dealing with reporting, but

essentially there are groups of amendments proposing the same thing with the four different Acts we are seeking to extend.

I had nothing to do with ordering the business and the allocation of debating time in the Seanad. I would be more than happy to come back to the Seanad to discuss the public health measures because there seems to be a very understandable appetite to discuss those measures. The Bill before us, while very important, is straightforward in that it seeks an extension to the ability to make these regulations. It is not so much about the underlying Acts themselves as extending the time periods. I would be very happy to come back to the Seanad to discuss the impact of the regulations that have been put in place and to discuss the underlying four Acts that were amended, if colleagues would like to do that.

As I said yesterday, the powers we are discussing are draconian. They do not sit well with me and they should not sit comfortably in any healthy democracy. I do not believe they would sit well with any Member either. They must be treated with considerable caution.

Regarding the variants of concern we are dealing with, the so-called Indian variant was referenced earlier. It is significantly more contagious than even the B117, or UK, variant which itself is significantly more contagious than the previous strains we dealt with. The UK is experiencing some worrying levels of infection and rises in cases, which we are watching very closely. With possible localised outbreaks and the need for targeted measures over the coming months, unfortunately the ability to regulate for public health measures is one that we need.

Based on our current trajectory, our hope is that we will not need to impose any new measures. It is about a sustainable unwinding of the existing measures but we need to do that carefully and in a way that hopefully will mean we will not need to reimpose the measures again. This extension is being framed around being able to sustainably unwind the measures we have in place. As I said to the House yesterday, because of the great effort by the people to get behind the public health measures that have been regulated for, the Government is meeting on Friday morning in a very positive environment. The trajectory of the disease has remained stable even in light of quite significant unwinding of restrictions and the continuing unwinding of those restrictions in coming weeks and months.

The timing of the measures is also relevant. The time periods requested are continuing to reduce. For example, the initial duration sought by both Houses from the previous Government was eight months. There was then an extension for a further seven months. After the seven-month extension we are now asking for an additional five months and the sunset clause will be three months. It has gone from eight months to seven to five to three, which is a trajectory we would all like to see. None of us wants to see these powers in operation for much longer.

Before I come to the points made by various Senators, I would like to speak about the substance of the Bill. Various points were made about Covid, vaccinations and so forth. The substance of the legislation and the substance of nearly all the amendments relate to timing. I listened very carefully to what colleagues said yesterday and I reflected on it overnight. I cannot accept the amendments for the reasons we discussed yesterday. For example, some of them seek to move the November date forward to September, and others to July. The public health view is that we need to be able to access these measures in late autumn and early December. While there is no right date, we feel 9 November is a suitable date at which point I hope we do not need to seek any further extension.

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While I will not accept any of the amendments, I commit to colleagues to seek approval from Government in the very near future this week to amend the Bill on Committee Stage in the Dáil to allow for just one extended sunset clause. Essentially, we would have the five-month extension now, which is needed. We need a way to sustainably unwind the measures that are in place. I think most, if not all, colleagues will agree that we cannot just get rid of them all. Then there would be an option, which I dearly hope is never needed, which again would require agreement and would require a resolution of the Seanad, to extend for another three months. I hope we do not need that. I do not want to be back here seeking that from colleagues. Regardless, I will seek Government approval. As it requires Government to change a decision, I will need Government agreement on it.

At the end of that first three-month extension, the Act would fall. If we find ourselves in the position, which we all dearly hope we do not, whereby we need some targeted public health measures beyond February 2022, we would introduce another Bill and put it through the important safeguards that the legislative process brings.

It is a substantial change. It is based on the debate we had yesterday, reflecting on the points that were very well made. These are extraordinary powers and they should not be powers the Government has in the background all the time. They are specifically to deal with Covid. The legislation specifies that the measures must be linked to Covid and must be proportionate. There have been several legal challenges. Anyone is free to challenge whether they are linked to Covid or whether they are proportionate. There are several cases before the courts, some of which have been ruled on and others of which have been withdrawn. Senator Mullen mentioned religious services, which I will return to shortly. That, for example, is a live case before the courts.

I hope colleagues will accept that. It is a substantial change but I cannot introduce the amendment here, unfortunately, because there was not time for today's session. However, I am committing to seek Government approval to amend it on Committee Stage in the Dáil. My understanding is that it would then come back to them Seanad as an amended Bill and we can debate it again.

I think we have covered the issues that Senator Keogan raised relating to the timing of September rather than November and whether the measures will be proportionate. I believe the measures have been proportionate, as evidenced by the fact that when the number of cases rose we moved up the levels and when the number of cases reduced we began to unwind the measures as quickly as public health experts deemed safe. Therefore, the measures have moved in proportion to the level of risk that Covid has posed to us.

While I believe the various accusations Senator Mullen made are unfounded, I understand his frustration and fully accept that I made a commitment to him. Following that, I sought advice from the Attorney General, which I received. It is being considered by the Department. I regret not being able to get back to the Senator more quickly. It was complicated by the fact that the matter was before the courts. I accept that I made a commitment. I did so in good faith and it has been followed up on. I accept that the Senator has not yet got the reply, to which he has every right.

I had a very productive meeting with Archbishop Martin on the issue of religious services. We teased out various issues with regard to what can and cannot happen under the current public health measures. It is important to note that this point is now becoming moot. People

can again attend religious services and such services can be held. That is very important for an awful lot of people in this country.

Senator Rónán Mullen: Will the Minister take a point from me?

Deputy Stephen Donnelly: That is up to the Leas-Chathaoirleach.

An Leas-Chathaoirleach: I will allow a very brief intervention but, before Senator Mullen begins, I appeal to colleagues not to repeat the arguments. They are well made and such repetition is not helpful. If the Senator wants to ask a question, he may.

Senator Rónán Mullen: I will be very brief. I thank the Minister for his reply. I look forward to getting that letter. A holding letter is always acceptable. On the issue of the point being moot, the concern people have about these matters is that these measures can always come back. The very big question of whether it is actually constitutional to enforce these measures is hanging in the background. While the point might be moot with regard to the application of the provision now, given the very weighty issues at stake, the question needs to be answered regardless of what the regulations are.

Deputy Stephen Donnelly: With regard to keeping Parliament informed, I respectfully disagree with the Senator. There has been a lot of debate. Perhaps there should have been more in the Seanad. As I said, I am open to such debates, although the Seanad orders its own business. I have sat in this room week after week for sessions of questions and answers. There has been a lot of parliamentary debate. With regard to the right to access the information that informs these decisions, I wholeheartedly agree. Great efforts have been made to that end. Colleagues will be aware that most of the advice comes from NPHE, the minutes of whose meetings are all publicly available online. The NPHE documents that I receive and that NPHE use include very detailed presentations on epidemiology, clusters, outbreaks, international evidence and many other things and these are all up online. All of the advice that comes to me from the Chief Medical Officer, which historically has tended to come on a Thursday, is also online. There has been a genuine effort. It is very important that Parliament and the public have access to the rationale, the evidence and the specific public health advice given to me and to Government.

Senator Ó Donnghaile made reference to his amendments, Nos. 2 and 4. I hope I have spoken to his points when speaking about amending the legislation in the Dáil. I believe an amended deadline in July would just be too early. We are still in an evolving situation and we need those powers through the summer and autumn if we are to unwind the restrictions safely. I believe I have spoken to the points Senator Ruane raised in terms of having just one sunset clause. I hope the Senator is happy with that.

Although it is not an issue contained within the Bill, Senator Conway asked about a meeting between the Minister, Robin Swann, and myself. I confirm that he wrote to me and that I responded seeking a meeting of officials first so that a technical basis and understanding could be established. That meeting happened on Friday. In light of that, I again wrote to the Minister seeking a meeting with him. It is important. Senator Conway made the point that we should have as unified an approach as possible across the island. I wholeheartedly endorse such an approach. We also have concerns with regard to the Indian variant. The level of genome sequencing being carried out in the North is lower than the level here. We would be very interested in getting a better understanding of the extent of the prevalence of the Indian variant in the North.

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It is obviously something we are watching here. The Minister, Robin Swann, may have reciprocal questions with regard to the epidemiological situation and public health measures here.

Senator Higgins made similar points to those of Senator Ruane with regard to the sunset clause. I hope the Senator is happy with the proposed actions in that regard. Senator Ward also made similar points and said that none of us is at ease with this Bill. Quite frankly, we would all prefer if it did not exist and was not needed. For the reasons I have outlined, I agree wholeheartedly with Senator Ward. I cannot accept the amendments tabled for various reasons but I share the concern of the Senator, and of all colleagues, with regard to the rolling-on of powers. As I stated, I hope to seek Government agreement to amend this in the Dáil later this week.

An Leas-Chathaoirleach: I will now call Senator Ó Donnghaile. I appeal to people to resist the temptation to repeat entire arguments.

Senator Niall Ó Donnghaile: I thank the Minister and absolutely accept that he does not set the Seanad's Order of Business. That is certainly not the point I was trying to make but, nevertheless, I still believe my point is valid in the broader context. The Minister spoke about the crux of the issue being extension. I accept that with regard to what he is trying to do but, for us, the extension is too great. By proposing to change the word "November" to the word "July" and for us to come back here in July, I am not suggesting that it is a *fait accompli* that the powers will lapse at that point. Neither am I suggesting that we no longer want public health advice and guidance to be taken or that we want everything to stop on 9 July. That is not at all the case. What I want is further oversight and further parliamentary scrutiny.

The Minister has made an interesting proposal with regard to what he intends to do on Committee Stage in the Dáil. I say respectfully that it probably would have been better if we had heard about this proposal before coming into the Chamber rather than hearing about it in the midst of the debate but I understand that it is a rapidly moving situation given the tight window of time. The Minister will understand and appreciate, however, that we have to operate within our political confines and the legislative realities as they are laid before us in the Seanad. I do not doubt for one second that the Minister will have proposals to make on Committee Stage in the Dáil. He specified the caveat that he has to go to Cabinet first and I understand that as well. I am sure my colleagues in the Dáil will engage and interact with the Minister on the basis of what is brought before the Dáil on Committee Stage but at this stage, in the Seanad, I still feel that the extension of these powers out to 9 November should be looked at again. I believe 9 July would be an opportune time. I take on board what the Minister has said. Nobody is saying that this will be over on 9 July but I believe, for the reasons mentioned in the arguments of colleagues right across the House, that level of scrutiny and oversight is warranted.

I have a great deal of sympathy for what Senator Higgins outlined with regard to her own amendment and what it seeks to do but, unfortunately, because I do not believe we should kick this out to 9 November and give the Government *carte blanche* without reserving an opportunity to engage again with the Minister, it would be difficult for me to support it.

I also asked the Minister yesterday about the correspondence from his counterpart Minister, Robin Swann, and his public utterances. I do not believe these engagements should be done via the airways or even in this House. I welcome the fact that the Minister has written back to the Minister, Robin Swann. That engagement should have been happening at a far more substantial and significant level way earlier but, if it is now happening, I wish it well. I hope it is as effective and consistent as it needs to be.

An Leas-Chathaoirleach: My neighbour and friend has been indicating and has not got to speak yet. I call Senator Martin.

Senator Vincent P. Martin: I can understand the concerns. The enforcement powers and provisions being extended are so sweeping in nature and so draconian, for want of a better word, that I can understand people's concerns. I still have concerns myself but the Parliament is the place where we reflect public concerns. As recently as yesterday, I said that the Minister, Deputy Donnelly, is a Minister who listens. I welcome the fact the Minister took on board concerns in the Dáil Chamber yesterday. It might not be ideal but we are not a talking shop. The Minister said today that he is willing to look at this. He has also given a commitment that the extension might be for once only and will not be renewed in perpetuity.

I want to put on the record my thanks to the Minister. We have to support the Minister for Health. He is in a crucial role of responsibility. We can agree to disagree in a constructive way. I am opposed, however, to name calling. A unified approach is required, no matter who is the Minister for Health. I am convinced he is doing his best for his country and he deserves our support. He is not immune from criticism. I disagreed yesterday. However, I want to go on the record today to commend the Minister for promptly reconsidering the position and reflecting on the very valid concerns raised by me and others in the Seanad yesterday.

Amendment put and declared lost.

Senator Niall Ó Donnghaile: I move amendment No. 2:

In page 5, line 9, to delete "November" and substitute "July".

Amendment put:

The Committee divided: Tá, 6; Níl, 29.	
Tá	Níl
Boylan, Lynn.	Ahearn, Garret.
Higgins, Alice-Mary.	Ardagh, Catherine.
Keogan, Sharon.	Burke, Paddy.
Ó Donnghaile, Niall.	Byrne, Malcolm.
Ruane, Lynn.	Byrne, Maria.
Warfield, Fintan.	Carrigy, Micheál.
	Casey, Pat.
	Cassells, Shane.
	Clifford-Lee, Lorraine.
	Conway, Martin.
	Crowe, Ollie.
	Currie, Emer.
	Daly, Paul.
	Doherty, Regina.
	Dolan, Aisling.
	Fitzpatrick, Mary.
	Gallagher, Robbie.

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	Horkan, Gerry.
	Kyne, Seán.
	Lombard, Tim.
	Martin, Vincent P.
	McGahon, John.
	McGreehan, Erin.
	Murphy, Eugene.
	O'Reilly, Joe.
	O'Reilly, Pauline.
	Seery Kearney, Mary.
	Ward, Barry.
	Wilson, Diarmuid.

Tellers: Tá, Senators Lynn Boylan and Niall Ó Donnghaile; Níl, Senators Robbie Gallagher and Seán Kyne.

Amendment declared lost.

An Cathaoirleach: In accordance with the order of the Seanad of this day, I am required to put the following question: “That section 1 is hereby agreed to in committee; in respect of each of the sections undisposed of, the section is hereby agreed to in committee; the Preamble and the Title are hereby agreed to in committee; the Bill is accordingly reported to the House without amendment; Fourth Stage is hereby agreed to and completed; the Bill is hereby received for final consideration; and the Bill is hereby passed.”

Question put:

The Seanad divided: Tá, 29; Níl, 4.	
Tá	Níl
Ahearn, Garret.	Boylan, Lynn.
Ardagh, Catherine.	Keogan, Sharon.
Burke, Paddy.	Ó Donnghaile, Niall.
Byrne, Malcolm.	Warfield, Fintan.
Byrne, Maria.	
Carrigy, Micheál.	
Casey, Pat.	
Cassells, Shane.	
Clifford-Lee, Lorraine.	
Conway, Martin.	
Crowe, Ollie.	
Currie, Emer.	

Seanad Éireann

Daly, Paul.	
Doherty, Regina.	
Dolan, Aisling.	
Fitzpatrick, Mary.	
Gallagher, Robbie.	
Horkan, Gerry.	
Kyne, Seán.	
Lombard, Tim.	
Martin, Vincent P.	
McGahon, John.	
McGreehan, Erin.	
Murphy, Eugene.	
O'Reilly, Joe.	
O'Reilly, Pauline.	
Seery Kearney, Mary.	
Ward, Barry.	
Wilson, Diarmuid.	

Tellers: Tá, Senators Robbie Gallagher and Seán Kyne; Níl, Senators Lynn Boylan and Niall Ó Donnghaile.

Question declared carried.

An Cathaoirleach: In accordance with the order of the House today, the House stands adjourned until 9.30 a.m. on Friday, 28 May 2021.

The Seanad adjourned at 1.10 p.m. until 9.30 a.m. on Friday, 28 May 2021.