



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Dé Luain, 31 Bealtaine 2021

Monday, 31 May 2021

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

*Machnamh agus Paidir.
Reflection and Prayer.*

Gnó an tSeanaid - Business of Seanad

An Cathaoirleach: The Minister of State at the Department of Education, Deputy Josepha Madigan, will be in shortly. I know that we are taking the matter tabled by the leader of the Opposition, but first, I would like to mention the National Day of Sweden. It commemorates Gustav Vasa being made king in 1523 and the new government formed in 1809, which is viewed as the foundation of the constitutional monarchy in Sweden. Its roots as a national holiday go back to 1893, when it was known as Swedish Flag Day. This Swedish national holiday comes just before its important midsummer festival. Our warm relationship with Sweden goes back to the more recent State visit of King Carl XVI Gustav, who travelled to Ireland in 2019, and the launch of the Department of Foreign Affairs's global Ireland strategy for the Nordic region. This week will serve to promote the economic and political exchanges between our two countries. Of course, we intend to keep working together for a safer, more inclusive and more sustainable European Union. This year, Sweden celebrates the 100th anniversary of the introduction of universal and equal voting rights. I wish Ambassador Lars Wahlund and the Swedish people in Ireland and around in the world a happy National Day of Sweden. *Glad nationaldag.*

I thank members and welcome the Minister of State to the House.

I have received notice from Senator Victor Boyhan that, on the motion for the Commencement of the House today, he proposes to raise the following matter:

The need for the Minister for Transport to consider introducing penalty points for drivers who illegally park in disabled car parking spaces.

I have also received notice from Senator Jerry Buttimer of the following matter:

The need for the Minister for Finance to propose an amendment to section 103 of the Value-Added Tax Consolidation Act 2010 to include the Irish Community Air Ambulance.

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

To need for the Minister for Education to review the Department of Education's anti-bullying procedures.

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

The need for the Minister for Agriculture, Food and the Marine to outline the measures being put in place to retain and attract young people in farming; and the focus on generational renewal supports under the reform of the Common Agricultural Policy, CAP.

I have also received notice from Senator Róisín Garvey of the following matter:

The need for the Minister for Housing, Local Government and Heritage to make a statement on the actions his Department will take to address the quality of bathing water in Kilkee, County Clare.

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

The need for the Minister for Enterprise, Trade and Employment to outline his plans to address long-term unemployment blackspots in Limerick.

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.

I have also received notice from Senator Ivana Bacik of the following matter:

The need for the Minister for Education to allocate funding for the construction of an AstroTurf playing pitch at Harold's Cross Educate Together Secondary School.

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

The need for the Minister for Housing, Local Government and Heritage to make a statement on the provisions of section 40 of the Data Protection Act 2018, in respect of the management of representations from elected representatives and the form such representations should take.

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

The need for the Minister for Transport to make a statement on the reintroduction of the Leap card Kids Go Free programme.

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

The need for the Minister for Foreign Affairs to make a statement on the interception of the Ryanair flight by the Belarusian authorities.

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

The need for the Minister for Housing, Local Government and Heritage to extend the deadline for registering rights of way.

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

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The need for the Minister for Enterprise, Trade and Employment to support the roll-out of co-working hubs in suburban and urban villages.

Of the matters raised by the Senators that are suitable for discussion, I have selected those raised by Senators Boyhan, Buttimer, O'Loughlin, Byrne and Garvey and they will be taken now. I regret that I had to rule out of order the matters raised by Senators Wall, Keogan and Gallagher on the grounds that the relevant Ministers do not have official responsibility in the matter. Senator Gavan has withdrawn his Commencement matter which I had originally selected. The other Senators may give notice on another day of the matters they wish to raise.

Nithe i dtosach suíonna - Commencement Matters

Road Traffic Offences

Senator Victor Boyhan: I thank the Cathaoirleach for his initiative in relation to the National Day of Sweden. I know he has been marking these occasions in recent months. It is a nice gesture to recognise significant national days, particular those of other countries in Europe. I think his initiative will go down well with them.

I welcome the Minister of State, Deputy Josepha Madigan, to the House. In raising this Commencement matter, I am seeking to have tougher penalties introduced for people who park in disabled bays and spaces. The Minister for Transport should consider the introduction of penalty points, rather than additional fines, for this offence.

Yesterday, I took the time to travel to Dublin following an outcry about the state of the city after events of the previous night. I also took the opportunity to look at disabled parking bays. All over Dublin, people illegally park in disabled parking bays and nobody seems to be doing anything about it. It was a Sunday, so maybe people were taking their chances. The fixed charge for misuse of disabled parking bays is currently a €150 fine, to be paid within 28 days. People with disabilities are suffering. It is essential to facilitate people with disabled parking bays because they are bigger and allow accessibility. It is about people having the right to engage in their communities and being able to come into their cities and towns and access schools and places of worship and work. Disabled parking bays are there for a purpose.

There has been a considerable increase in the number of disabled parking bays around the country. However, people are parking in them and preventing disabled people from parking. There are not that many such bays in each street. If the Minister of State looks around her area of Stillorgan and Mount Merrion, she will see that they are spread out. They are not just planted in places for the sake of it. Their locations have been thought through and chosen for a reason.

Are we really committed to supporting people with disabilities, including moderate disabilities? Are we really encouraging them, by putting policies in place that will permit them to come into the villages, towns and shops, to meaningfully engage with their communities? They have the same rights as everybody else. This is also an equality issue. It is about good management of the issues around parking but, more importantly, it is about supporting people with critical disabilities.

From speaking to representatives of Irish Guide Dogs for the Blind, with which I am in-

volved, and the National Council for the Blind, NCBI, with which Senator Martin Conway has been involved, I know that tactile paving and bigger parking spaces have improved access for people with disabilities. What I am proposing is that the Minister consider introducing penalty points. It is tough and hard. Most people who get two or three penalty points want to get them off their licence so they are conscious of their behaviour.

The Oireachtas issued its standard press release this morning on Commencement matters. I had circulated the standard notice giving my name and the time at which the Commencement matter would be taken and the press office here issued its statement. Within minutes, I had been contacted by members of Galway, Louth, Laois, Kildare and Wicklow county councils expressing an interest in the issue. They told me this was a serious problem in their parts of the country and they had been trying to do something about it but the issue was one of enforcement with limited resources.

It is important that we put in place a mechanism such as this and I am interested in hearing the views of the Department on the matter.

Minister of State at the Department of Education (Deputy Josepha Madigan): I thank Senator Boyhan for raising this matter, which I am taking on behalf of my colleague, the Minister of State at the Department of Transport, Deputy Hildegard Naughton. We can both agree that the abuse of disabled parking spaces by other motorists is selfish, anti-social and, as the Senator mentioned, anti-equality. It can cause grave disruption for those for whom the spaces were installed in the first instance.

As the Senator will be aware, the disabled parking permit is available to people living in Ireland with a permanent condition or disability that severely restricts their ability to walk. The intention of this permit and the disabled parking scheme more generally is to provide access to parking bays of sufficient size in close proximity to important services, such as post offices, banks, pharmacies and shops for people for whom access to such services would be denied if they could not park and disembark either because of the size of a parking bay or because they could not park within a short distance of a service due to their limited mobility.

Disabled parking bays on public roads and in local authority car parks are a limited resource that must be managed in such a way as to ensure they are available for those for whom they are, in the simplest and most practical terms, absolutely essential. A motorist who chooses to park in one of these specially designated spaces without holding a valid permit is, therefore, not only guilty of breaking a parking regulation but is actively choosing to take a space away from someone who genuinely needs it and depriving that person of access to essential services.

This brings us to the question of what might constitute an appropriate penalty for this kind of behaviour. The Senator has proposed that unauthorised parking in a disabled space be made a penalty point offence. While I share the Senator's abhorrence of this infringement, the Department of Transport considers it neither necessary nor appropriate that it be made a penalty point offence. I will outline for the Senator the reasons and the rationale that have been given to me.

It is a general principle that penalty points are applied only for driving offences. Only one parking offence, dangerous parking, is included as a penalty point offence and that is because it directly affects moving traffic. Motorists who park illegally in a designated disabled bay meanwhile currently face a fixed-charge penalty, as the Senator said, of €150 rising to €225 if

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not paid within 28 days. By way of context, I note that most other parking offences incur a €40 fine. A decision was taken in 2018 by the previous Minister for Transport and former constituency colleague of mine, Mr. Shane Ross, to substantially increase the penalty for parking in a disabled space to reflect the gravity and anti-social nature of the offence. The penalty incurred for this offence is now the highest of all fixed-charge penalties for driving and parking offences.

I welcome Senator Boyhan's contribution and share his determination that disabled parking spaces be safeguarded for those who need them. However, the Department of Transport does not consider it appropriate that this offence, the fixed charge for which is nearly four times that of most other fixed-charge parking offences, be included in the penalty points system.

I have heard the points the Senator made on enforcement, equality and accessibility. He asked whether we are committed to supporting those with disabilities. All Departments must consistently reflect on that question and make sure we improve services for people with disabilities in whatever form that might take.

Senator Victor Boyhan: While I recognise that the words in the reply are not those of the Minister of State and that she is responding on behalf of the Minister for Transport, the response is very disappointing. The Minister for Transport is telling us that while it is very nice of me to raise this very important matter, he is not prepared to change the *status quo*. What does his stance say to disabled groups, the 31 disability officers in the 31 local authorities and the people with disabilities who cannot get a parking space on Wicklow Street, for example? Paying fines is a revenue generating exercise. It does not give the person with a disability the option to park somewhere. It does not give a parking space to a person who wants to park outside a GP's surgery and finds all the parking spaces full. That is exceptionally disappointing.

I ask the Minister of State to ask the Minister for Transport to consider Operation Enable, an initiative by Louth County Council involving multiple agencies and An Garda Síochána. I will photograph five disabled bays today and send the images to the Minister for Transport, along with a proposal to either amend current legislation or introduce new legislation. We can no longer speak about disabled access and disability issues in these Houses if we cannot stand in solidarity with disabled people who have told us, through the Irish Wheelchair Association and Disability Federation of Ireland, that they experience difficulty finding parking spaces and participating in their communities.

Senator Malcolm Byrne: Hear, hear.

Deputy Josepha Madigan: I will convey the Senator's disappointment and remarks to the Minister of State at the Department of Transport, Deputy Naughton. The Department of Transport is of the view that the penalty is fair, proportionate and sufficiently high enough to deter drivers from engaging in this kind of behaviour.

Senator Boyhan talked about Operation Enable, which is a multi-agency initiative. I understand there is a significant incidence of permit fraud with counterfeit and stolen permits being used and permits being borrowed or shared among friends and family members. Having consulted An Garda Síochána and other relevant stakeholders, the Department of Transport is now in the process of examining what appropriate legislative tools might be deployed to best tackle permit fraud. It intends to include provisions to this end in the forthcoming road traffic Bill.

Acting Chairperson (Senator Victor Boyhan): I welcome the Minister of State at the Department of Finance, Deputy Sean Fleming, to the House.

Senator Jerry Buttimer: I welcome the Minister of State. Irish Community Air Ambulance, formerly known as Irish Community Rapid Response, was formed in Rathcoole in north Cork 23 months ago. In that time, it has been tasked close to 1,000 times by the National Ambulance Service. In 2020, it was tasked 490 times and so far in 2021, it has been tasked 225 times. This exemplifies the range of services the organisation provides and the dedication of its crew and the staff. The number of tasks in which Irish Community Air Ambulance has engaged has increased by 20% and these tasks include an increased number of farming-related incidents. Each task costs €3,500, which clearly represents value for money, saves many lives and ensures people are transported for treatment quickly.

Irish Community Air Ambulance leases its helicopters from Sloane Helicopters, a company based in the United Kingdom. In June, Sloane Helicopters will set up a company to enable it to continue operating in Ireland as a result of Brexit. The new company will operate under an Irish airline operating certificate, AOC, and Irish Community Air Ambulance will then lease helicopters from the new Irish entity. As a result of this new arrangement, Irish Community Air Ambulance will be charged VAT on its payments to Sloane Ireland. It also pays VAT on the fuel used to power its helicopter emergency medical service, HEMS, aircraft. I have been in contact with the chief executive, Michael Sheridan, who has met with Oireachtas representatives and spoken to us individually. I am advised that the charity will be pay €320,000 in VAT in a full calendar year based on its current levels of service. Should it provide an additional air ambulance base in the future in support of the National Ambulance Service it would expect to pay in excess of €640,000 in VAT in a full calendar year to provide our rural and urban communities with a vital lifesaving service. This will represent a significant cost for the charity, providing a vital service in support of the National Ambulance Service, as it is only a partial VAT recovery due to its charitable status, as the Minister of State knows. This VAT bill could instead be used by the charity to fund an additional 92 lifesaving missions each year.

The primary reason for my Commencement motion this morning is that the existing VAT relief scheme under section 103 of the Value Added Tax Consolidation Act 2010 should be looked at and reviewed. In 2013, the former Minister, Michael Noonan, brought in a statutory instrument that provided that inshore aircraft be repaid any, “borne or paid tax in relation to— (a) the supply or hire to it, (b) the intra-Community acquisition or importation by it, or (c) the repair, modification or maintenance for it”.

I appreciate, and I am sure the Minister of State does, the difficulty for Irish Community Air Ambulance in raising funds in this pandemic but also it is doing lifesaving work. The additional VAT costs will place an additional and significant burden on it in terms of fundraising that would not appear to be an equitable outcome, given that an exemption is in place for sea rescue craft. I am not creating a competition or adversarial situation. I am asking that we provide an equitable playing field to a charity that is providing huge service. Irish Community Air Ambulance has benefited each community by its inception, work and the manner of its work. I hope the Minister of State and the Government will look favourably on the request.

Minister of State at the Department of Finance (Deputy Sean Fleming): I thank the Senator for raising this topic. He has given us some detailed information which I would not have been privy to on the amount of VAT that is paid by Irish Community Air Ambulance in a full year. The Senator has mentioned the issues of VAT on leasing and VAT on fuel. Most peo-

ple, not just in the Cork and Munster areas but right through Leinster and several other regions in the country, appreciate and acknowledge the work being carried out by many volunteers and by people involved with the Irish Community Air Ambulance service. It has been directly responsible for getting so many people from so many situations to hospitals. I understand why the Senator is raising the issue of its VAT bill.

Section 103 of the Value Added Tax Consolidation Act 2010 deals with ministerial refund orders and authorises the Minister for Finance to order repayment of tax in certain circumstances which are set out in regulations. Rather than amending the Minister's power, the Senator's intent may have been to propose amending the VAT regulations, which would have been the Value Added Tax (Refund of Tax) (Rescue Boats and Related Equipment) Order 2013, SI 249 of 2013, which the Senator may have referred to in his opening contribution.

The refund order is in place in accordance with the EU VAT directive, which allows for historic VAT treatment to be maintained under certain conditions. Ireland has maintained this relieving provision, which provides for a refund of VAT on the cost in respect of small rescue boats and ancillary equipment to Irish Water or other qualifying groups. That is an historic situation that was always in place over many decades. The purpose of those regulations the Minister introduced was to facilitate and copper-fasten the VAT situation and their treatment under the VAT regulations in respect of those bodies that were historically in operation at that time. However, it did not cover any new operation that would be coming in subsequently.

Unfortunately, there is no scope under the EU VAT directive to introduce or amend the refund order to include the provision of aeromedical services. Similarly, there is no provision in either European law or Irish VAT law to allow a zero rating or exemption for supplies of this nature. It is important to remember that VAT legislation in Ireland as set out in the Value Added Tax Consolidation Act 2010 must comply with EU directives. There is no scope in the EU VAT directive to exempt supplies on the basis of charitable status. In recognition of the issue, which affects charities across the country, the Minister for Finance introduced a VAT compensation scheme for charities in budget 2018 to relieve the VAT burden on charities and to partially compensate them for the VAT they incur on expenditure related to income raised independently. The scheme applies to VAT incurred on expenditure on or after 1 January 2018 and is paid one year in arrears. The conditions under which it is possible to qualify for repayment under this scheme are outlined on the website of the Revenue Commissioners. Where the total eligible amount of claims from all charities exceeds the capped amount, which is currently €5 million, claims are paid on a *pro rata* basis. This is a relatively new scheme, which has been in place and operating only since its introduction in 2018, and the first refunds were paid under the scheme in 2019. It continues to operate and is being reviewed now. I will respond with more detail regarding this scheme during my second intervention concerning this matter.

Senator Jerry Buttimer: I thank the Minister of State for his reply. I am happy to work with him and colleagues from across the Houses, and especially with Deputies Creed and Moynihan, in respect of the Irish Community Air Ambulance organisation. The fundamental issue here is the €320,000 in VAT being paid by a charitable body to the State, when the organisation in question is tasked with being called out at all hours. Last Friday, we debated the Acting Chair's motion on search and rescue services. This Commencement matter is also about search and rescue and concerns an organisation which saves lives and brings people for care and treatment. The Irish Community Air Ambulance was called out 490 times in 2020 and 225 times this year so far, and that gives us an indication of the level of activity of the organisation. I hope we can find a means and a mechanism to do something about this situation. I appreciate that the hands

of the Minister of State are tied, but I hope we can be creative in this regard.

Deputy Sean Fleming: Senator Buttimer will be aware that this issue is a budgetary matter and, as such, can only be dealt with at budget time. It is important that this matter is raised, however, but I am not offering any golden solution to this issue on budget day. The scheme introduced just two years ago, however, was capped at just €5 million. For the Senator's information, a review of that scheme is being undertaken by the Department of Finance, the Revenue Commissioners and the charities sector and a report will be published in June or July. Therefore, it will be possible to discuss this issue well in advance of the budget in the autumn.

To give an indication of how things stand, requests for repayment submitted during the two years in which the scheme has been operating were in the region of €44 million to €46 million, but only €5 million was available under the scheme to meet those requests, which represented only about 12% to 14% of the VAT paid. It is good to put that information on the public record. We do not have information regarding last year's claims because people have until the end of June to submit them. I ask the Senator to watch out for the report on this scheme coming out this summer so that we can debate the matter well in advance of the forthcoming budget.

Bullying in Educational Institutions

Senator Fiona O'Loughlin: I welcome the Minister of State, Deputy Madigan. First, I acknowledge that schools in general are putting a great deal of time and effort into proactive strategies to ensure that school environments are as welcoming and inclusive as possible. We must, however, also acknowledge that bullying exists and is happening in the physical form, although less so now, and in the shape of cyberbullying. Some of the reports we saw during the pandemic have given cause for major concern concerning the rise in cyberbullying and its impact among young people. We must be watchful of this issue as a society. We must work together with school communities to ensure that we are tackling bullying behaviour and encouraging and supporting our young people who are being bullied to enable them to be resilient and to be able to deal with it.

11 o'clock

Of course, the bystander has a very important role in this. The overall culture of schools is important in terms of their values. It is the case that diversity and respect for all is taught in almost every school, in addition to an understanding of, and addressing and standing up to, prejudice.

The anti-bullying policy in schools was developed eight years ago now and needs to be reviewed. It needs to include particular direction on homophobic and transphobic bullying and racism. The world has changed an awful lot in the past eight years. It is the prerogative of every individual school to have an anti-bullying policy, but it is very important that the Department of Education clearly outlines what that should be. We need to change the language around it, which does not have to be negative such as "anti-bullying". We can use positive language such as "transforming lives", etc. Many good programmes are in place in different schools, which have been rolled out by different patron bodies. If we had a roadmap to different types of strategies, we would go a long way.

We need to take a number of steps. Any approach to bullying has to include the voice of

students. It is also important that parents are very actively involved. We need an online safety commissioner. The time for talking about it is over. We need to have one in place and we need to examine digital literacy for our students as well as online safety programmes. The emotional and therapeutic supports that are badly needed in schools need to be rolled out on a more constant basis. Every school should have access to a counsellor or a relevant professional. We all hear about the significant adult in young people's lives, but teachers need to have a lot of extra support to enable them to be that significant person.

There have been issues with data. There are two schools of thought on this, but at the moment the Department does not collect data on bullying incidents, the type of bullying and so on. It is important we do that for monitoring in future.

Deputy Josepha Madigan: I thank the Senator for raising this important issue. She will be aware of the national Action Plan on Bullying published in 2013, which was a number of years ago as she said. We are all aware that bullying is a very complex and difficult issue that can occur in many different settings, including the home, wider family, social groups and during sporting and youth club activities. I note what the Senator said about the different forms of bullying. It is not just specific to physical bullying but can take many different forms, including cyberbullying.

The anti-bullying procedures for schools were developed in response to the national action plan in 2013 and they are aimed at strengthening our approach to preventing and tackling bullying in schools. It is important to note, however, that the anti-bullying procedures for schools are not the whole answer to this complex problem, nor were they intended to be. The anti-bullying procedures for schools are designed to give direction and guidance to school authorities and school personnel in preventing and tackling school-based bullying by promoting a positive school culture and climate that is welcoming, as the Senator said, of difference and diversity and is based on inclusivity and respect.

The procedures for schools also recognise that parents and pupils have a role and responsibility in helping the school to prevent and address school-based bullying behaviour and deal with any negative impact within school of bullying behaviour that occurs elsewhere. The procedures set out the need for schools to encourage and strengthen an open dialogue between all school staff and students to ensure they provide appropriate opportunities for students to raise their concerns in an environment that is comfortable for them. The policy must set out the school's procedures for investigating and dealing with bullying and for the formal noting and recording of bullying behaviours. The policy also requires schools to use established intervention strategies, consistent recording and investigation and, critically, a follow-up of bullying behaviour.

The Senator mentioned support for teachers. There are extensive training and curricular supports available to schools, including through the social, personal and health education, SPHE, curriculum, the professional development service for teachers, *webwise.ie* and the Department-funded national anti-bullying website to tackle schools in the development of policies and practices on the prevention of bullying and harassment and the safe use of the Internet. Funded by the Department, *webwise.ie* is an important resource in this area and promotes the autonomous, effective and safe use of the Internet by young people.

I note what the Senator said about the pandemic and the difficulties that children, in particular, faced during that period of time. All boards of management are required to adopt and

implement an anti-bullying policy that fully complies with the requirements of these procedures. A template anti-bullying policy which must be used by all schools for this purpose is included in the procedures. The procedures also introduced important oversight arrangements that involve the school principal reporting regularly to the board of management, setting out the overall number of bullying cases reported to the principal since the previous report and confirmation that all of these cases have been dealt with or are being dealt with. In addition, there is a requirement for the board to undertake an annual review of the school's anti-bullying policy and its implementation. Confirmation that the annual review has been completed must be provided to the parents' association and published on the school website. This requirement ensures greater transparency for parents and students as to how schools deal with bullying behaviour.

The Senator mentioned encompassing the voice of the child, which is crucial. The Education (Student and Parent Charter) Bill 2019, when enacted, will further support a positive school culture and climate necessary for preventing and tackling bullying. The Bill, as we know, has been passed by the Seanad and is currently awaiting an Order for Second Stage in the Dáil. The overall aim of this legislation is to improve the level of engagement between schools, students and their parents by inviting feedback, comment and observations from students and parents, and by developing a listening culture in the school.

Senator Fiona O'Loughlin: I thank the Minister of State for her response. I acknowledge that the parent and student charter will be welcome. There has been a significant delay in implementing the legislation but I am glad to hear it is approaching Second Stage in the Dáil.

I accept and acknowledge that there are a significant number of supports but more are needed. As time goes on and more research is done, we learn more and need to be able to adapt. For example, the whole area of restorative justice in schools has come to the fore in recent years and it is transformative. I know about this particularly through my acquaintance with the former principal of Scoil Na Naomh Uilig in Newbridge, Ms Noreen Duggan. She found that restorative justice was an incredible tool to reform and change the behaviour of the perpetrators of bullying. It is an approach we definitely need to consider.

The presence in schools of the National Educational Psychological Service, NEPS, is, unfortunately, far too low. I emphasise again that training is still continually needed for teachers and, of course, parents in the school community.

Deputy Josepha Madigan: I note what the Senator has said about restorative justice. It is something in which I believe, even in the criminal justice system and its application to prisoners. In the bullying area, it is definitely worth considering. I will bring that suggestion back to the Minister, Deputy Foley.

Extra NEPS psychologists have been provided for in the budget for this year. We were acutely aware, in particular during Covid, of how difficult it has been for children. It is important that we have adequate resources and psychologists. It is also important to stress the role of the Department's inspectorate in monitoring schools and looking at their anti-bullying measures in primary, post-primary and centres for education, using a number of different inspection types. I am also aware and conscious of the fact the Joint Committee on Education, Further and Higher Education, Research, Innovation and Science is engaged in a series of meetings and is listening to a range of stakeholders, including representatives of my Department, on the topic of school bullying and its impact on mental health.

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The Minister for Education and I are looking forward to engaging positively with these deliberations. I have noted the Senator's concerns and I will bring them to the attention of the Minister and the Department.

Agriculture Industry

Senator Malcolm Byrne: I thank the Minister of State for coming to the House to respond to this matter today. I fully appreciate that the Minister, Deputy McConalogue, is busy with the Common Agricultural Policy, CAP, negotiations. I hope he will continue to resist calls for higher levels of convergence and that he will continue with the fight to ensure productive farms remain viable in Ireland, particularly for young people.

I have raised this matter because, in respect of the age profile of those involved in farming, over 55% are aged over 55, whereas only 5% are under the age of 35. In its Irish farm report which was published last month, the Irish Fiscal Advisory Council, IFAC, found that 71% of the farmers it surveyed had not yet identified a successor, and one third of them cited the fact they believed the farm they were farming was no longer viable. Let us put that into context by looking at careers or professions with similar numbers. Taking the public service, for example, if 55% of gardaí or teachers were over 55 and only 5% aged under 35, it would be a major crisis. For any other business, or indeed the civil or public service, that kind of age disparity would represent a major crisis. We are now facing a significant crisis. It requires radical measures to address it.

There are some indications from the CAP talks that around 3% of direct payments will be ring-fenced for young farmers. Macra na Feirme and indeed the European Council of Young Farmers have indicated that figure should be 4% at European level, because it is not just a challenge for Ireland and we need to be that radical. While I accept the Government has significantly increased the budgetary spending on agriculture and has introduced a number of small schemes and various tax measures, none of them have been radical enough to address some of the challenges we are facing.

We need to look at education and greater levels of educational supports for young farmers. We certainly need to look at the financial supports that are in place to ensure it is viable. We need to look at mentoring schemes. We also need to look at the retirement schemes that are in place to ensure they are in the best interests of farm families. I have spoken to many young farmers and they have often told me it is not just that they have to support their own families on the farm but also they often have to support their parents. Farming is a multigenerational activity.

As with all of farming, the biggest challenge is around the question of income levels. The issue is how to make farming attractive as a career. Farmers have no problem with working long hours, but the difficulty is that while we are seeing increased productivity, we are not seeing increased profitability. When there are so many other options for young people coming from rural and farming backgrounds, there is less of an incentive to take over the farm and engage in food production.

It is essential we continue to have farming and food production that is sustainable environmentally, but it is also vital we have a farming system in Ireland that is sustainable financially. I worry that if we do not take radical action now, we are going to continue to see the flight from

the land. We are going to see fewer and fewer young people engage in farming and seek to take over the family farm. As we have seen, the challenge we will face will be that the age profile of those who are farming will continue to increase. I am asking that we be radical in our approach and look at those levels of intergenerational support, particularly in the CAP negotiations.

Minister of State at the Department of Housing, Local Government and Heritage (Deputy Malcolm Noonan): The Senator is correct, and I wish my colleague, the Minister for Agriculture, Food and the Marine, Deputy McConalogue, the very best in the ongoing negotiations, which are critical in the context of the future viability and sustainability of farming in Ireland. We will certainly fight Ireland's case in that regard.

The Senator is correct about the significant challenge. The challenge of generational renewal is widely recognised at both national and EU levels. It is about anticipating and managing risk. Slightly more than 5% of farmers in Ireland are under 35 years of age. Supporting young farmers and facilitating generational renewal are critical to ensuring a bright future for the agrifood sector. This challenge is not unique to Ireland because there are similar statistics throughout the EU. Generational renewal has been cited as one of the key objectives of CAP. Under the new CAP proposals, member states will have to incorporate in their CAP strategic plans comprehensive plans to develop young farmers and encourage farm succession. Commission proposals have suggested an amount equal to 2% of the direct payments envelope for this purpose. During the negotiations, it has been suggested that this funding should be increased. This issue is being considered. Unfortunately, Ministers were unable to reach a conclusion on this CAP reform proposal last week in Brussels. However, all parties have indicated their willingness to support young farmers.

At national level, the programme for Government states that we must nurture and protect the generational nature of Irish farming by providing opportunities for new farmers and producers to enter the sector in a financially viable way. A suite of measures is in place to support young farmers. Under the current CAP, the national reserve for young farmers scheme provides financial support to young farmers during the critical early years when setting up. Additionally, under the targeted agriculture modernisation schemes, TAMS, II young farmer capital investment scheme, young farmers can avail of a 60% grant rate as compared to the standard rate of 40%. There is also support available for collaborative farming to cover legal costs incurred. From 2015 to 2020, some €110 million was issued in total under the young farmers scheme, benefiting an average of over 8,000 farmers each year. A further €35 million has been allocated since 2015 to young farmers under the national reserve. Under TAMS II, over €125 million has been paid to approximately 4,974 young farmers.

There are a number of significant taxation measures available to young farmers. To assist succession, there is agricultural relief from capital acquisitions tax, retirement relief from capital gains tax and stamp duty exemptions on transfers of land. In addition, the succession farm partnership scheme provides for a €25,000 tax credit over five years to assist with the transfers of farms within a partnership structure. To facilitate land mobility, there is long-term leasing income tax relief. It allows young farmers and new entrants to the sector to gain access to land. It also provides a route to retirement for older farmers, assisting in generational renewal. A 100% stock relief on income tax for certain young trained farmers also assists young farmers in the setting up phase. The most recent figures published by the Revenue Commissioners for all these measures show that there was an annual support of over €228 million provided across various national tax reliefs. The future growth loan scheme supports strategic long-term capital investment. Loans of up to €500,000 are unsecured, making it a viable source of finance for

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young and new entrant farmers. It has seen huge demand, with 38% of the number of loans, 1,269 loans worth €150 million, sanctioned to date.

The Department of Agriculture, Food and the Marine's statement of strategy and the draft agrifood strategy to 2030 are currently out for public consultation. These have set out objectives to improve generational renewal. Supporting young farmers and generational renewal continues to be a priority of the Government. The Department will continue to actively engage with stakeholders on this issue.

Senator Malcolm Byrne: I thank the Minister of State. It is not just an Irish problem, it is also a European one. However, if we are serious about addressing this issue, talking about only 2% of the direct payments envelope to be targeted at young farmers does not strike me as giving this a sufficient level of priority. The challenge we must examine relates to the question of what constitutes success. I am not saying that there are no schemes in place. If we are looking at 2030, will we have sufficient numbers of young people involved and engaged in farming to ensure that it is a viable activity? My problem is that while the schemes we have are very helpful, I do not believe we are being radical enough. Are we seeking to ensure that farming will remain viable? We need to look at a forum on the future of farming with a very specific focus on how we can engage with young people. We are tinkering around at the edges but if we look at the trends and what is happening there are serious questions on whether farming can remain a viable activity for many young people.

Deputy Malcolm Noonan: I agree with the Senator on the 2% for generation renewal. Consultations are ongoing but it is certainly not sufficient to address what is a crisis in farming. Generational renewal is a vital concern for farm families and it is a challenging issue. Inheritance and farm transfers are complex. I have highlighted the vital and substantial support provided through the taxation system for generational renewal. Additional supports include €159 million for agriculture relief for 1,413 participants, €27.2 million for 10,820 beneficiaries under long-term leasing relief, €41.9 million for stamp duty exemption for 2,733 participants and €1.2 million for stock relief for 420 young trained farmers. Supports must be targeted at key challenges. Access to credit is often cited as a concern for young farmers. Loans under the future growth loan scheme are unsecured, which makes it a viable source of finance for young and new entrant farmers, particularly those who do not have high levels of security.

It is my intention that the new CAP and strategic plan will continue to focus on strategic requirements and the CAP consultative committee, which considers all matters concerning new CAP proposals, has broad membership providing for ongoing consultation. I acknowledge the concerns raised this morning and it is important they have been raised. I will certainly work with my colleagues. The Department is in negotiations on the new CAP strategic plan in Ireland. We believe that there are wider issues regarding generational supports but it is also about ensuring farmers feel they have a viable future in rural Ireland. This is what we want to achieve.

Water Quality

Senator Róisín Garvey: Gabhaim buíochas leis an Aire Stáit as ucht teacht isteach arís. Tá sé an-ghnóthach an tseachtain seo. We will have to make the Minister of State an honorary member of the Seanad. He is great for coming in. To more serious matters, we all heard about Kilkee last week. It is a very famous beach and the reason is that it is a beautiful and safe bay. Unfortunately, Kilkee has had major issues for years. This is the third year in a row that the

beach has been closed. I have said before that we have a water emergency, and this is another big example of it. Kilkee was promised a water treatment facility many years ago, which was to be completed by the end of last year. Now it is being said it will not be completed until 2024 or 2025. People want to know what is happening and when it is happening. I do not care whose fault it is. At this stage, nobody cares. We just want the solutions.

A very worrying issue that keeps coming up, and it also came up in Lahinch previously, is e.coli infection of younger bathers and more vulnerable bathers. Families have contacted me. In one case, a child got e.coli and gave it to his two week old brother who ended up in hospital. Are we waiting for the Government to get sued in the courts? Several families have contacted me about this issue.

At present, there is no treatment plant in Kilkee. There is a unit with a screen but that is it. The water is pumped out over the cliff. It is not fit for purpose anyway. Even on a good day, it is not good enough. On a bad day, we all see what happens. People blame climate change but there are many elements to this. There is no one simple solution because there are so many elements. We have heavier rainfall now. Previously, storm drains fed into the sewerage treatment system or the septic tank or whatever was holding it. This worked in the past but now we have different types of rain and heavier rainfall. This means the raw sewerage and storm drain water all get mixed up. Sometimes the system backs up because it cannot cope. This happens all over the country, as we know from the Environmental Protection Agency's results.

Two weeks ago, burst water mains resulted in the shutdown of the beach, which is devastating for all of the businesses that have finally reopened. Meanwhile, it could be another four years before Kilkee gets a treatment plant.

A number of factors are at play and, unfortunately, a treatment plant will not take care of all of them. The Victoria stream, which has run-off from the catchment area, must be dammed every year. That stream sometimes bring contamination to the bathing areas. Water from the dammed stream is then fed into a pump station for pumping to the outfall at the cliffs. There is also the Atlantic stream on the east side of the beach. That is not pumped out at all and goes straight into the bay. That could also bring about contamination.

We have been saying this for a long time. The Minister of State, who is a member of the Green Party, realises that water was a major issue for us when the programme for Government was being negotiated, particularly in the context of proper investment in water, looking at water quality and catchment-based solutions. There can be many of these, and they can include soft engineering as well as hard engineering. We need catchment-based solutions because septic tanks and water treatments will not solve all the problems. There are myriad issues and unless we see water as an emergency issue, we will not solve the problem.

Deputy Malcolm Noonan: Gabhaim buíochas leis an Seanadóir as ucht an t-ábhar seo a ardú inniu. I acknowledge that this is a human health matter and that there is also a cost to businesses, many of which have been dealing with lockdown over the past number of months and are seeking signs of hope from the pandemic towards a brighter summer. This is the summer of the outdoors, as the Taoiseach has stated. It is really important that our wastewater treatment plants and bathing areas are in a condition where people can enjoy bathing in a safe manner. The commitment made by the Government shows that we are committed to resolving these issues around the country.

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Senator Róisín Garvey: I am glad to hear that better funding than ever before is being given to Irish Water for capital funding. That is very positive news. I do not accept that the Minister, Deputy Darragh O'Brien, can say that he has no direct role in this matter. This keeps happening: we set up some sort of semi-State agency and we then say it is all their fault. People blame Irish Water all the time but what of the State? Even I as a legislator feel slightly responsible for what is happening in Kilkee. The Minister cannot just say it is up to Irish Water and that he has given them loads of money. This has been going on for quite a long time. While there is an older legacy issue there, and I cannot blame it all on the new Ministers, we must take responsibility as legislators. We cannot just say that Irish Water has been given the money and that is the end of that. Irish Water was also given the money for this four years ago and it did not happen. Now we are told it is in the plans but there is no definite date. I appreciate the Minister of State, Deputy Noonan, coming to the House. I appreciate that Irish Water has been given bigger funding than ever before. That gives me hope.

Deputy Malcolm Noonan: The Senator is correct. It is collective responsibility. It is not just that of Irish Water. We are embarking on a whole new cycle of river basin management plans, the public consultation for which will commence shortly, and on marine protected areas. There is a lot of work we must do collectively. The Government is committed to working in partnership with Irish Water to resolve these infrastructural deficits that have existed for far too long and have caused the significant problems in Kilkee.

There is an update on the specific incident over the weekend, which the Senator referred to. The sewer, which is the foul rising main, that burst in Kilkee, County Clare, did so at 2 p.m. on Saturday, 29 May. There is no effect on the beach for now because flow has been diverted to the storm rising main and the dam in the Victoria stream, which flows onto the beach. This has been in place since earlier this week. Irish Water has tankers on standby to assist if needed. The break in the rising main is located in the caravan park, and has been traced to a location under an occupied caravan. The caravan will be vacated tomorrow evening and moved for repair to start on Monday morning. Irish Water has notified the EPA as a prosecution.

I acknowledge the challenges this has created, including the disruption to business and the concerns for public health. We are working and putting every effort in to try to resolve the issue as a matter of urgency.

Acting Chairperson (Senator Victor Boyhan): I thank the Minister of State. That concludes Commencement matters for today. The House will suspend until 12 noon. Is that agreed? Agreed.

Sitting suspended at 11.33 a.m. and resumed at 12.03 p.m.

An tOrd Gnó - Order of Business

Senator Lisa Chambers: The Order of Business is No. 1, Maritime Jurisdiction Bill 2021 – Order for Second Stage and Second Stage to be taken at 1.30 p.m. and to conclude at 2.45 p.m., with the time allocated to the opening remarks of the Minister not to exceed ten minutes, the contributions of group spokespersons not to exceed six minutes and those of all other Senators not to exceed four minutes, and the Minister to be given no less than five minutes to reply to the debate; No. 2, motion re continuation of Health (Amendment) Act 2021 (No. 1 of 2021) (Mandatory Hotel Quarantine) to be taken at 3 p.m. or 15 minutes after the conclusion of No. 1

and to conclude after 75 minutes, with the time allocated to the opening remarks of the Minister not to exceed ten minutes, the contributions of all Senators not to exceed five minutes and the Minister to be given no less than five minutes to reply to the debate; No. 3, statements on the Covid-19 vaccination programme to be taken at 4.30 p.m. or 15 minutes after the conclusion of No. 2 and to conclude after 75 minutes, with the time allocated to the opening remarks of the Minister not to exceed ten minutes, the contributions of all Senators not to exceed five minutes and the Minister to be given no less than five minutes to reply to the debate; No. 4, Affordable Housing Bill 2021 - Committee Stage (resumed) to be taken at 6 p.m. or 15 minutes after the conclusion of No. 3, whichever is the later and to adjourn at 7.15 p.m. if not previously concluded; and No. 5, Private Member's business - Civil Legal Aid (Exclusion of Value of Free or Partly Free Board) (Amendment) Bill 2021 - Second Stage, to be taken at 7.30 p.m. or 15 minutes after the conclusion of No. 4, with the time allocated to the debate not to exceed two hours.

An Leas-Chathaoirleach: Our first speaker on the Order of Business is Senator Burke.

Senator Paddy Burke: The Leas-Chathaoirleach has caught me by surprise.

An Leas-Chathaoirleach: That does not happen too often.

(Interruptions).

An Leas-Chathaoirleach: It is very seldom that Senator Burke is caught offside. Indeed, I have yet to experience it. I see Senator Chambers nodding.

Senator Paddy Burke: Today, the Minister, Deputy Humphreys, will be in Swinford, County Mayo, which Senator Chambers will know well, launching community hubs, and we welcome that launch very much in Swinford today. This House played a major part in that regard. In 2009 or 2010 when the Courts Service Bill was going through the House, I tabled an amendment to the effect that when changes were made to the Courts Service and some court-houses were closing, that they could not be sold off and would be given to the community, with the result the Minister, Deputy Humphreys, is announcing one of those hubs in Swinford today.

As Senator Chambers will also know, businesses on Main Street, Castlebar, have very poor broadband facilities. If that continues it will result in those businesses having to leave their premises on Main Street and move to the rural part of the town where there is much greater broadband bandwidth. We have some great businesses in the centre of the town. Vaughan Shoes, for instance, won an award for its online retail sales - it was the best in the country. We have Egan Jewellers, Stauntons Pharmacy and a whole host of businesses that cannot operate to full capacity due to the broadband bandwidth available. Something will have to be urgently done about that. I call on the Deputy Leader, Senator Chambers, to arrange for a debate on broadband and the facilities and opportunities it brings about. On the one hand, a hub is being opened in Swinford today and, on the other hand, the capital town of County Mayo has very poor broadband width, which leaves it at a major disadvantage. Businesses there are suffering and may have to move from the centre to the rural part of the town, which would be a disaster for the town. We have to keep our town centres intact. That is where people congregate and business hubs begin. I ask the Deputy Leader to arrange a debate on broadband services.

An Leas-Chathaoirleach: I thank the Senator. That was quite a rally for someone caught offside or suddenly called to speak but I am not surprised by that.

Senator Robbie Gallagher: I welcome the fact that this year's national Tidy Towns com-

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petitions are up and running again having not gone ahead last year. It is great news for some 900 communities of various sizes throughout the length and breadth of the country that do great work week in, week out, tidying up their villages and towns. I refer not only to the picking up litter we usually see volunteers doing, but also to actions they take to address climate change with respect to biodiversity or sustainability projects. By and large, the TidyTowns projects lead the way. I cannot but mention the fact that Glaslough in County Monaghan are the reigning all-Ireland champions. We are very proud of that achievement and of all the volunteers, not only in Glaslough but in Carrickmacross and other towns in County Monaghan and County Cavan and throughout the country. We are deeply indebted to them for the work they do.

While I welcome the fact that the competitions are going ahead, many people have told me they are disappointed the adjudication this year will be in a virtual context only. I find that decision somewhat baffling bearing in mind county travel is now permitted. Perhaps that decision was made when the situation was worse with respect to Covid. Thankfully and hopefully by the end of June, 80% of the population will have received a vaccination. One would have thought that would limit the danger for adjudicators travelling to a village or town. The volunteers look forward to the adjudicators coming and seeing how their town or village performs. The Deputy Leader might respectfully use her good offices to write to the Department to ask it for a reappraisal of that decision and it might reconsider it with a view to having some form of physical presence by an adjudicator at this year's competitions.

With the good weather, we can see increased activity on farms across the country. That brings its own dangers because, unfortunately, up to 40% of all fatal work accidents happen on farms. They are dangerous places to be. We can all see that silage cutting is up and running. Many farmers are taking cattle out of sheds and onto grassland. That brings with it potential dangers. There are many dangers on a farm that farmers need to be aware of. With school holidays coming, many young farm children will be out, running about on their parents' properties. Farmers are outside working all day and they are exposed to the sun and the dangers which come with that. I ask that farmers be aware of these facts and take a minute to think before they take on a task, and perhaps we can limit the number of accidents that happen on farms this year.

Senator Victor Boyhan: I thank the Deputy Leader for setting out the Order of Business. I am happy to accept it.

To touch on the theme to which Senator Gallagher referred in the context of TidyTowns and tidy districts, I make an appeal for all of us, with our political connections, regarding the winding down of restrictions and the reopening of society. I acknowledge the importance of opening businesses, doing business and trading and the suggestion that it will be an outdoor summer. I understand that. Even today, the weather is fabulous. One could see the number of people around Dublin city during the first two hours of trading this morning. It is important. I walked through Dublin city yesterday and it was trashed from South Great George's Street over to Wicklow Street and the back of Grafton Street. The thing that I came across most was tourists visiting this country using their phones to video the filth and dirt, the human excrement, the urine, the food, the cans, the bottles and the slabs of beer. People were rightly angry. I met a number of people who suggested that the council workers should have been out. They should not have been out at that hour of the morning. We, as citizens, have to take some responsibility for what is happening in our city. I heard reports about Limerick, Waterford, Wexford and Cork. It was atrocious when I turned on the news last night to see it.

I spoke with the city manager, Owen Keegan, yesterday. What came of our brief conversa-

tion on the phone about Dublin city was that we need to be clear that it is an offence to drink in a public place in Dublin city, Dún Laoghaire-Rathdown and many other places and that there should be no mixed messages from Government about trading out. There are by-laws. Who enforces them? Council officials will tell you that they do not want to confront people. I understand that, especially where alcohol is involved. An Garda Síochána does not have the necessary resources and has to maintain a balance. This is all about a balanced approach. It is about people coming out of lockdown. Those people are our brothers, sisters, sons, daughters and family members. They are a disgrace and we have to take responsibility for them.

I ask the Deputy Leader that there be a public campaign in the next two or three days before we line up for next weekend. Hopefully, it will be a fabulous weekend. I am not a killjoy but I do not like to see people having to navigate the trash and the dirt, and the disrespect for our county and city officials and the workers who go out and have to clean up. The campaign has to be about people taking responsibility for their own actions and taking alcohol containers or whatever it is away. If they must use it, then drink it and take it away. People should clean up after themselves. What happened sends a terrible message to our citizens. We cannot have a recurrence in Dublin city of what happened at the weekend.

An Leas-Chathaoirleach: I call Senator Martin.

Senator Vincent P. Martin: I want to bring to the attention of the Deputy Leader-----

An Leas-Chathaoirleach: Sorry, I should have called Senator Bacik.

Senator Vincent P. Martin: I am happy to give way to Senator Bacik.

Senator Ivana Bacik: I was happy to give way to Senator Martin too. I thank the Deputy Leader for the change in the schedule so that we will be debating Committee Stage of the Affordable Housing Bill today and on Friday. I look forward to that continued debate. Those of us who were involved in the debate on Friday will be well aware of the substantial number of amendments tabled in respect of this important legislation and of the substantive nature of the issues involved. Our housing spokesperson, Senator Moynihan and I were concerned about the key issue of affordability and how the criteria for affordability are to be set. We have been arguing that they should be set in accordance with people's income rather than in accordance with the fluid and, unfortunately, manipulable criterion of market value. That debate will be continuing today and I look forward to it. Housing is such a crucial issue. Across Dublin Bay South, where, obviously, I am working extensively at present, you hear it from so many people who are priced out of accommodation, who have had to move back home with their parents, who simply cannot afford to rent flats in the area and yet we see apartments lying empty. This housing debate is hugely important. I am really glad that we will see it resuming on Committee Stage, today and Friday, we will not be truncating it, and I hope we will not be needing to guillotine it. That is a very important issue. It is so important to get it right. So many attempts at adjusting housing policy have failed, as we have seen over the past few years.

I also ask the Deputy Leader for a debate on the new strategy to combat domestic sexual and gender-based violence. I welcome the fact that today the Department of Justice is launching a consultation on this, the third national strategy, which it hopes will be concluded by the end of this year, and that that is being done in conjunction with Safe Ireland and with the National Women's Council. Colleagues who were in this House in 2017 and 2018 will recall that we made really important progressive changes to our law on domestic and sexual violence through

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two legislative measures, the Criminal Law (Sexual Offences) Act 2017 and the Domestic Violence Act 2018. We brought in such important measures as the new offence of coercive control and a statutory definition of consent for the first time in Irish law. It is really important that we continue in this House to champion necessary changes to protect those who are suffering from domestic and gender-based violence and I hope we can have that debate.

Finally, I commend the Portobello Tidy Towns, my local Tidy Towns organisation. We had a big group of volunteers out, this weekend and the previous weekend, tidying up in Portobello with the assistance of Dublin City Council and local businesses such as 31 Lennox and many others. It is so important when we see areas such as Portobello getting a bad press because people are gathering there that we remember there is a huge community effort. Portobello is a fantastic place to live and a huge community goes on all the time there for so many of us volunteering to help clean it up and to make it a really lovely place to live in, to bring up children in and to just spend time in. To remember, our city spaces can be really pleasant. They can be really positive public amenities and we need to strengthen that and commend that where we see it happening.

An Leas-Chathaoirleach: I thank Senator Bacik. That, earlier, was not a display of parochialism. I now call Senator Martin.

Senator Vincent P. Martin: There are two issues I wish to bring to the attention of the House this morning that have potentially serious implications for world peace and stability. First, the recent decision by the UK Government in respect of its announcement concerning its integrated review of security, defence, development and foreign policy, of its nuclear weapons and the nuclear warhead cap. It is most worrying, as the British are lifting the cap on the number of warheads it can stockpile, having previously committed to reducing its stock. The new UK position runs contrary to disarmament commitments and risks contributing to a dangerous arms race. The UK's review also confirmed it will no longer be providing public figures on the UK's operational stockpile of its deployed warheads and deployed missile numbers. The UK's new position also sends a very dangerous message at this crucial time in global non-proliferation methods and efforts. Ireland has a proud history of supporting the advancement of multilateral nuclear disarmament through active participation in the nuclear non-proliferation treaty and the Treaty on the Prohibition of Nuclear Weapons. Our efforts are driven by a firm belief that nuclear disarmament is an enabler of security and that the only guarantee of safety is to complete elimination of nuclear weapons. The British Government's decision is most worrying and it has largely gone under the radar.

The second matter I wish to bring to the attention of the House and the Deputy Leader is a much better or prominently documented matter, namely, the recent hijacking of the civilian airline. This House and every democracy should put this on the agenda indefinitely because there is a real danger with the passage of time that the dictator, Alexander Lukashenko, will get away with this. The President of Belarus has taken the law into his own hands. His action is a strike on all of our freedoms and a flagrant breach of international law. For an extradition from an organised democracy like Ireland there is an amount of forensic detail and the process is fair, yet a dictator has organised successfully and arranged the hijacking of an Irish-owned, Polish registered civilian aircraft as it flew between two EU members states with up to 12 member states' citizenry onboard. Over a week has gone by and I again call for the release of Roman Protasevich and his partner, Sofia Sapega. We should call for their release on a regular basis. The world has spoken, by and large, but it has had no effect to date on the welfare, safety and liberty of these two people. Roman Protasevich is a blogger and young journalist whom a dic-

tator felt he could not cope with. This is an attack on the freedom of the press and freedom of expression. I am really concerned about the safety of Roman Protasevich, as is any democrat in the free world. We should continue to mention and highlight the case on a regular basis until we get a result. We must ratchet up the sanctions, and not just EU sanctions. We must use the EU appeal throughout the world and the US to do more and more, and not let this case fade into the past. As time fades people forget, which is what is happening so we must continue to highlight this case.

Senator Niall Ó Donnghaile: I welcome the change to this week's Order of Business to allow for the continuation of Committee Stage of the Affordable Housing Bill on Friday. The arrangement is a helpful and positive move given the level of debate that is required and the amount of amendments that have been submitted.

I recognise the historic vote in the Dáil last week with the passage of the motion on Palestine. It is important, timely and sends a positive and correct message internationally from these Houses.

I pay tribute to one of Ireland's and certainly one of Belfast's leading blues guitarists, musicians and singers, Rab McCullough. Perhaps unjustly, Rab is not one of our best known musicians. For those who did and do know him and his music, his playing meant the world.

Rab performed with other legends and shared the stage with people like Jimi Hendrix, Rory Gallagher, AC/DC, Paul McCarthy and Wings, and the Rolling Stones among many others. In the 1970s, Rab was a political prisoner in cage 17 of Long Kesh where he taught Bobby Sands how to play the guitar. My father, who was with them in cage 17, reminded me this morning that Rab would often play guitar with his teeth in the style of Jimi Hendrix. Apparently, Rab was a great help with the many sports injuries that the men in the cages suffered due to football, soccer and everything else. Clearly, Rab had magic hands whether it was on the guitar or assisting his fellow prisoners.

I was lucky enough to hear Rab play on a number of occasions. Especially now with his passing, it strikes me how mesmerising a privilege that was. He was a fantastic blues guitarist and musician. His music was a great gift to anyone who had the opportunity to hear him play, particularly live and he was a regular feature in small, intimate venues throughout Belfast in recent years. I take this opportunity to send my thoughts to his wife, Marian, his three children and his grandchildren. In his memory and in the spirit of the life that he lived, I call for statements and discussion on how we support musicians, artists and the cultural sector as we safely, and wisely, emerge from the restrictions over the next short period.

Senator Alice-Mary Higgins: I join in welcoming the motion on annexation. It sends an important signal in recognising some of the reality of what is happening in the occupied territories of Palestine. There is more that we can do but the motion is an important step.

I join in the calls for a debate on disarmament that Senator Martin mentioned because Ireland has played a key role in that regard. In a moment when we are seeing a shift away from some of the international principles of disarmament, this is a timely and appropriate debate.

I join previous speakers in welcoming the decision to extend the time allowed for Committee Stage of the Affordable Housing Bill 2021 because it has been a constructive debate. I recognise that there has been some engagement and several amendments have been accepted, including one of mine related to sustainable urban communities, which is the issue I want to

speak about.

When we talk about sustainable urban communities, we need to acknowledge the lack of meaningful public space in Dublin city centre. I live in the city centre where, during much of the 2 km lockdown period, St. Stephen's Green and the Iveagh Gardens were closed. All that was open were Merrion Square and a stretch of canal path that is not even 6 ft. wide. We have been talking a great deal about compact growth and encouraging people to live in city centres but we do not create city centre spaces that people can enjoy. Where are families to go at 7 p.m.? Where could a family meet another family outdoors if, like me and many others, they live in an apartment and do not have a back garden? We need to have more public spaces and more diverse kinds of public spaces. I worry at the response that suggests we should shut down more public space and push people back into small apartments where many have been for a year.

The longest queue in Dublin is the one for the public toilets at the top of Grafton Street. That is ridiculous. Flann O'Brien wrote *The Hard Life* in the 1960s. He was writing about women's rights being affected by the lack of public toilets. A campaign on that issue runs through his book, yet here we are 40 years later. It is an inequality issue. It becomes harder for families, people with a disability and women when there are no public toilets. We need public bins and we may also need more directly hired and publicly accountable council staff, not for confrontation, but if we are to have an outdoor summer.

We also need to stop sending mixed messages. If we send a message that 1 m distance without a mask is fine for indoors, that sends a signal that it is fine for outdoors. We spent a lot of time showing what 2 m distance is and we have all internalised that distance. When we send signals that we are suddenly shifting to 1 m, we need to be very careful. I am concerned about accelerating that move to 1 m. It has to be done slowly and from an indoor perspective because we are sending that signal and telling young people they need to go back to work, even if they are not vaccinated, in places where 1 m distance will apply.

I join Senator Paddy Burke in calling for a debate on the wider digitalisation agenda. There is a European recovery and resilience strategy and we know there are hundreds of millions of euro being invested in this area. Broadband is part of it but digital empowerment and training for communities are also part of it.

Senator Erin McGreehan: I echo some of Senator Higgins's sentiments. The weekend events around the country highlighted for me that this issue boils down to how we respect our public places, private property and fellow citizens. We saw disgusting littering, which has been raised. Councillor Dónal Gilroy in Sligo called me this morning at his wit's end about Streedagh Beach in County Sligo. This was replicated around the country. Our beaches and public amenities are not fit to accommodate the number of people who are flocking to them.

We need to help local authorities to deal with the outdoor summer. We need to embrace summer tourism. I look forward to travelling around the country and hopefully getting to some hot spots, cool spots or wet spots. We need more litter, traffic and dog wardens. We need more public toilets and lifeguards. We need to protect our special areas of conservation so that people do not light campfires. This was a problem throughout the country last weekend. Dogs need to be kept on leads in commonage areas so that they do not attack wild birds and sheep. It is sad to think that we need a campaign to tell people to pick up after themselves. We really do need such an awareness campaign, however, to start immediately to address how people should behave outdoors and to help local authorities to deal with these types of situations. It is not right

that members of TidyTowns committees have to come along and act as binmen and binwomen and do that heavy lifting every weekend. Those people need support. TidyTowns committees should be for planting flowers and lifting rubbish occasionally, and not for this type of regular heavy lifting. Those organisations are intended to complement that work and not to do it.

Senator Emer Currie: This morning, I raise the TidyTowns competition. It is great to see it back this year and that there are €1,000 grants available. Many groups were disappointed that the competition did not go ahead last year but that did not stop much of their work. Members worked within their 2 km and 5 km zones, and boy did we need them. As we heard this morning, there have been masks on the ground and overflowing bins. Cigarette butts are now emerging as one of the biggest issues, in addition to an increase in illegal dumping and dog litter. In that context, there is an award this year for those groups which did keep working.

We must encourage this new localism. We are going to have more staycations and local tourism. Along with my colleague, Councillor Siobhan Shovlin, and a colleague of the Deputy Leader, Councillor Howard Mahony, I launched a Dublin 15 tourism initiative last week because we want to see people coming into our area and preparations made for our outdoor summer. I spoke previously during our debate on period poverty regarding our lack of public toilets and what a disadvantage that is, as well as the need for bins and a strategy to complement our outdoor summer. I also spoke about casual trading bylaws and what we can do in that regard, as well as about supporting the organisation, Leave No Trace Ireland, which encourages responsibility regarding activities outdoors.

I raise the specific point that it is disappointing that only TidyTowns groups which were registered in 2017, 2018 and 2019 are eligible for the €1,000 grant this year. It includes a group of which I am a committee member, Blanchardstown TidyTowns. We have been active since 2018. We have done a colouring competition, been in the St. Patrick's Day parade, engaged companies in the area and we are of course doing our clean-ups every week. We secured funding from other sources, but we cannot now get that €1,000 grant because we were only set up in late 2018. We did not apply and register for 2019. Our year would have been 2020, but we could not do it then and now we are not eligible for this €1,000 grant. We need that money to get out and purchase equipment and make it a level playing field. We are trying to encourage people to get involved and we have seen an uplift in that regard. We should be encouraging people and capitalising on the goodwill of people who want to get involved.

Senator Sharon Keogan: There has been a great deal of finger-wagging over the weekend and even this morning on RTÉ by broadcasters calling for our cities to be locked down at weekends. Businesses that this Government closed have been scolded like bold children for allowing the crowds to gather. Today, I want to illustrate the contradictions in our plans for reopening this summer. In two days' time, on 2 June, I will be able to travel to a bed and breakfast or hotel anywhere in the country. Cross-county travel and small space gatherings will also be allowed in respect of bed and breakfasts and hotels on 2 June but restaurants, bars and cafes will remain closed.

It will not be until 5 July that our food and drink venues will be able to open indoor dining. In the meantime, however, I can eat inside a bed and breakfast or hotel. The CEO of the Restaurant Association of Ireland, RAI, Adrian Cummins, has called this practice discriminatory and unjust, and I agree with him. Why the double standard? Why can I travel to a bed and breakfast or hotel on 2 June to stay among other families that I may or may not know, while until 5 July it will remain an offence for me to have members of three other households in my home? There

is a flaw in the Government's logic. In fact, there is a flaw in the Government, because it is not applying any logic at all. There is a problem with this because it affects people's lives. People in power are playing with people's lives. If those people and the Government want to stop playing and start helping, antigen testing should be given the go-ahead immediately and not in five weeks' or five months' time. The Government needs to stop pointing the finger at airline companies having to lay off workers and help them get back up and running by allowing those vaccinated to travel. It needs to start an interdisciplinary team, filled with people who have experienced different hardships and headaches throughout this pandemic, to open the discussion on addressing issues fairly and avoiding future lockdowns. This country will not take any more lockdowns. We need to stop the slow vaccine roll-out. We either need more vaccinators or we do not, but if we are to continue to search for them then somebody should reach out to the 1,200 pharmacists who have offered to provide vaccines. Variants will be with us for years to come. We need to live alongside Covid-19, not live in fear of it. Until we do, people with power are playing with people's lives and this is a very serious problem.

Senator Eugene Murphy: I will not comment on the last speaker other than to say that the issue is not vaccinators but the supply of vaccines, which is a problem we have no control over.

I raise an important issue which featured in one of the lead stories by Lorcan Allen in yesterday's *Business Post*. Part of the article stated:

An expert has warned that Ireland's power system is at risk, amid concerns that national infrastructure is buckling under pressure of growing demand. System alerts typically occur during the winter months when electricity demand is highest...there have been two already this spring. The number of system alerts warning of potential electricity shortages on the national grid has risen dramatically in the last 12 months, leading one expert to warn that Ireland is showing the early signs of a power system at risk of blackouts. In the last year the Single Electricity Market...has issued six system alerts to warn of capacity shortages on the electricity grid, compared with just 11 alerts over the previous ten years.

I can identify with that as in my part of the country, over a period of time, there has certainly been a major increase in the number of power cuts. I have been asked time and time again by business and ordinary householders why it is happening. I was given various excuses. I ask the Deputy Leader to ask the Minister for the Environment, Climate and Communications, Deputy Eamon Ryan, to come to the House to reassure us that we are not facing this debacle.

I am somewhat concerned because we closed down two peat-burning stations in Lanesborough and Shannonbridge. While we all accept the peat-burning era is coming to an end, the eight-year closedown and just transition virtually became a one-year closedown. Have we put the cart before the horse to some degree? This is something we cannot allow to happen. We must get it right. I ask the Deputy Leader to ask the Minister to come to the House to reassure us we are not heading down this road.

Senator Barry Ward: It was great to see so many people out and about enjoying facilities at the weekend. I was in places such as Dún Laoghaire, Blackrock, Dalkey and Killiney and saw a lot of responsible behaviour. The aftermath is clear to see. Parking was a particular feature of places like Dalkey and Killiney. It seems many people drove there to go swimming, go to the beach or whatever it was, but then parked wherever they wanted. While it is wonderful to welcome people to our area and it is great to see people using the amenities, we cannot have a situation where residents are impounded in their houses and people cannot access roads

around the area.

Litter is another consequence. I pay particular tribute to a young girl in my area, Flossie Donnelly, who has an organisation called Flossie and the Beach Cleaners. They collected 74 kg of waste in Sandycove yesterday, which gives an idea of just how much litter was left behind by people. Most of the solution to that is for people not to leave that waste behind, but part of it is for councils to provide easily accessible bins. I pay tribute to Dún Laoghaire-Rathdown County Council for putting on extra bins in places like Blackrock. I saw people using them, which is great. Flossie Donnelly has a campaign at the moment, which is a petition to have environmentalism become a core subject in our curriculum at all levels in school. There is a great deal of merit to that suggestion. There is a petition on the *flossieandthebeachcleaners.com* website and I encourage Members to look at it.

We need to look at including a whole range of subjects in the curriculum, be it digital citizenship, sex, identity, relationships, environmentalism or coding and programming. These are the skills children will need in the future. Much has changed since the curriculum was drawn up and we need to have a debate in this House about what should be in that curriculum, what it should be addressing for the future and what skills the children who are currently in school are going to need when they go out into the adult world and become functioning citizens.

Senator Annie Hoey: I commend the Union of Students in Ireland, USI, on its Education for All campaign. Other Senators may have passed representatives of the union outside the gates of Leinster House this morning. At €3,000, Irish students are now paying the highest fees in Europe. When I was president of USI in 2015 and 2016, we campaigned against an increase in the student contribution fee. It is, obviously, a position about which I still feel strongly. I agree with the USI and the demands its representatives made outside Leinster House today. It is time to cut fees, fix student rental prices and take care of our students. The Cassells report came out five years ago. It had a comprehensive roadmap for publicly-funded higher and further education but no action has been taken by two consecutive Ministers in the relevant area.

Last week, I raised the issue of the denial of Student Universal Support Ireland, SUSI, grants to students on the grounds that they accepted the pandemic unemployment payment, PUP. Those students were entitled to that payment. It was a payment for people who lost their jobs and were unable to work. No advance notice was given that availing of the PUP would affect a student's SUSI grant. The Ministers for Further and Higher Education, Research, Innovation and Science, and Social Protection, have taken no action on that issue. A number of weeks ago, I raised the issue of the cost of housing for students and I mentioned, in particular, the need to bring on-campus housing providers to the table to discuss what we can do to help students who are out of pocket for rent and accommodation they could not access. Nothing has been done thus far on that issue, as far as I am aware. A considerable number of outstanding issues are facing students who have been through an unprecedentedly tough 18 months and those issues warrant a debate. We need to discuss how we can support them and work together to resolve these issues. I ask the Deputy Leader to invite the Minister for Further and Higher Education, Research, Innovation and Science to the House to discuss these issues. Given that six of the Seanad seats are filled by the university panel, it is appropriate that we have such a discussion here. I reiterate the USI call for publicly-funded education and not a student-funded system. I offer my support to their campaign and I ask all Senators to engage with the Education for All campaign.

Senator Mary Fitzpatrick: It has been a long and hard year for all of us. There has

been little good news. However, I acknowledge the good news that has been the vaccination programme. More than 50% of the population have received their first dose of a vaccine and 300,000 doses were administered last week. There is an expectation that a further 2 million doses will be administered by the end of June. All of that has happened despite problems with supply and delivery of the vaccine. Huge tribute is due to everybody who has been involved in the vaccination programme. I was lucky enough to get my vaccine last week at DCU. I commend the staff at DCU, the Helix, the Aviva Stadium, Croke Park and all around the country. I was with the Salvation Army last week in King's Inns Street. Staff and volunteers from the HSE and the Department of Health and from NGOs of all sizes right around the country have been involved in saving lives and livelihoods by administering the vaccine. This House should acknowledge that enormous effort and pay tribute to them all.

I raise the issue of protections for renters. The Deputy Leader will be aware that the Government has legislated to protect renters four times during the pandemic. The legislation has protected renters from rent increases and evictions. The current protections for renters who have been negatively impacted by Covid will be in place until 13 July. We are all looking forward to the reopening of society but we acknowledge, and the Government certainly does, that it will not be like turning on a light switch and there will be a need for continued supports. The Deputy Leader should write to the Minister for Housing, Local Government and Heritage and ask him to look at extending the rental protections that ensure against evictions and rent increases until the end of the year. If he can do that and bring forward emergency legislation, I would ask this House to facilitate that emergency legislation. I also ask that the rent pressure zone loophole that has emerged be tackled at the same time.

Senator Aisling Dolan: I wish to speak about job creation in the west. I would like to acknowledge the sterling work of our regional agencies that attract investment. On Thursday, the Tánaiste announced that Ballinasloe had won an investment of €5 million, with the expansion of Chanelle Pharma into our town. That means the creation of 60 jobs for 60 families. Chanelle Pharma is a Galway company based in Loughrea that specialises in human and animal health. It is in the midst of growth and expansion. The company doubled its capacity a number of years ago. It has won awards, including that of pharma company of the year, making it the first indigenous company to do so.

I would also like to acknowledge the work of IDA Ireland west and Enterprise Ireland west in working with Chanelle Pharma to achieve this investment. The regional agencies and people on the ground in our areas are crucial to attracting investment into our counties and outside of the larger urban centres. Development associations and voluntary community groups drive investment into our towns. In my own area, the Ballinasloe Area Community Development group has done significant work, including its recent initiative, the Pulse Club, which is a network of entrepreneurs, start-ups and mentors. For the past two years, the group has organised workshops on digital marketing, finance, business planning and speaker events with high-profile entrepreneurs. Two years ago, Michael Burke, the managing director of Chanelle Pharma, was keynote speaker at the launch of the Pulse Club. Less than two years later, investment is being made in our town. It shows what a buzz there is and the importance of networking and bringing communities together.

I also wish to raise the announcement by the Minister for Rural and Community Development, Deputy Humphreys, this morning regarding *connectedhubs.ie*. The connected hubs network is crucial for our towns, villages and regional areas. There are now more than 66 hubs online. I encourage those who may be watching the debate today while they are working from

home to make use of the hubs. It has not been ideal for those working from home during lockdown, who have sometimes been working from the kitchen table. There is now an opportunity for those workers to look up *connectedhubs.ie* and book a desk, workspace or a meeting room. Some 66 spaces are currently available. The aim is to increase this number to in excess of 100 by the end of the year and the overall target is 400.

I congratulate the managers and teams working in our enterprise centres to deliver this network for our towns.

Senator Pat Casey: I plan to reopen my own business on Wednesday. That reopening would not be possible without the Government supports that have been provided over the past 15 months. I wish to acknowledge that before I raise a similar issue to that of Senator Keogan.

I am in the privileged position to be able to allow indoor dining in my hotel from Wednesday. However, the locals - who are my regulars - who want to dine in the hotel have to sit outside. I find that two-tier approach most unfair. Why should locals coming to the hotel to dine be treated differently from a hotel resident? I have always argued that we should use the science that is available. If the science tells us that it is safe to eat indoors, why is it not safe for non-hotel residents to dine indoors? Equally, I object to the complex messaging on time limits for dining. Those dining at tables 1 m apart are subject to a limit of 105 minutes, but those dining outside at tables that are 2 m apart can sit for as long as they like until they are kicked out at the end of the night. I understand why the Restaurants Association of Ireland and the Vintners' Association of Ireland are frustrated by this approach. I do not see how the science supports that.

I also wish to touch upon another issue that was highlighted over the weekend. I wonder what we would be talking about here today if it had been raining over the weekend. We would not be discussing any of the situations that we saw unfolding in our city centres or indeed in other hotspots across the country. In Glendalough, on the first fine weekend in May we ended up in the same situation as Dublin over the weekend. The place was packed to capacity. There was no room and not enough bins and facilities. As we plan for an outdoor event, we should plan more for these occurrences. It is very difficult to cater for a one-off event. I am not saying that the weekend was a one-off event. However, it is not often that we have a weekend of such fine weather. Perhaps the reopening of society will help reduce these occurrences in the long term. If we knew the weather forecast, we could plan for these events. The uncertainty is the weather. If we had certainty around the weather, we could plan better for these occurrences.

Senator Róisín Garvey: I wish to raise a serious matter that occurred at the weekend. There were probably similar issues at other popular beaches around the country. First, I thank Ben Bennett, Mike Paige, Aaron McGettigan, Ollie O'Flaherty and Richard Brangwyn. They put their lives at risk to save over 40 people yesterday at a beach in Lahinch. There were zero lifeguards on duty. We knew last weekend was going to be sunny and that thousands would flock to the beaches. This is our second summer in lockdown so we should have figured this out by now. People deserve to be outside. They have been told to go outside and the country has been told to take a staycation, and I have been promoting that. We should not be shocked at the number of people outside on the streets or at the beaches. We knew this was coming.

I am wondering what the solution is. The Minister for Rural and Community Development, Deputy Humphreys, the Minister for Transport, Deputy Eamon Ryan, the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media, Deputy Catherine Martin, and several Departments have given millions to local authorities for bins, outdoor seating, extra amenities and creat-

ing spaces, but I do not see that happening on the ground. I do not know what the problem is. There were no lifeguards on duty yesterday in Lahinch, although it was packed with thousands of people. There were two-year-olds missing and one guy nearly had a heart attack. The five men I mentioned are all surfers and they did this voluntarily. They could not leave the beach because they were afraid people would die. They were putting people on their surf boards and bringing them in from the water. I know we cannot predict our weather, but we can predict if it is going to be sunny. I booked a trip to the Aran Islands a week ago because we were told last weekend was due to be sunny. We will have to be more creative and quicker off the mark. The climate has changed and our weather patterns are more unpredictable, but this is our second outdoor summer and we have not nailed it. We have failed.

I wonder if it is necessary to have a meeting with all the chief executive officers, CEOs, of the local authorities to find out what the problem is. It is not fair to ordinary civilians and surfers that they would be afraid to leave the beach in case somebody drowns if they are not there to keep an eye on them. It is a serious issue and it is ongoing. We cannot wait until somebody dies to realise it is serious.

Senator Gerry Horkan: I was delighted to hear Senator Burke mention Swinford because, as he knows, that is the birthplace of my grandfather. I believe every Horkan in the country originally came from there. I am delighted that the Minister for Rural and Community Development, Deputy Humphreys, is there today.

I would be more than happy to speak about what happened at the weekend, which has been covered so often. Dún Laoghaire-Rathdown had a protecting upland and rural environments, PURE, policy relating to upland dumping in the mountains. It is all about leaving no trace. It is all very well that we need more bins and we have more traffic wardens, dog wardens and litter wardens, but it is down to people's personal responsibility. People have to behave properly. Of course, when alcohol is involved people occasionally lose the run of themselves but, by and large, if one goes to a beach, a park or elsewhere, one should bring what one has. Ideally, there should be more rubbish bins. Hopefully, however, this will all change. We will have outdoor dining in the next week. I asked the Leader a few weeks ago if this could be reopened earlier. Between 700 and 800 pubs in Dublin will be open next week for outdoor activity, and they all have toilets which will be available to people to use as they are public houses. The sooner we have the pubs open, both outdoor and indoor, the more we will spread the burden and there will not be a focus on illegal drinking, as that is what it is under the law, taking place.

The point I wish to raise relates to a report that was commissioned by the Association of Irish Local Government about the intimidation of councillors, both online and in person. It was published last week and is a comprehensive document. The association surveyed its 949 local authority members, who elected many of the Members of this House, and there were 223 responses. Almost a quarter of the members gave a response, which is a phenomenal response rate. They pointed out that people have been subject to violence, threats of violence, threats of sexual violence, death threats in some cases and threats to their family members. I call on the Deputy Leader to have a debate on that report as soon as we can and certainly before the summer recess. It is a comprehensive report.

Councillors do a great deal of work. Almost every Member of the House has been a member of a local authority. My apologies to any Member who was not, but almost every Member in the Chamber at present was. Social media has accentuated this problem and we must tackle it properly, both with the social media companies and also by engaging with the public and say-

ing it is not okay to intimidate public representatives, either anonymously or to people's faces.

Senator Malcolm Byrne: I have been listening to some of the comments made by previous speakers. We need to give young people a break. They have endured enormous sacrifices over the past 14 months. I got quite annoyed listening to some of the finger wagging going on over the weekend, particularly from people who have been vaccinated while young people continue to have to wait. Similar to Senator Garvey, I saw it in Courtown. We had traffic chaos over the weekend at our beaches. We have had a year to prepare for all of this. Resources have been provided to local authorities. We should have known this would happen. I have been very fortunate, like many others, because I live in the great town of Gorey and I have access to the sea and country areas. If people are cooped up in an apartment for a long period once we get a bit of sun of course they want to come out. It is only natural. This does not excuse irresponsible behaviour, for which the minority were responsible. If people bring a bag of cans into a public area, they are well capable of loading those empty cans back into the bag and taking them home with them. If we are going to have an outdoor summer, and the resources have been provided, then in these circumstances we should make sure our local authorities prepare for it. I listened to Mike Cubbard, the mayor of Galway, earlier on "Morning Ireland" and I thought he was right. We need to give young people a break. They have endured an horrendous year.

I ask that at some stage we have a debate in the House on the question of grief and sacrifice. We have lost almost 5,000 people. Many of their families have not had the opportunity to mourn. There will be issues when we emerge from this. We know about the potential mental health impact. There will be a need for counselling services and support. As we finally come out of this pandemic, the House should consider ways we can remember those who lost their lives and allow those who have lost loved ones to grieve appropriately.

Senator Lisa Chambers: My County Mayo colleague, Senator Burke, raised the very important issue of the scarcity of broadband in many rural areas. Mayo is a perfect example of a county where in some pockets broadband is very good and in others there is none, and there is no sign of it coming any time soon. It is great that the connected hubs network was launched in Swinford this morning. It is fantastic and it will give people the option to work remotely but have somewhere to go where they can have reliable broadband so their broadband does not crash in the middle of a meeting or when they are trying to upload a file. People living in rural areas are concerned their broadband will fail, as I am sure it has done for many Members, myself included. Senator Aisling Dolan raised the same issue with regard to hubs being rolled out throughout the country. It is a welcome step towards a new era of working from home and flexible working, which is something all citizens want to see maintained.

Senator Robbie Gallagher raised the issue of the Tidy Towns competition, which he has raised many times in the Chamber. He particularly congratulated Glaslough, the outgoing champion in County Monaghan. He spoke about the importance of the competition. He raised an important and interesting point regarding the virtual adjudications this year. I agree with him that it seems a strange decision to have taken given that we are opening up. It would certainly be better to adjudicate on the ground with a view of the town or village and meeting the committee on-site. This would be preferable for all those who have done so much work. I will ask that this be reconsidered and that those responsible for the Tidy Towns competition might change their minds and get out on the ground to meet the Tidy Towns committees.

The Senator also raised the important issue of farm accidents. We are heading into a busy season for farming and I concur with him that it is important that farm safety is paramount on all

farms and that children on farms are also watched. We know farms are particularly dangerous workplaces at times and many people lose their lives. Many also get injured every year and we do not often hear about these particular instances.

Senator Boyhan made an impassioned speech on behalf of the residents of Dublin city and throughout the country with regard to the outdoor summer and people recreating outdoors, which we expect them to do. There is a responsibility on citizens to pick up after themselves. We should not have to say this but clearly we do. Many Members made this point this morning. Senator Boyhan was correct that it is disrespectful to council staff to leave rubbish behind. It is very unsavoury for others who want to use the public spaces and cannot do so because they are so filthy.

1 o'clock

There is a point about civic responsibility and being responsible for one's own actions. It is an important message.

Senator Bacik raised the matter of the Affordable Housing Bill and welcomed that the debate will be extended. It is worthwhile having as much debate as is needed, as I believe it is the defining issue of this Seanad and Oireachtas. It deserves adequate time for debate. We are getting a good opportunity for people to share their views on the floor of the House. Senator Bacik also mentioned the new strategy of public consultation around sexual and gender-based violence that was launched this morning by the Minister for Justice, Deputy Humphreys. That public consultation is open until 18 June and I encourage all citizens to participate. It is really important we hear directly from people who may be or have been affected and they should have their say on this really important strategy we are developing. It is around keeping this on the agenda, really, as it will be an ongoing matter. We saw the increase in rates of domestic violence throughout the pandemic, which is one of its really sad outcomes. It is a very important matter.

Finally, Senator Bacik raised the matter of the Tidy Towns competition in her local area of Portobello and Dublin Bay South, where she is running in the by-election. I wish her well in the election.

Senator Ivana Bacik: I thank the Senator.

Senator Lisa Chambers: My colleague, Councillor Deirdre Conroy, is contesting the election as well so I wish her and all the other candidates in Dublin Bay South the very best in the upcoming election. We would be very sad to lose Senator Bacik if she is to leave the House but we wish her the very best nonetheless.

Senator Martin raised the question of the UK's defence and foreign policy around nuclear non-proliferation. It is not an issue that is on the radar too much in this House but it is an important topic. The UK is a very close neighbour so it is important to be aware of a significant change in defence and foreign policy around nuclear weapons. We clearly have no control over UK domestic policy and those matters but it is nonetheless an important point to raise on the floor of the House. The Senator also raised again a matter that was brought up by many Members in the House last week, namely, the hijacking of the Ryanair flight by the regime in Belarus. He is right to make the point that we cannot simply move to the next matter and we must ensure this stays on the agenda. The EU has issued significant sanctions and all Members of the House welcome those. The Taoiseach has been very strong on this matter too, as has the

Minister for Foreign Affairs, Deputy Coveney.

Senator Ó Donnghaile raised the matter of the passing of the motion on Palestine last week in the Dáil and he welcomed the extension of the Housing debate so Members would have the opportunity to have a say. He spoke about Mr. Rab McCullough, a musician I had not been aware of, to be honest. The Senator gave a really lovely and heartfelt tribute to somebody who clearly meant a lot to him, his family and his community. He was somebody who was clearly very talented as a musician. With Senator Ó Donnghaile I extend the sympathies of this House to Mr. McCullough's wife, Marian, and three children, along with the family and friends grieving his loss.

Senator Ó Donnghaile followed those comments by seeking additional supports for the music and arts industry and a debate on the matter. It is an issue on which many Members have spoken. This is one of the sectors that has been lacking a little direction in how it might exit this pandemic. Some pilot schemes have been set up to try to get back to having music events, mainly outdoors, but many people in the industry really do not see an end in sight. We need to provide some guidance for people in the sector.

Senator Higgins raised a number of questions, including Palestine, disarmament and sustainable urban communities. The Senator gave her perspective on how confining it was to be living in Dublin city centre with just a 2 km radius within which to move around. There is a lack of public spaces. The Senator raised a really important point on the lack of public toilets, referring to the queue at the toilets at the top of Grafton Street. I pass by those facilities every time I leave work and there is some anti-social behaviour in the space, which we might not normally see. This is an equality and human rights issue and it relates to basic sanitation and access to public toilets. It is not a luxury and particularly when businesses around the area are closed, one does not have the same opportunity to pop into a coffee shop or pub to go to the toilet. It is important for women, children and people with a disability to have access to public toilets. It is a good point to raise on the floor of the House and the city council must do some work on that.

The Senator also raised the question of young people getting back to work and not having a vaccine. I heard a debate last week about why hotels, restaurants and hairdressers cannot get people back to employment and many people working in the sectors are younger people who are not vaccinated. They may not feel comfortable going back to work just yet and it is quite possible some of them are holding out until they are vaccinated in the next month or two. There could be a little leeway around that.

Many Members have raised the question of young people, including Senator Malcolm Byrne. They are having a really difficult time and they are first to get the rap on the knuckles when something is not happening, such as getting back to work or socialising. There is a very good reason such these things are happening. It is often a lack of support for people of that age to help them get back to work, or to provide a space to socialise as well, which is clearly important.

Senator McGreehan raised the issue around public spaces, respect and the litter issue. If we are asking people to vacation or holiday at home and move around the country it is a very real issue. I was at the beach in north Mayo at the weekend. Usually not many people attend these beaches and it is quiet, with the other side of the county being more popular. There was a lack of bins there. There was only one bin and it was full by midday. The place was heaving. There was very little space to park and people were pulling up on the side of the road. There was no lifeguard on duty. Again, as Senator Garvey has said, months ago we knew this was

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coming. We did this last year also. A lot of money has been given to local authorities. Where is the additional seating? I have not seen it. Where are the bins? I have not seen them. Why are lifeguards not on duty a little bit earlier given that we know people will be at the beaches since there is nowhere else to go? It defies logic that there has been absolutely no change in the approach by local authorities to preparing for summer, given that we are in extraordinary times and that we know people will be there. It is not a lack of support or funding from national Government. The money is flowing to the local authorities. It is right across the State and in every county. The local authorities need to up their game. The citizens are losing out and it is even becoming unsafe in many places.

Senator Keogan raised the issue of businesses being scolded. I believe the Senator is right. A lot of businesses are doing their best. People are entitled to buy a takeaway drink or food, and to sit wherever they want. It is not up to the businesses to police the people around their premises. They are not being given the opportunity to spread it out, as other Members have said. Due to the staggered reopening there was always going to be such difficulties.

I take on board the point that Senators Keogan and Casey raised about bed and breakfast accommodation and hotels being allowed to offer indoor dining from 7 June, and restaurants not being allowed until 5 July. Adrian Cummins of the Restaurants Association of Ireland, RAI, has been a fantastic advocate for this industry over the past year and a bit. Restaurants have been really struggling. The logic behind the staggering of the reopening was to try to keep as low as possible the numbers of people circulating, and to keep it steady as she goes. There is definitely a disparity however. It strikes me as quite unfair that if one can afford to book into a hotel for the night, one can have dinner and drinks and to socialise, but if a person cannot afford to pay for a hotel then he or she does not get to do that. This is one of the inequalities of that position. I hope that we get back to full opening.

There are probably different views on the success of the vaccine roll-out. My view is that it has been quite successful. The issue is one of supply, not of getting it out. I do not believe we are short of vaccinators; that is fine. The issue appears to be about getting enough doses to administer. To be fair, the HSE is working around the clock on that to try to get as much as we can as quickly as we can.

Senator Murphy raised the issue of national infrastructure. I also read the piece in *The Business Post* around pressures on the national grid and the potential for blackouts. It is an important debate that we need to have on the future of our electricity supply and our infrastructure. It is currently a bit of a patchwork, and we are trying to move to renewables. With those changes, there has not been enough support to move towards micro-renewables to allow people to generate electricity at a local level and feed it into the grid. We can be doing a lot more things to be smarter about it. A debate with the Minister will be the first port of call for this House to see what the plan is.

Senator Ward struck a more positive tone with regard to the weekend, and said that he observed a lot of positive behaviour in his area in Dublin, where lots of people were doing their best. I loved the name Flossie and the Beach Cleaners. I do not think we will forget it. It is quite memorable and certainly sticks in one's head. I congratulate Flossie Donnelly on her environmental work in the community. It is fantastic to see it. I am sure she will be an inspiration and a leader to other people. Often it is individuals like Flossie who lead the way and inspire others to do the same.

There is a very important point around reimagining our school curriculum for young people who are going into what is a very different and ever-changing world. A child entering national school today will be in a very different world in 20 years' time to the one we are in now. The curriculum is probably based on a world from 30 or 40 years before. There is space there and important points were raised on this by Senator Ward.

Senator Hoey raised the issue of the Education for All campaign. I saw the students union, the USI, outside this morning with their placards. I agree with the Senator. The Cassells report has been gathering dust for the past five years. There has been a reluctance by a number of Ministers to just make the call and to discuss this. It does not just provide a pathway to publicly-funded education, which I strongly believe in and support because otherwise it becomes elitist and for those with money, and it would disadvantage a large swathe of the population. It also presents other options like student loans but I do not believe we should go down that road. Ultimately, it presents the Government with three funding options. It is up to the Oireachtas to make a decision but nobody wants to make it because it is a difficult one. The decision has been kicked down the road numerous times. A discussion in this House as to where we go next is long overdue.

This issue is related to accommodation. Universities and colleges are using student accommodation as a source of funding because they are struggling to afford to run their campuses. It also explains why the registration fees are so high. Universities and colleges argue that they cannot run their institutions on what they get from central government which is why they have to take so much money from students. It is all linked into the question of how we intend to fund third level education for the long term but we have not made a decision yet. I will invite the Minister for Further and Higher Education, Research, Innovation and Science to the House to start that debate and hopefully we will see a decision on the Cassells report this term.

Senator Currie raised the issue of Tidy Towns committees and the fact that committees that were not registered before 2019 cannot avail of grants today. That is quite an arbitrary decision. Surely we should be encouraging people to set up Tidy Towns committees and get involved in the scheme. In the greater scheme of things, €1,000 is such a small amount of money for the Government but for a Tidy Towns committee, it is a huge sum. It will buy the necessary bits and bobs, the tools, lawnmower, flowers and so on. I do not know why there is an arbitrary cut-off date. We should be welcoming with open arms as many people as possible into the scheme. Hopefully that decision can be reversed.

Senator Fitzpatrick raised the issue of the vaccine programme and its success. She noted that 50% of our population has already received one dose which is amazing, particularly as there are so many countries in the world where front-line health workers are still not vaccinated. We are very lucky to be where we are and many countries are not in the same position. We should remember our privilege as a first world, wealthy country with ready access to vaccines now and into the future. There has been much talk recently about vaccinating younger people. Professor Luke O'Neill was on the Brendan O'Connor radio show on Sunday. He suggested that once we have vaccinated everyone aged 18 and over, we should seriously consider giving any surplus vaccines we have to vulnerable Third World countries that still have not vaccinated their older citizens or healthcare workers, and I agree with him. We do not need those vaccines and we can get them again in the future. It is important not to leave anybody behind. We will not get over this pandemic if we leave pockets of the world unvaccinated.

Senator Fitzpatrick also raised the issue of protection for renters and called on the Minister

to introduce legislation to fix the loophole relating to rent pressure zones. Basically, if landlords did not increase rents by 4% last year, they can add that on this year, leading to a cumulative increase of 8% which was not the intention of the legislation. Clearly this is a loophole that needs to be closed. Unfortunately, landlords are availing of the loophole. I know of one particular case where the rent was increased by 12% in one go. The tenants had no option other than to pay it because Threshold told them that the landlord was entitled to charge it. It is scandalous that somebody would do that to young working people, one of whom had lost a job. They were struggling through the pandemic but there was zero sympathy for the young people in the accommodation in question. They had nowhere else to go and had to pay the increased rent. I welcome Senator Fitzpatrick's suggestion in that regard.

Senator Dolan referred to the fantastic news that Chanelle Pharma is expanding its operations and will create 60 jobs in Ballinasloe, which is a very significant number of jobs for a town of that size. An announcement like that would be significant in my county town of Castlebar, for example. That is a huge number of jobs in a smaller rural area and it will have a big impact on many families. It is great to see confidence in that business and the fact that it is growing. Chanelle Pharma is one of the great success stories of indigenous Irish business. I wish Mr. Michael Burke and his team the very best in their expansion. I also wish the community well.

Senator Casey raised the issue of indoor dining. As a hotelier, he has expert knowledge in the area of hospitality. He knows what is involved in running a hotel business and understands the difficulties and challenges faced by people in the sector over the course of the pandemic. He spoke very eloquently of the challenges caused by indoor versus outdoor dining for a month, when some businesses can serve customers inside while others cannot. It is an unfairness in the reopening that should possibly have been reassessed and many Members have raised it in this House.

Senator Garvey raised the fact that there were no lifeguards at Lahinch and the same was true in many coastal communities around the country. The local authorities must get their act together in that regard. It is not acceptable that five local volunteers, who should have been enjoying their day surfing, were rescuing people from the water. I commend the individuals whose names the Senator read into the record for the work they do on behalf of their community. It is really commendable.

Senator Horkan raised the issue of the intimidation of councillors covered in a report that was published. Some 223 councillors participated in that survey. A significant number of councillors reacted to it. It goes to show the challenging environment public representatives work in at all levels, be it as a councillor, Senator or Teachta Dála. It has become a more aggressive job to be in but that still does not make such intimidation acceptable. There must be a level of decency in the workplace. People should not be subjected to that. We need to continue to talk about it, call it out, say it is not okay or acceptable, and encourage people to report any incidents, particularly where there is a threat of violence or sexual violence. It is important that is reported to the Garda, otherwise we will not have the data to support making those changes.

Senator Malcolm Byrne said we need to give young people a break. We in the House would agree with him. He has been a fantastic advocate for them in raising youth issues throughout the pandemic. Young people have been extremely impacted. They have lost out on major milestones. As the Senator said, they have missed out on their first year in college, celebrating their 18th or 21st birthday and learning to drive - they cannot sit a driving test. It is very hard for young people who have missed out on those milestones to get that back.

The Senator also called for a debate on grief and sacrifice. When we get through this there will be a major job of work to check on people's well-being and how they are doing. We are still in this fight and have yet to come out the other side, off the front line as it were, and start to reflect on how much we have lost. Everybody has lost something. Many have lost loved ones, which is the most horrific thing one could have gone through in this pandemic, and we are still going through that. However, we have all lost something. Everyone has been through a difficult period. We will have to look after people's mental health afterwards. It will require a great deal of support and help, particularly for counselling services. That will bring to the fore the affordability of those services and making sure they are affordable and accessible for every citizen who needs that assistance. We will definitely have to have that debate.

An Leas-Chathaoirleach: Gabhaim buíochas leis an Leas-Cheannaire as ucht na freagraí cuimsitheacha sin.

Order of Business agreed to.

Sitting suspended at 1.18 p.m. and resumed at 1.30 p.m.

Maritime Jurisdiction Bill 2021: Order for Second Stage

Bill entitled an Act to make provision in respect of the maritime jurisdiction of the State and for that purpose to give effect to certain provisions of the United Nations Convention on the Law of the Sea, done at Montego Bay on 10 December 1982; to provide for the repeal of sections 2 and 3 of the Continental Shelf Act 1968 and Part 3 of the Sea-Fisheries and Maritime Jurisdiction Act 2006; and to provide for related matters.

Senator Lisa Chambers: I move: "That Second Stage be taken today."

Question put and agreed to.

Maritime Jurisdiction Bill 2021: Second Stage

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

Minister of State at the Department of Foreign Affairs (Deputy Colm Brophy): I thank Senators for their early consideration of this technical Bill that will establish in domestic law the framework of different maritime zones of national jurisdiction recognised under international law. Within those zones, a coastal state is entitled to regulate human activity only to the extent permitted by international law. States have different sets of rights in each zone, which I will explain shortly. It is important to emphasise at this point, however, that the purpose of the Bill is simply to establish those zones and provide for their limits. Separate legislation regulates activities within those zones. For example, the Sea-Fisheries and Maritime Jurisdiction Act regulates fishing and the Sea Pollution Act and Dumping at Sea Act regulate protection of the marine environment.

This Bill has been brought forward to consolidate, in one stand-alone Act, the State's maritime jurisdiction legislation and to update it to reflect recent developments in international law. As Senators will be aware, a significant reform of policy and law relating to both the protection

of the maritime environment and regulation of marine planning and development is under way. Dáil Éireann recently approved the national marine planning framework and the Minister for Housing, Local Government and Heritage will shortly bring forward the maritime area planning Bill. That Bill will introduce a new marine planning system and all marine planning applications will in future be required to meet the objectives set out in the planning framework. The enactment of accessible, stand-alone maritime jurisdiction legislation will make for greater clarity in the operation of the new planning system. The regulation by states of human activity at sea is governed in the first instance by the international law of the sea. A state may only regulate an activity at sea to the extent permitted by international law. That, in turn, will depend on whether the activity is being carried out within a maritime zone of national jurisdiction and, if so, which one. These maritime zones include a state's internal waters, its territorial sea, the exclusive economic zone and the continental shelf, and a different legal regime applies within each zone. A coastal state has a different suite of rights and duties within each zone and what activities that state may regulate will depend on the zone in which it is carried out. In general, the international law of the sea seeks to strike a balance between the jurisdiction of the coastal state to regulate activity in its coastal waters and the jurisdiction of the flag state over the vessel from which that activity is being carried out.

The purposes of the Maritime Jurisdiction Bill, therefore, are to provide in domestic law for the establishment and delineation of each maritime zone and to clarify the State's rights in each one. This will facilitate the implementation of the new planning framework and the operation of the new streamlined marine planning system.

The Oireachtas first passed maritime jurisdiction legislation in 1959 and the State's current law in this area is set out mainly in Part 3 of the Sea-Fisheries and Maritime Jurisdiction Act 2006, with important provisions also contained in the Continental Shelf Act 1968. This development of our own law reflects the gradual development of international law over many decades.

Historically, customary international law developed to recognise that a coastal state exercised sovereignty within a marginal sea immediately adjacent to its land territory, known as its territorial sea. The territorial sea could extend to a breadth of three nautical miles. Beyond the territorial sea were the high seas. These were open to all states and no state was entitled to subject any part of them to its sovereignty. All states enjoyed the freedoms of the high seas. These rules remained remarkably stable for more than 200 years.

Following the Second World War, as the range and scale of human activity at sea greatly increased, pressure developed to allow coastal states to extend their jurisdiction further out to sea. This was resisted by other states that placed more value on preserving the freedoms of the high seas. These competing views were finally settled with the adoption in 1982 of the United Nations Convention on the Law of the Sea at Montego Bay in Jamaica. The 1982 convention is a comprehensive constitution for the oceans, establishing the legal framework for the regulation all activities in, on and under the sea. The convention fixed the maximum breadth of the territorial sea at 12 nautical miles and established a new maritime zone, the exclusive economic zone. This zone, which may extend to a maximum distance of 200 nautical miles, is a compromise between the two competing views.

As I mentioned, the Oireachtas first made legislative provision for its maritime jurisdiction in the Maritime Jurisdiction Act 1959. That Act established the outer limit of the territorial sea at three nautical miles and made provision for a straight baseline system from which part of that

limit could be measured. The 1959 Act was amended in 1964 to give effect to the convention concluded at the London fisheries conference that year, at which the states concerned agreed to establish 12-mile exclusive fishery limits. The Continental Shelf Act 1968 conferred power on the Government to designate seabed beyond the territorial sea as Irish continental shelf in accordance with emerging international agreement on this issue. In 1976, following political agreement at the United Nations, EEC member states agreed to extend their exclusive fisheries limits to 200 nautical miles and an order under the 1959 Act to this effect was made by the Government.

The 1959 Act was amended again in 1988 to extend the breadth of the territorial sea to 12 nautical miles following the agreement reached on that matter in the 1982 convention. The 2006 Act then repealed and restated most provisions of the Acts of 1959, 1964 and 1988, and also established the 200-mile exclusive economic zone in Irish law, subsuming the exclusive fisheries zone.

This Bill is being brought forward now for a number of reasons. First, it will bring the State's maritime jurisdiction law up to date, reflecting in particular developments in international law and practice in recent years. The Bill sets out in detail the sovereign rights and jurisdiction the State may exercise on the continental shelf and within the exclusive economic zone, in accordance with international law. As Senators will be aware, increased levels of activity and development are expected to take place in the economic zone in coming years, particularly in the production of offshore renewable energy.

Second, the Bill will consolidate the State's maritime jurisdiction legislation in one stand-alone enactment. As already stated, this is particularly important in the context of the new national marine planning framework and the forthcoming maritime area planning Bill.

Third, the Bill will ensure that the exercise of order-making powers will be guided by policies and principles linked to the detailed rules set out in the 1982 convention.

The Bill consists of 33 sections and two Schedules. Many of these re-enact, with amendments, the provisions of the 1968 and 2006 Acts. I wish to draw particular attention to the following provisions.

Section 6 deals with the baseline and replaces and builds upon section 85 of the 2006 Act. It establishes the low watermark along the coast as the normal baseline from which the breadth of the State's maritime zone is measured and clarifies, for completeness, that this includes the straight line across the mouth of a river where that river flows directly into the sea. It also provides a power enabling the Government to prescribe, by order, straight baselines and bay closing lines, in accordance with the relevant provisions of the 1982 convention, and preserves the existing straight baselines and bay closing line orders.

Section 7 defines the State's territorial sea. The 1959 Act and subsequent legislation used the term "territorial seas" but the singular "sea", as used in the 1982 convention and other instruments of international law, is now employed. A power to prescribe, by order, boundaries in the territorial sea is also introduced.

Section 9 is a new provision. It clarifies, for the avoidance of doubt, that the sovereignty of the State extends to the territorial sea and that the State owns the seabed of the territorial sea, as well as the mineral and other non-living natural resources located there and all forms of potential energy in, on, under or above the territorial sea.

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Section 10 extends the State's criminal jurisdiction to cover offences committed on or by foreign vessels in the territorial sea.

Section 11 provides that a person who is not a citizen of the State may only be prosecuted for an offence committed on or from a foreign vessel within the territorial sea with the consent of the Minister for Foreign Affairs, with the exception of certain types of offences relating to fishing, pollution and maritime safety. This reflects the position in international law that the coastal state's jurisdiction over foreign vessels, within its territorial sea, is concurrent with the jurisdiction of the flag state and should only be exercised in certain circumstances.

Section 12 defines the State's contiguous zone, which is the zone within which a coastal state may enforce its customs, immigration and fiscal rules, and where it has jurisdiction to protect archaeological property and sites. It lies outside the territorial sea and may extend to a maximum distance of 24 nautical miles from the baseline.

Section 13 defines the State's exclusive economic zone and provides a power enabling the Government to prescribe, by order, the boundaries of the zone in accordance with the 1982 convention. It also preserves the existing boundaries order.

Section 14 sets out the sovereign rights and jurisdiction enjoyed by the State within the exclusive economic zone. These include fisheries and protection of the marine environment. For the avoidance of doubt, the section also expressly lists the right to exploit renewable energy sources, and sequester carbon in the geological structures beneath the seabed.

Acting Chairperson (Senator Sharon Keogan): The Minister of State has quite number of pages left to read that will probably take three or four minutes..

Deputy Colm Brophy: Yes, I ask the Acting Chairperson to please bear with me. I will move quickly.

Acting Chairperson (Senator Sharon Keogan): The Minister of State has one more minute.

Deputy Colm Brophy: Section 15 clarifies the civil jurisdiction of the State. Sections 16 to 19 replace sections 2 and 3 of the Continental Shelf Act. Section 17 provides a power enabling the Government, by order, to designate seabed. Section 18 sets out the sovereign rights and jurisdiction enjoyed by the State. Section 19 clarifies the criminal and civil jurisdiction of the State. Section 20 provides a reference to any current statute. Section 21 provides that UK Hydrographic Office charts. Section 22 makes it an offence to commit on board an Irish vessel beyond the territorial sea any act which would be an offence committed within the State. Section 23 deals with offences committed by bodies corporate. Section 24 provides for an offence under the Bill. Sections 25 to 33, inclusive, make technical amendments. The First Schedule to the Bill sets out the texts of the relevant parts of the 1982 UN Convention on the Law of the Sea. The Second Schedule is a table of consequential amendments. I thank the Acting Chairperson for the additional time.

Senator Joe O'Reilly: I welcome the Minister of State to the House and thank him for his in-depth elucidation of the legislation. Albeit that the Bill is technical, it is critically important. I will make a few points specific to the legislation and then I will make general points as it is a Second Stage debate.

The purpose of the Bill is to consolidate in one stand-alone enactment the State's maritime jurisdiction law and to update it to reflect developments in international law since it was introduced in 1959. The current law is set out mainly in part 3 of the Sea-Fisheries and Maritime Jurisdiction Act 2006, with important provisions also in the Continental Shelf Act 1968.

Maritime jurisdiction law establishes the State's different maritime zones and provides a legal basis for delineating their limits and boundaries. The State has different rights and obligations in each of these zones and it may regulate human activities in each zone only to the extent permitted by international law. The Bill will update the State's maritime jurisdiction law to reflect developments in international law and practice, as well as relevant developments in Irish law. A stand-alone maritime jurisdiction Act, which is not primarily concerned with one particular activity at sea, such as fisheries or oil and gas exploration, will make the law in this area more accessible. The Bill will also supplement the forthcoming maritime planning and development management Bill, which will establish a new marine planning system. Together with the recently adopted national marine planning framework, it is part of a series of measures that will regulate development at sea while ensuring enhanced protection of the marine environment.

Our territorial waters and the seabed beneath our territorial waters are of critical importance to this country. They are central parts of our jurisdiction and economic potential. etc. Ireland is ideally located to benefit from our natural marine renewable energy resources generated in the Atlantic Ocean. Ireland possesses one of the richest wave and tidal energy climates in the world. The wave energy resources available to Ireland could meet 75% of the Republic's electricity needs. Wave energy or wave power are the transport and capture of energy by ocean surface waves. The energy captured is then used for all different useful work, including electricity generation, water desalination and the pumping of water. Wave energy is also a type of renewable energy and it is the largest estimated global resource form of ocean energy. There is significant potential in wave energy. While we discussing technical legislation, I exhort the Minister of State to bring away from this House the view that we should grasp the opportunities presented by wave energy as a priority.

The fishing industry in Ireland represents an important economic activity, generating national income and providing local employment. The industry contributes approximately €700 million per year to the national income and provides 11,000 jobs. The main areas in Ireland's fishing industry include commercial fishing, processing, marketing, and fish farming. Bord Iascaigh Mhara is Ireland's national fishing body. As the high demand for fish and fish products has put considerable strain on the world's supply, it is important that we consolidate our fishing zones and areas and that we support and keep our fishing industry working to its maximum potential. It is of significant economic value to the country. We need to maintain that aspect. We have great maritime riches in this country in the form of geothermal and wave energy, and the resultant potential to allow us to decarbonise and meet our commitments by creating green energy, as well as major resources in our fishing sector. Therefore, it is important to encourage these sectors and to demarcate, consolidate and delineate in this Bill our maritime territory and seabed and the associated resources. We must enshrine those aspects in this legislation and defend them internationally. In that regard, it is important that we consolidate past legislation by introducing an omnibus Bill to achieve that goal in respect of all existing legislation. We must do that to ensure that these vital resources for the economy of our country are kept within our grasp, potential for use and activation at all times, and that neatly brings me to the end of my six minutes.

Senator Gerard P. Craughwell: I welcome the Minister of State to the House. I think this is the first time that I have addressed him since his elevation, so I congratulate him on his new role. Section 9 of this Bill concerns “State sovereignty and ownership of territorial” areas. Politicians in this House love to talk frequently about Ireland’s neutrality and how it boxes above its weight on the international stage. Today, we must put an end to that myth. I state that because writing things on a piece of paper to satisfy the UN Convention on the Law of the Sea, which was adopted in 1982, is frankly nonsense when we are in a situation where the State can only claim ownership and sovereignty of that which it can protect itself. We are talking here about distances as far as 200 miles off the coast of Ireland, and we do not have the capacity to protect that area.

It is important to remember that the Naval Service is the State’s principal seagoing agency and it is required to uphold sovereignty at sea. It is the only agency which has the capability to achieve this aim throughout the exclusive economic zone, EEZ. The 2015 White Paper on Defence stated:

As the State’s principal sea-going agency, the Naval Service provides a unique sea-going capability. The Air Corps also has an effective maritime surveillance capacity. As the White Paper on Defence (2000) recognised, Naval Service vessels carry with them unique characteristics as an expression of state sovereignty and political will at sea and in furthering policy objectives in the maritime domain.

Is the Minister of State aware that Ireland recently had to rely on the European Union to provide a ship to patrol our fishing waters because of the absence of Naval Service ships? Is he also aware that the Naval Service has two ships tied up and unable to sail because we do not have the people to crew them? One third of our fishery patrols have been cancelled by the Naval Service so far this year. As of mid-May, 32% of the 405 patrol days have been cancelled by the Naval Service in 2021. This includes 86 days cancelled due to personnel shortages, which included some limited number because of Covid-19, and 44 days that were cancelled due to mechanical issues.

The game is up. The European Commission has copped on to the state of things in this country. It recently ordered a formal administrative inquiry into Ireland’s ability to enforce European fisheries regulations and found the Irish system to be unsatisfactory. Therefore, the Commission has proposed a specific package of measures to address this situation. I read that the Government is actively working on these issues, but I do not see any evidence of this. This Bill adverts to “Jurisdiction in case of offence on foreign ship in territorial sea” and the prosecution of these offences on foreign ships. Who is going to police this aspect? Successive governments have run the Naval Service down to the crisis level where it is today and made it unable to enforce sovereignty regarding anything this Bill deals with.

Ireland claims sovereignty and ownership over a massive area that extends some 200 miles out to sea. It is an area with significant national resources and potential for maritime development. There is potential for wind energy and capacity for the production and storing of hydrogen, geothermal energy, as mentioned by my colleague, submarine storage, natural gas and carbon sequestration, fishery limits and submarine cables. Cables are now coming into this country, and will in the years ahead, from Iceland and Santander, which will carry massive data. We have just seen what happens in this country with respect to the protection of data and what occurred in the HSE.

In addition to this, we do not have ships with the capacity to see what is going on under the sea. We have decimated the Naval Service's deep-sea divers so we have no idea what is happening on the seabed. The following extract is from a paper entitled, "Patrolling Below the Horizon; Addressing Ireland's Awareness of our Maritime Geospatial Domain", by Lieutenant Shane Mulcahy of the Naval Service, published by the Defence Forces in its 2019 review:

The Irish government's 2015 White Paper on Defence provides limited direction, highlighting the Naval Service's ability to "express state sovereignty and political will at sea in order to further national policy objectives in the maritime domain". This is accompanied by the stated intention to provide an 'enhanced capability' in 'the protection of Ireland's vital sea lanes of communication'. The direction has thus far manifested itself in limited bottom [proofing capability] from surface assets, and a recent foray into the autonomous underwater vehicle sensors. Without systems capable of subsurface detection linked to data analysis systems ashore, the Naval Service remains quite literally, lost in the dark.

We are talking about trying to protect an area of sea that we simply do not have the people to protect. We are incapable of enforcing our sovereignty and ownership over the area this Bill proposes to protect. Quite frankly, we should first get our house in order and have our people ready to defend and protect that which we claim ownership to. We are not in a position to do that.

The Minister of State spoke of fisheries. Our native indigenous fisheries system is being run into the ground. Last week, fishermen in Cork had to protest to make the case that they are being run out of business.

I am sorry I am out of time. There were many things I wanted to say on this Bill, but we should fix our navy first and then start talking about our sovereignty and ownership.

Senator Lisa Chambers: It is welcome we are finally consolidating all the legislation in this area into one Bill. As a young law student working at the Bar for my instructor at the Law Society of Ireland, I distinctly remember being asked to do some work on the law of the sea. I had to go to the bottom of the back shelves, dust off old books and try to make head or tail of what was in them. It is a very complex area of law that very few practitioners go into. However, it is really important for us as an island nation to know where our jurisdiction is and what our rights and obligations are. As Senator Craughwell pointed out, to be able to enforce those rights and obligations is a different debate that the House probably needs to have at a different time.

It is welcome nonetheless that we are modernising and consolidating the law in this area and making it easier to digest and for the ordinary citizen to look through. It reflects the fact that, over many years, since the late 1950s, we have had great progression in this area and quite a lot has changed.

This legislation, which I am happy to speak in favour of, brings the State's maritime jurisdiction law up to date and reflects developments in international law represented by the 1982 UN Convention on the Law of the Sea. That convention laid down a comprehensive regime of law and order in the world's oceans and seas, establishing rules governing all uses of the oceans and their resources. It enshrined the notion that all problems of ocean space are closely inter-related and need to be addressed as a whole. Amazingly, the convention was open for signature back in 1982, marking more than 14 years of work to get that point, with more than 150 countries participating in the process. It is a fantastic end to that level of work.

2 o'clock

Much of today's focus should be on the importance of maritime jurisdiction to Ireland as a whole. I recently had cause to engage with Bord Iascaigh Mhara, which is doing fantastic work in promoting fisheries in Ireland and encouraging people to get into the fishing sector and aquaculture. These areas have untapped resources and offer opportunities that we have not done much about to date. We sometimes forget we are an island nation and focus much more on agriculture and not enough on aquaculture. There is an opportunity for coastal communities to get back to their roots in fishing, which is what they do best.

The point Senator Craughwell raised about the fishing community in Cork is a sad story that is not unique to Cork. It also happened in counties Mayo and Donegal. Local fishermen in many coastal communities have not been able to make a sustainable living because of the rules, regulations and difficulties surrounding fishing in their waters. As a State, we can do more to make it easier and more sustainable for coastal fishing communities to fish their local waters.

Some of the aquaculture businesses that are up and running in my county are not Irish but French. They see the potential, having utilised all the potential off their own coastline, and are now operating here. They have been operating off the coast of north Mayo since the 1960s and doing very well. Local businesses are not taking up those opportunities and we must ask why that is the case. Why has a French company been operating in that area since the 1960s when local people do not feel they can get into aquaculture in a meaningful and profitable way and make a business out of it? We need to work on the whole strategy around protecting marine life and encouraging people to set up businesses in that area. This topic is a little removed from the intention of the Bill, but it gives us an opportunity to put these issues on the record of the House.

I will briefly discuss the Naval Service, which has already been mentioned. Our Naval Service is not operating at full capacity. We have had significant issues for a long time now. Our ships are not properly manned. Experienced and technically skilled individuals are leaving the Naval Service and going elsewhere because the job is not what is used to be and supports have not been provided. I welcome recent moves by the Defence Forces to deal with technical pay but that is only a start. It is fine to have legislation that tells us which waters are ours, what zones we can operate in and what level of enforcement we can bring to bear but if we do not have the manpower to do that, the Bill will lie on the Statute Book and not do a whole lot. There is a need for a wider debate around the practical enforceability of this legislation.

We also need to discuss the maritime sector and fishing industry and how we can properly support those industries. We have taken our foot off the pedal in recent decades and focused more on intensive agriculture and not so much on our waters. I ask the Minister of State to take away those couple of points from today's debate and perhaps work them into Government policy in this area. I commend the Bill to the House.

Senator Mark Wall: I, too, welcome the Minister of State to the House to discuss the purpose of this Bill, as he has outlined. That purpose is to update and set out in one stand-alone enactment the law relating to the State's maritime jurisdiction, including by giving further effect to relevant provisions of the 1982 United Nations Convention on the Law of the Sea, to repeal sections 2 and 3 of the Continental Shelf Act 1968 and Part 3 of the Sea-Fisheries and Maritime Jurisdiction Act 2006, and to provide for related matters.

As the Minister of State outlined, the Bill seems to be very technical. Like the previous two

speakers, I will concentrate on how we defend the jurisdiction and the problems with the Naval Service. I bring to the attention of the Minister of State an article in *The Irish Times* last Friday with a headline to the effect that this State had to rely on EU ships to patrol fishing waters due to naval shortages. The article went on to say fishery protection is the core role of the Naval Service, which has been hit particularly hard, as others have said, by the manpower crisis impacting the entire Defence Forces. Last year alone, there was a 25% decrease in the number of fishery patrols carried out by the Naval Service compared with 2019. The article states that according to the submission by the Department of Agriculture, Food and the Marine, to the commission on the future of the Defence Forces, “the situation has continued to deteriorate this year, at the same time as the departure of the UK from the EU has increased the need for fishery patrols in Ireland’s Exclusive Economic Zone which extends to 200 miles off shore”. In its submission to the commission, the Department of Agriculture, Food and the Marine stated that “The high-level assessment of the level of Naval and Air Corps activity in fisheries control operations is that it has been reducing over the past number of years”.

I ask the Minister of State to confirm what the article further states, which has been referenced previously, that:

The European Commission recently ordered a formal administrative inquiry into Ireland’s ability to enforce European fishery regulations. It found Irish systems to be “unsatisfactory”. As a result the Commission “put forward a specific package of measures to address the issues raised,” the department said.

These findings are under “active consideration” by the Government ahead of negotiations with the Commission on the matter.

The Department went on to state “Ireland’s fishing waters are the most productive in the EU and the State has a legal responsibility to monitor and control fishing activity in its 200 mile exclusive zone”. On that point, when we are discussing our maritime jurisdiction, the Minister of State might confirm the current status of Rockall in respect of Irish fisheries and whether they are able to use and indeed fish off that area.

The article also noted that “Almost half a billion euro worth of fish is landed each year from the Irish zone, with Ireland taking 42 per cent of this by weight.” As has already been stated in this debate, the Irish fishing industry employs 14,000 people and is worth €653 million in exports. The Naval Service and Air Corps also have a legal responsibility to monitor the zone.

Today we are discussing the State’s maritime jurisdiction. If we do not address the problems highlighted in this article and the reports that I and my Labour Party colleagues have received in respect of the continuing problems with our Naval Service, we will not be able to protect this jurisdiction. We will not be able to offer the protection that our fishing industry needs. That simply not good enough at this particular time.

Senator Vincent P. Martin: I welcome the Minister of State to the Chamber. As the Minister of State stated, this Bill is intended to act as a complement to the maritime area planning Bill, which will establish a single marine planning consent system. This legislation must be consistent and supportive of Ireland’s move away from fossil fuels. In February 2021, the Cabinet approved a ban on all new oil and gas exploration, which came into effect immediately. This will be put on a legislative basis, through the passing of the Climate Action and Low Carbon Development (Amendment) Bill. Perhaps the Minister of State could confirm that this is

the case. I invite him to assuage and assure people that the Bill being read on Second Stage today is not controversial and does not do anything to the contrary to the Government's new policy position. It is modernising legislation that is technical in substance, for instance, changing the word "seas" to "sea". As Senator Chambers noted, it consolidates legislation in this area and will offer clarification going forward.

The Maritime Jurisdiction Bill states that the State may exercise sovereign rights for the purpose of exploring the continental shelf and exploiting the mineral and other non-living resources of the seabed and its subsoil, together with any living organisms belonging to the sedentary species. As I stated, it is important that this precludes all infrastructure used in the exploration or exploitation of fossil fuels and includes infrastructure allowing our national grid to connect to the UK and France.

It is essential that we protect the rights of our small-scale fisheries and level the playing field. Sustainable fishing stocks and ending overfishing are an essential part of sustaining the livelihoods of fishing communities. According to my understanding, the Bill does not affect claims to Rockall Island, which has been a contentious topic over many years. Ireland does not claim it, nor do we recognise the UK's claim over it. Perhaps the Minister of State can assure us that this Bill does not have the unintended consequence of us recognising the British claim on Rockall. In recent times, some of the type of gunboat diplomacy and demonstrations by Scottish and UK fleets around Rockall left a lot to be desired and did nothing for international good relations. The position of the Government is that the islet is uninhabited and should not affect continental maritime territorial claims. I am confident that is the situation.

This Bill appears to be a piece in a jigsaw. The Minister of State referred to potential energy. Ireland is the Saudi Arabia of clean green energy if it is utilised properly, but we must bring communities with us. It is important that when one hears the word "green" that one does not run to the hills and say it must be right. Every green initiative should be forensically examined to ensure there is no greenwashing. Nobody should shut up just because he or she heard that something is a green technology. It merits close scrutiny. At the heart of such scrutiny is that people are brought along on the green journey of advancements. There should be community gain and community buy-in. If there is not, it alienates the green message and does terrible damage to that message.

This Bill will be an essential piece in the jigsaw and I hope the consultation will follow, as Ireland turns a different page. I hope it will be a very proud page in its history whereby we will use our amazing natural resources, starting with tidal, wave and, of course wind, which is so much more powerful than solar, to create jobs in Ireland and to meet our climate targets and play our part in having a cleaner, greener global economy.

Senator Niall Ó Donnghaile: Cuirim fáilte roimh an Aire Stáit. The purpose of this Bill is to consolidate the State's maritime jurisdiction law into one Act. On the face of it, that is a sensible and admirable purpose but it appears that the Bill's proposers have jumped too many hurdles ahead of the need for the content of the Bill to be debated and scrutinised properly before it becomes law. It makes sense to amalgamate the different elements that the Bill identifies, such as planning for our marine area similar to what is in place for land planning, to regulate all development at sea and to introduce marine protection measures. On that note, I acknowledge the compelling points made by my colleague, Senator Craughwell, relating to the decimation of the Defence Forces and, in the context of this debate, the Naval Service.

The specific concern I wish to raise is the fact that there has been no pre-legislative scrutiny of the Bill by the stakeholders most affected by the proposed legislation. There is a historical pattern of rushing through legislation on maritime issues with little or, in most cases, no proper scrutiny. The Government's approach ultimately begs the question: what is it afraid of? Decisions taken today regarding marine planning will have major repercussions for the future. What we should be doing is taking a step back, scrutinising what is before us in a proper way and after mature reflection and debate deciding accordingly. Can the Minister of State tell Members what discussions there were with counterparts in the North or, indeed, in the EU before bringing this Bill to the Seanad? When there are outstanding issues of sovereignty with the British Government over areas such as Rockall and Lough Foyle, why is the Government proceeding with this Bill?

Although the Irish Government conceded in 1988 that a large part of Rockall was under British jurisdiction, successive Governments have repeatedly stated that they do not recognise Britain's claim of sovereignty over Rockall. Most important to the rock would be the 12 nautical mile limit that would grant rights to have a territorial sea, contiguous zone, exclusive economic zone and continental shelf. Post Brexit, it is imperative that the Irish Government vigorously restates its claim to Rockall, which will allow this and future Governments to continue to pursue the EU fishing quota under the Common Fisheries Policy and under the principle of equal conditions of access to British waters. I am equally concerned about the Bill specifically referring to the United Kingdom Hydrographic Office being used to establish delineation of the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf. I would like an explanation for this. This is incredible given we are still in a territorial dispute with Britain over a number of maritime issues.

There has to be engagement with our fishing sector on the Bill. It will have a significant impact on the fishing industry concerning foreign vessels, underwater cables, conservation measures, fishing enforcement measures and science research. It is unacceptable that this has not happened. It would also have a bearing on drug trafficking and the presence of nuclear and foreign warships exploiting the seas. Against a backdrop of so many factors, it is not unreasonable to ask the Government to hit the pause button. At this stage, Sinn Féin has not been able to draft amendments for the Bill. However, we are engaging with a number of experts, constitutional academics and NGOs and we intend to table amendments on issues that impinge on the sovereignty of the State when the Bill reaches the Dáil.

Sinn Féin will not support the Bill on the grounds the Government is rushing it through and not discussing it with stakeholders or allowing it to be scrutinised by them, most especially Ireland's fishing sector, not allowing for pre-legislative scrutiny, and asking us to take a leap into the dark with regard to the unknown future consequences of the legislation. That is, of course, my opinion but I am sure it is one shared on this side of the House. It is a wholly unsatisfactory set of circumstances. Our approach will depend on how the Minister of State and his colleagues in government approach our amendments in the Dáil. I sincerely hope, given the concerns I have outlined and the feedback we have received from academics and NGOs, that they will approach those amendments in a positive and collaborative way. This is what is required to ensure the Bill is strengthened and improved.

Senator Alice-Mary Higgins: I join others in welcoming the Minister of State to the House and regretting we have not had pre-legislative scrutiny of the Bill because it is very important. There is nothing technical about this. It consolidates a large amount of legislation. In the Minister of State's speech, we heard a lot about the 1980s legislation and various elements

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being brought together from it. We are in a different moment now and my concern is that some of the responsibilities we have for the marine are not properly reflected in the Bill as it stands.

The Bill is not simply about rights and sovereign rights. These are important and there are places where we need to strengthen them but it is also about the responsibilities that come with this. There are elements I do not see reflected in the Bill. For example, there is a reference to clean energy but nothing with regard to the reality of where we are now with climate and biodiversity. For example, Ireland negotiated the sustainable development goals and I know the Minister of State is a supporter of them. The sustainable development goal on life below water places responsibilities on the State. By 2025, we are meant to be preventing and significantly reducing maritime pollution of all kinds. These are specific goals we have signed up to. By 2020, we were meant to be sustainably managing marine and coastal ecosystems. By last year, we were also meant to have designated 10% of our coastal areas as protected areas. Alongside these is the European obligation to declare 30% of our marine areas as protected.

I am very concerned there is a bit of putting the cart before the horse. We are pushing through the planning framework and legislation to streamline the planning - I was very concerned to hear the Minister of State say that - yet we do not have our marine protected areas in place. There is a disjoint here. We speak about bringing things together and I hope we are able to join this up.

I have tabled a number of amendments, as the Minister of State is aware. They do not deal with every issue but they deal with some issues, for example, the prosecution for offences on a foreign ship. We have the Sea Fisheries Act and the Sea Pollution Act but we do not list the EU directives, which we are also responsible for enforcing if foreign ships are breaching EU law and damaging habitats or birds. This is also part of our responsibility to enforce. Section 19 speaks about offences regarding the exploitation of non-living resources. What about living resources? These are areas that must be looked at.

Around the section regarding the continental shelf, I suggest an entire new section be inserted that captures the full scope of what we need to do. We have sovereign rights being asserted in a very narrow way in language designed almost for the oil platforms of the past, which I hope must be and should be in the past. The language does not include an assertion of sovereign rights in the management of all the other kinds of marine activity we can expect in the future. It is not in section 18. Section 19 speaks to civil governance and deals with offences, so I wonder where that space is around the regulation of best practice and setting forward how things should be done and not just what is an offence. There is the question of seismic activity underwater, which is incredibly important. An area of the future may be cultural activity in and on our waters.

There is much scope in the Bill and some of the framing is very narrow. It seems like a slight updating of energy facets, where we imagine windmills on top of gas drilling. It is not capturing the scope of what we must do if we are to fulfil our responsibilities.

I have another very small suggestion that would help. With section 21 we could amend the Wildlife Act to not just cover the State's territories and seabed but the sea above that seabed. That would increase the usability of this Bill when it comes to elements like marine protected areas, which are so important. I concur with those who have spoken about the need for greater resources in this area. I know wonderful people have left the navy because of pay, conditions and the lack of opportunities for progression, but there is also the question of the meaningful

mandate. I know many people were heartbroken when we stopped doing search and rescue in the Mediterranean. I know people who left the navy after that time. There is a role for our navy to do meaningful and good work again if it is resourced and rewarded. This mandate would be interesting and engaging for people who might enter the navy.

I also note it is not good enough that we are getting a baseline for maritime research from the UK. It is not good enough that maritime research is all being done by private companies feeding back. We know from hearings of the climate committee that we should have much stronger public maritime research so that it is public data that are being used to make decisions. We need huge resources in that regard.

There are concerns around Rockall and the Minister of State is aware of the actions in January 2021. We had an agreement and it is not as clear now that it is understood by all. I will bring forward other recommendations but the wider concern is the amount of power given to the Minister with regard to the jurisdiction of the State. We must be very careful that the Oireachtas would have a key role here. The Minister of State knows that previous court rulings have required that we do not overly cede powers to the Minister. Will the Minister of State reassure us on how this has been examined from the perspective of constitutional balance?

Acting Chairman (Senator Sharon Keogan): As there are many Senators seeking to contribute, could I kindly ask Senators to take three minutes each and that way we can get everybody in?

Senator Malcolm Byrne: I thank the Minister of State for coming to the House. Like Senator Chambers, I was fascinated by the law of the sea as a young law student in UCD. Key to this is the commitment to multilateralism, and the law of the sea was a multilateral success. If we are going to solve some of our bigger global challenges, it must be through participation in organisations like the United Nations Convention on the Law of the Sea, which can help resolve some of the challenges.

I hope that in the context of this legislation, there will be much emphasis on the importance of conservation, sustainability and biodiversity. This is going to be a really important part of the legislation. We should consider as policy how to extend that beyond our national jurisdiction. Decisions about what happens on the high seas can have a particular impact on us as a coastal community. We know that our real territory is ten times that of our land territory. As a result, decisions that happen at sea impact on us in a big way. We need enforcement. When one considers the affect of global warming on the sea, it has impacts in terms of disturbing marine life and other species and by the heating seawater. It also has an impact on our coastal communities because it causes coastal erosion. We must look at trying to raise awareness of all those issues. I hope that, in the context of the COP26 discussions, the Government will take a very strong approach towards protecting our oceans, which are a core resource.

One of the most innovative lines of research in this area is the INFOMAR research being done by the Marine Institute and the Geological Survey of Ireland. They are looking at the physical and biological make-up of our sea bed. They hope to have it all done by 2026. I am glad to see that elements of this research are feeding into the junior certificate curriculum. As part of the reform of the leaving certificate, I would love to see elements of the law of the sea being introduced so that we could talk about our national sovereignty and our territory, which extends out to the sea, and the fact that we appreciate the importance of our oceans.

There has been some confusion in the comments today whereby issues relating to the Bill before us, which is consolidating legislation, and the upcoming marine planning and development management Bill, which is very important legislation that will deserve a lot of scrutiny, have merged. The Bill before us is essential consolidating legislation. As Senator Craughwell and others stated, we will need to ensure that we can enforce it in order so that those who are looking to damage the oceans and the sea will know that we will take action against them. I strongly support the legislation.

Senator Barry Ward: Deirtear gur Bille comhdhlúthaithe atá i gceist anseo. Déarfainn níos mó ná sin, is Bille é a thugann dlíthe muirí le chéile and that it is very important that we have a coming together of the law on maritime issues, and a clarity that has perhaps been lacking. I disagree with a previous speaker who stated that this is writing some words on piece of paper to satisfy a UN convention. It is tremendously important to put together on paper, and in a single place, clarity about what the law means, especially in the context of jurisdictional issues.

I welcome the Bill and I recognise its importance. I come from a coastal community in Dún Laoghaire, as the Minister is aware. We have a fishing community in Dún Laoghaire, albeit a small one in comparison with some of the larger fishing centres around the country. One of the welcome elements in the Bill, although it probably does not solve any problems for individual fishermen, is the recognition of potential. Reference is made in the Bill to both living and non-living resources. I feel that the Bill focuses to a greater extent on non-living resources. We should be talking about living resources as they affect our fisheries industries. We know from various instances around the country in recent times of the dissatisfaction of fishermen. We must address this. We cannot address it simply by subsidising fishermen to sit at home. People involved in the industry want to be at sea. They do not want their boats tied up in port. They want to be out fishing, gathering a catch and bringing it home.

When we talk about resources and the natural resources in this area, it is important to remember that overfishing helps no-one. The protection of those resources is as much as anything else about controlling the extent to which they are exploited.

I welcome the reference in section 9(2) to the potential resources in the context of energy. I welcome the exploitation of renewable forms of energy. Senator O'Reilly referred to wind energy and wave energy. Wave energy in particular has enormous potential. I hope that in the future, as the technology develops, we will be able to exploit that.

A number of Senators referred to Rockall. Believe me, nothing would have given me greater pleasure than for the Minister to sneak into the Bill some sort of claim on Rockall, but I am not really sure that is the right way to proceed. This is a matter I would like us to address in the longer term. Equally, like other Senators, I am uncomfortable with the references in section 21 to the United Kingdom Hydrographic Office. I do not understand why we are not relying on European documents. I understand the costs involved and the expertise required to develop these maps are considerable and for Ireland to do it alone would be an enormous project. It is something we should be working on but why are these maps not being made available in a centralised way in Europe?

There is confusion in this debate between militarisation and neutrality. I agree with the comments on the difficulties being faced by the navy. It has an incredibly important role to play, as others have already said. Being a neutral country is not problematic. What is problematic

is the idea that as a neutral country, we should not invest in military technology or resources because we should. There is a very important role to be played by the navy here and I disagree with the suggestion that we should not be putting things into this Bill that we cannot protect. Again, there is a difference between protecting and policing. The protection comes in this Bill by enshrining our maritime jurisdiction in law, thus allowing us to enforce issues of international law that we could not otherwise do. Policing or enforcement is a different matter and we definitely have a deficit in that area.

Senator Victor Boyhan: I welcome the Minister of State to the House and thank the Department for the comprehensive briefing note provided to Members. It is always helpful to have such briefing notes. The information provided gives us a detailed breakdown of the Bill but does not oversimplify what is relatively complex, consolidating legislation.

The purpose of the Bill is to update and set out in one stand-alone enactment the law relating to the State's maritime jurisdiction. Our maritime jurisdiction law establishes the State's different maritime zones and provides a legal basis for delineating their limits and boundaries. The State has different rights and obligations in each of these zones and may regulate activities in each zone only to the extent permitted by international law.

Senator Ward spoke earlier about clarity, which is really important. I agree that while we cannot have absolute certainty, we do need absolute clarity in the context of this legislation. I welcome the outline of the Bill which is important. I am conscious of the background to it and of how it reads in the context of the forthcoming maritime area planning Bill. The Bills are connected in the context of the bigger vision and bigger plan to interconnect all aspects of this issue. I want to be fair and give credit to those involved. This Bill is important and will supplement the maritime area planning Bill. Senator Higgins referred earlier to the importance of all of the related issues, some of which have been mentioned today including marine life, fisheries issues and the challenges facing the fishing industry on the island of Ireland. Senator Chambers said earlier that it is important to remember that we are an island, surrounded by water. We know the ongoing challenges that affect us. This is not the day to talk about fisheries quotas but hopefully something good will happen in the future. The fishing industry is facing major challenges. There are also issues around offshore renewable energy, which is important, as well as maritime planning, environmental protection, biodiversity, life under the sea and what is going on there, not to mention climate change, all of which are interconnected.

I want to acknowledge the work of Senator Higgins on this legislation. I have seen some of the amendments she has tabled and they are impressive. To her credit, she has put a lot of work into this. Hopefully some of us will be in a position to support her amendments and the Minister of State will be in a position to accept some of them. I welcome this Bill in the wider context of marine planning. We need certainty around legal issues relating to the coast and our maritime jurisdiction. We should also have an ability to control, conserve and protect in the context of planning and the sea.

Senator Denis O'Donovan: I welcome the Minister of State to the House and wish him luck in his portfolio. I am bitterly disappointed that I only have three minutes to speak. I want to talk, primarily, about the fishing industry in Ireland. As we all know, we have been left with only 15% of the fish in Irish waters, with Europe taking the rest. As an island nation, we do not get one fish from Danish, Swedish, Belgian or Dutch waters. We are not allowed to catch one fish in the North Sea, yet 85% of fish in Irish waters is taken from us. The Minister of State spoke about protecting our industry. Some people raised the involvement of the Naval Service

and I do not dispute what they said. The Irish fisherman, whom I have represented for 35 years, are deeply upset, angry, in despair, feel a sense of hopelessness and are protesting about what has happened during the past year. The Sea-Fisheries Protection Authority criminalised fishermen. They have no access by way of appeal to the High Court, Supreme Court or Circuit Court. They have been penalised in an atrocious fashion.

The Common Fisheries Policy has been a nail in the coffin of Irish fishermen. Since we joined the European Union our fishermen have been struggling. Our inshore fishermen, the small operators who fish for lobster, crab and shrimp, which we love to see on a restaurant menu, are a dying breed. I live in Schull, which is a beautiful area. I remember as a young man seeing 35 to 40 trawlers fishing from that area, ranging from big vessels to small 35 ft to 40 ft trawlers. I would like the Naval Service to police those foreign vessels that come to our waters in their droves. That is the reality. Someone will be here in ten years' time asking what happened to our fishing industry, as it will have gone down the drain. We as politicians must take some responsibility for it, including my party historically. I raise this issue with a sense of desperation because I represent the coastal communities of Castletownbere, Union Hall, Schull, Kinsale, Ballycotton and all those areas. They are asked to accept wind and wave energy. I think they would be minded to do so but there is great anger among coastal communities from Donegal all the way down to Kerry and west Cork at what is happening to our fishermen and fisherwomen. Our fish catch is minuscule compared to that of the Dutch and the Danes, etc. We must look at the bigger picture.

Before I conclude, I wish to ask the Minister of State about an issue that may not be covered in the legislation. Can he examine an issue raised by a colleague of ours, namely, a wreck on the southeast coast? As a councillor and a Deputy, I raised issues about the famous *MV Kowloon Bridge*, the *MV Ranga* and the *MV Bardini Reefer*, all those shipwrecks that were not Irish owned. They have come ashore on our coastal areas and have done tremendous damage to the beauty of our beaches and peninsulas. There is no merit in pursuing the insurers. Some of these vessels are registered wherever. The Minister with responsibility for the marine should be in a position to get rid of those wrecks and to do it before there is further damage to our villages, coasts and beaches, which has happened historically.

Senator Jerry Buttimer: I welcome the Minister of State. My colleague and friend, Senator O'Donovan, was right in what he said about the wrecks off the Cork coast. Action needs to be taken. Also, regarding our fishermen, there was a protest at the Port of Cork last weekend. There is growing concern and disquiet among our fishermen about their treatment and plight.

This important legislation requires greater scrutiny on Committee Stage and this debate is helpful. If we cast our minds back to 1959 and then forward to today, notwithstanding the evolution of time, clarity and certainty are now required. Senator O'Donovan mentioned our joining the European Union but many would say it has had a detrimental effect on our fishing industry. When we consider what happened with Brexit with respect to the EU-Great Britain negotiations and take account of climate change, it all shows we need to act to protect our marine resources. In the context of our internal waters, territorial sea, the contiguous zone and the exclusive economic zone, there is much to discuss in the context of this Bill.

I welcome the work of the Port of Cork in the context of the post-Brexit and new pandemic world. The twice weekly ro-ro service from Cork to Antwerp is putting Cork and the Port of Cork at the heart of Europe in terms of connectivity. I wish I had more time to discuss this important legislation. It is not only about maritime jurisdiction and legislation. It is about the

people who work in the industry. It is about the resources in our seas. In his remarks, Senator Malcolm Byrne mentioned COP26. I suggest that we invite Pat Cox, who chaired that forum, to address the Seanad as part of our ongoing discussion.

Senator Seán Kyne: I welcome the Minister of State. I welcome this Bill, which is probably a precursor to a more important Bill regarding planning and all that goes with it. Marine planning is a complex area, covering a variety of sectors, especially with regard to renewables, which are important but difficult under the planning system that we have in this country. I urge those in the Houses of the Oireachtas who can to visit the Marine Institute in Oranmore in Galway. I commend the team for all the work it has done there in the many years it has been involved. It has done tremendous work. If one looks at the maps provided, which the Marine Institute has worked on, one will see what it calls the real map of Ireland, the current designated Irish continental shelf, which is more than ten times the area of the landmass of Ireland. Work began on that project in 1999 and continues today as the integrated mapping for the sustainable development of Ireland's marine resource, INFOMAR, project. It is a joint venture between the Geological Survey of Ireland and the Marine Institute. It is an important area. It does tremendous work. It is an ongoing project. I have served in the Department with responsibility for natural resources in the past. This area is impressive and important.

Like others, I also touch on the area of Rockall. For those fishers who relied on a catch in the areas around Rockall, the current scenario is detrimental to their economic well-being. I have spoken to fishermen who traditionally would have got 40% of their income from Rockall. It is a problematic area and I urge ongoing engagement between the Minister of State's Department, the Minister, Deputy Coveney, and the Scottish authorities.

Minister of State at the Department of Foreign Affairs (Deputy Colm Brophy): I am conscious of the time. I know many people have made contributions and I will endeavour to address some. I thank Senators for their consideration of the Bill and the contributions which they made. As I indicated in my opening statement, the Bill will update and clarify the law relating to maritime jurisdiction of the State in a single, accessible, stand-alone enactment, describing the different maritime zones of national jurisdiction recognised by international law. It sets out the State's jurisdictional rights in each of them and confers the power on the Government to delineate them in domestic law. How the State decides to exercise those jurisdictional rights is left to separate legislation. That is important. To address a number of Senators' contributions, this is consolidating legislation. I know that many issues were raised in different areas but this is consolidation legislation.

The Bill seeks to clarify the criminal jurisdiction at sea. The Maritime Jurisdiction Bill has a narrow jurisdictional focus and it is a vehicle for regulation of human activities at sea or for laying down detailed routes for protection of the marine environment. This will be done in separate legislation such as has been mentioned in the House already. The maritime area planning Bill and planned legislation will allow us to establish and manage marine protected areas.

I apologise for not being able to get to all the Senators. To comment on some key things mentioned, one matter raised by a number of Senators was pre-legislative scrutiny. It is important to recognise that that was a decision by the Joint Committee on Foreign Affairs and Defence, which waived pre-legislative scrutiny. This was not a request of the Government but a decision of the committee. It is its right, as with any committee, to decide to waive pre-legislative scrutiny.

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In my earlier statement, due to time constraints I shortened some of what I was saying. Section 21 provides that UK Hydrographic Office charts may be used in evidence in court proceedings to establish the low water mark and other maritime features relevant to determining the limits of the State's maritime jurisdiction, so I will say that formally. Overwhelmingly, the question of Rockall was raised as an issue more than any other. The issue of the exclusion of Irish vessels from the 12 mile zone was raised by Senator Kyne and a number of others. To reassure the House, my Department is working closely with the Department of Agriculture, Food and the Marine on this issue. As Senators will be aware, the Government's long-standing position has been that remote rocks in the middle of an ocean that cannot support human habitation should not be the subject of claims of sovereignty by any state. It is for that reason no Government has ever made such a claim and has also never recognised the UK claim to Rockall, which was made in 1955. Traditionally, we have treated the waters around Rockall as part of the UK's exclusive economic zone and, therefore, while the UK was a member of the EU and part of the Union's waters open to vessels of all member states, we did not recognise a 12 mile territorial sea around it. The Government has been in contact, as mentioned by Senator Kyne, with the relevant Scottish and UK authorities about Rockall over recent years, and intensively since the beginning of this year, but clearly this issue has become more complex since Brexit. The Minister for Foreign Affairs discussed this matter directly with his Scottish counterpart, the Cabinet secretary, Mr. Mike Russell, before the recent Scottish elections and contacts have resumed since the election and will continue. We are committed to addressing the issues involved, reflecting the long-standing fisheries tradition in the area. Rockall has been mentioned by many Senators. It is important to recognise in the process of the consolidation the Bill providers for that it does not change anything that is in place. It consolidates everything into a single Bill.

I particularly acknowledge Senator Higgins and the issues that she has put forward. She has tabled a number of amendments and has done some very detailed work in the area, which I commend her on. I thank the Senator for them and we are currently examining them. We will go through these tomorrow on Committee Stage. I am afraid that, given the short time available, it is unlikely that these can be accepted in the Seanad. However, I am prepared to consider the Senator's proposal in the amendment to section 11 on Committee Stage in the Dáil if she can arrange to have it tabled there. I will have to consult prior to that with relevant ministerial colleagues and the Parliamentary Counsel.

I am conscious I have again gone over time and I will conclude.

Acting Chairperson (Senator Sharon Keogan): I thank the Minister of State for accepting that amendment on behalf of Senator Higgins.

Question put and agreed to.

Acting Chairperson (Senator Sharon Keogan): When is it proposed to take Committee Stage?

Senator Lisa Chambers: Tomorrow.

Acting Chairperson (Senator Sharon Keogan): Is that agreed? Agreed.

Committee Stage ordered for Tuesday, 1 June 2021.

Sitting suspended at 2.48 p.m. and resumed at 3.05 p.m.

Health (Amendment) Act 2021: Motion

Senator Lorraine Clifford-Lee: I move:

That Seanad Éireann resolves that the relevant period, within the meaning of section 9 of the Health (Amendment) Act 2021 (No. 1 of 2021), shall stand extended for the period beginning on the 8th day of June, 2021 and ending on the 31st day of July, 2021.

Minister for Health (Deputy Stephen Donnelly): I propose the continuation into force of the Health (Amendment) Act 2021 to 31 July 2021.

To remind the House, this Act provides for the mandatory quarantine in designated facilities of persons coming into the State from certain areas. Commonly referred to as mandatory hotel quarantine, it has been operational since 26 March 2021. It has been an important part of the public health measures to combat the transmission of Covid-19, in particular variants of concern.

The Act contains a sunset clause at section 9 and, unless extended by a resolution passed by each House of the Oireachtas prior to 7 June 2021, it will expire on that date. Notwithstanding this, subject to the passing of the proposed resolutions by each House, it is important to note that the Act does provide for further extensions of up to three months. Any further proposed extensions would be informed by the public health situation in July.

The Act requires travellers who, in the 14 days prior to their arrival in Ireland, have been in or transited through one or more designated States, to undergo a 14-day mandatory quarantine in a designated facility. This requirement is subject to a number of exemptions and can be reduced if a negative Covid test is taken on or after day ten. The Act also requires those travellers without a negative PCR test taken no more than 72 hours before arrival to enter mandatory hotel quarantine until they return a negative test. These tests are turned around very quickly by the HSE.

My Department has led on the implementation of mandatory hotel quarantine supported by several Departments, including the Departments of Defence, Foreign Affairs, Transport, Justice, and Children, Equality, Disability, Integration and Youth. Also involved were the Defence Forces, An Garda Síochána, the Border Management Unit, the Garda National Immigration Bureau, Revenue Customs and the HSE. A single service provider is providing full-board accommodation to guests in facilities designated exclusively for the purpose of quarantine, as well as ground transportation, security services, and health and well-being services for guests within their facilities.

The provisions of the Act allow travellers to request a review of decisions relating to their quarantine. However, this can only be undertaken once quarantine has begun and on a limited number of grounds. The Department of Justice is supporting my Department in relation to the review process, which provides a seven-day-a-week service. Decisions must be returned within 24 hours of receipt of the request for review. Requests for review are based on the specific grounds established in law. Appeals officers have been selected from a group of barristers who are also providing a service in terms of the International Protection Appeals Tribunal. As of 26 May, there have been a total of 1,563 appeals. Of these, 175 or 11% have been granted and 1,388 have been refused.

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Medical services are available on-site 24-7. It is also possible for a person to leave quarantine in the case of a medical emergency and to attend urgent medical appointments. Special arrangements have been made to allow those seeking international protection or unaccompanied minors to undertake their quarantine in alternative appropriate circumstances.

A procedure is in place, within missions of the Department of Foreign Affairs, for deferrals of prepayment for Irish citizens and residents abroad in hardship circumstances. A procedure is also in place for Erasmus students. They should contact the Erasmus office in their third level institutes, which will then make the booking on their behalf. The standard costs associated with mandatory hotel quarantine are covered by the Department of Further and Higher Education, Research, Innovation and Science. As of 27 May, 4,616 people have entered mandatory hotel quarantine. Of these, 178 residents tested positive for Covid-19. According to the latest available HSE data, 59 cases associated with variants of concern have been detected. We are awaiting the results of whole genome sequencing on some additional samples at this time. This data does not take account of cases which have been avoided in the community as a result of mandatory hotel quarantine. While home quarantine could be effective as a measure for lower risk travellers, there are significant practical and legal challenges in monitoring and enforcing home quarantine for higher risk travellers.

The high level of people with asymptomatic infection remains a challenge. This creates the risk that new variants could be imported and would not be identified during the testing process in the absence of mandatory hotel quarantine. In addition, many countries have been unable to adequately monitor new variants, which adds to the risk of circulation. While we have recently seen encouraging research which indicates that the vaccines we are using are effective against emerging variants, we need to remain vigilant. Some 2.7 million vaccines have been administered to date. That means that over half of the adult population has received a first dose. Despite this positive progress, we must remain vigilant.

As the Taoiseach announced on Friday, from 19 July Ireland will operate the EU digital Covid certificate, DCC, for travel originating within the EU or European Economic Area. Also from that date, Ireland will broadly align itself to the EU approach to non-essential travel from third countries. This proposed extension does not preclude adaptation of the operation of mandatory hotel quarantine in response to the introduction of the digital Covid certificate. The legislation permits the designation of states and the revocation of such designations, and the creation of further categories of exempted traveller. As I mention this, I am pleased to share with the House that we recently revoked the designated status of Belgium, France, Luxembourg and the United States.

In light of the risks associated with variants of concern, it is essential that cases arriving in Ireland are detected and traced as effectively as possible. In this regard, it is important to recall that many cases, 30% to 40%, are asymptomatic. Without mandatory hotel quarantine, it is likely that certain persons infected with new variants may arrive and not subsequently present for testing due to a lack of symptoms. I would like to re-emphasise that mandatory hotel quarantining has worked and is working very effectively. It has been effective in supporting the public health measures to combat the transmission of Covid-19 in Ireland and in particular, as that relates to the variants of concern. It has contributed to the reduction in case numbers and the creation of space in which the vaccination programme can be rolled out. In turn, this is supporting the continued reopening of our economy and society, and it is also playing an important role in supporting our safe return to international travel.

Senator Lorraine Clifford-Lee: I thank the Minister for that comprehensive update on the current operating environment of the mandatory hotel quarantine system. It is right and proper that we are back here debating it and we will be back debating it in another number of weeks. It is a draconian measure and we all acknowledged that when we were first debating it. It is very dramatic to require inbound passengers from certain countries to quarantine in a hotel. It is depriving them of their freedom and their ability to move around but it is very necessary. It was welcomed by a lot of groups when it happened.

As the Minister pointed out, over 4,500 people have entered mandatory hotel quarantine since it began, and 178 Covid-19 cases were detected as a result. That is significant because as we know, each one of those cases would have resulted in multiple infections if they had been allowed to circulate, particularly the 59 cases of variants of concern that have been detected within the mandatory hotel quarantine system. It is very welcome. It has avoided the onward community transmission, which has allowed our economy and country to open up.

The beautiful weather at the weekend meant that we all saw people out and about in their communities and moving around the country. That was possible because we have managed to control these variants of concern. This system has worked, as the Minister outlined, and I am glad to see that it will be continuing. However, it is under constant review and the four countries the Minister named that have been taken off the mandatory quarantine list are significant. Many Irish people live in Belgium, France, Luxembourg and the USA. Our tourism industry will also depend a great deal on visitors coming from the USA this summer, so I am glad to see it has been taken off the mandatory quarantine list.

As we continue this debate, I hope our colleagues here and in the other House will refrain from engaging in hypocrisy regarding this system. We heard about a zero Covid strategy when we were debating this and other health measures previously. It was explained that the deployment of such a strategy in this country would require a very hard lockdown for many months. I hope that colleagues will not be hypocritical and call for the mandatory hotel quarantine system to be abandoned when only a short time ago they were calling for a zero Covid strategy. It is right and proper that we are extending this measure for the next couple of weeks. The digital green certificate is coming in on 19 July and that will be a game changer. I hope, therefore, that we can engage in respectful debate for the rest of this afternoon.

Senator Sharon Keogan: I reiterate the view I have continuously expressed, namely, that we, as a nation, must learn to live with Covid-19. The virus is not going anywhere, especially in the current climate whereby variants from abroad pose additional risks. The Government and the approach it takes must evolve alongside this virus. I absolutely agree that the use of mandatory hotel quarantine should remain in place where essential. I wish to highlight and discuss, however, the structure, the practice and the conditions - an aspect which is of particular concern - within these quarantine hotels. Foreign travel must resume, albeit in a safe way. I stated this point previously also.

The most efficient and humane way of doing this is to place an emphasis on effective testing and tracing, as I have always stated. The use of mandatory stays at quarantine hotels should only be an exceptional measure and not the norm. I accept that Ireland is at a critical stage in its vaccination roll-out and that it is essential that this process is not undermined. I also acknowledge that the risks posed by variants from abroad are clear. The focus in the context of international travel out of and back into the State should be on PCR testing, with mandatory hotel quarantine being used only where necessary and once all other avenues have been exhausted.

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Where mandatory hotel quarantine is imposed on an individual, it is of the utmost importance that this is done in a humane and ethical manner, as guaranteed by an individual's rights. In fact, the Government has a responsibility to ensure that inhumane or degrading treatment does not occur in quarantine hotels. It is as simple as having respect for the integrity of the people involved, which I do not believe is happening now.

The imposition of quarantine in these hotels at its core is very simply a deprivation of individual liberty. Strong safeguards are provided for in the Constitution regarding the deprivation of liberty and these must be adhered to. Article 40.4.1° of the Constitution provides that, "No citizen shall be deprived of his personal liberty save in accordance with law". This has the effect of specifying a deprivation of liberty, such as a stay in a quarantine hotel, must be lawful. While I agree that it is the case that mandatory hotel quarantine has been imposed lawfully, the constitutional safeguards in place must be followed, and I believe they have been ignored. In fact, as previously stated, these hotels have been likened to prison cells.

The Irish Council for Civil Liberties, ICCL, in its briefing on the issue of mandatory quarantine hotels, points out that the effects of a stay in such a hotel would not impact only on an individual's right to liberty but equally on those of the family and the private life of the individual concerned. These rights are strongly protected under our Constitution. The briefing also highlights key issues concerning the conditions in these hotels, to which I will draw attention. There have been reports of concern surrounding access to fresh air, exercise, quality of food, water when requested and the size of rooms, which are of particular importance to families with small children or children with special needs. How can there possibly be concerns occurring about the quality of food and access to water when the cost of a stay is €2,000? What has the Government done to address this? The Government has not done anything to address these issues.

The Minister appears to be taking a reactive approach in creating classes of persons who will not be subject to mandatory quarantine. There has been no proactive response, thought or foresight into what class of person may fall outside the scope of a mandatory stay. Instead, the Minister simply places a blanket requirement on a group of individuals and waits until a problem has occurred before addressing it. The simple fact is that the emphasis should be placed on furthering the effectiveness of testing and tracing. An individual should be required to hold a negative PCR test before entry to the State and proper follow-up must be carried out in tracing.

We can no longer subject healthy individuals to a two-week stay in one of these hotels as liberally as we have. I do not disagree that mandatory quarantine hotels must be used, but only where the risk is extremely high, such as when a variant of particular concern has been detected. We must implement these stays cautiously, with proper scrutiny and only where they are absolutely necessary given the circumstances. I call on the Government to also address the conditions in these hotels where they have been clearly highlighted as an area of concern. We can no longer subject our population to these arbitrary stays as flippantly or liberally as we have been seen to. The Government should exhaust all other possible methods before subjecting an individual to hotel quarantine.

On the issue of unaccompanied minors, Tusla obviously takes these children into care when they come in and they are placed in what are called emergency homes. What level of care is the Minister undertaking to look after the parents or individuals in the homes those unaccompanied minors are going into?

Senator Martin Conway: I welcome the Minister to the House. Of course, nobody wants to put these measures through. Mandatory quarantining was seen as trendy because it had worked in other countries. People who called for mandatory quarantining probably did not appreciate the absolute consequences of it, but it works and has worked. The Minister outlined the figures including 59 people with Covid-19 variants, which had they circulated within our community would mean many more thousands of cases and, sadly, fatalities. It was a big price for those 59 people to pay, as it was for the 4,000 people who found themselves in mandatory quarantining, but it was necessary. In the fullness of time, when the history books are written and a review of the Covid pandemic is carried out, it will be seen that while it was a restrictive measure and, indeed, among the most restrictive in Europe, it was taken in good faith and done to some extent because of significant political pressure from the Opposition. It will be seen as one of the key measures that helped us in fighting this pandemic.

When a country needs to come off the list, it should do so. The Minister has not delayed in taking countries off the list when they were deemed not to be the risk they previously were. Similarly, the Minister and his advisors have not been afraid of adding countries to the list when that was deemed necessary. Like everything else, it is necessary to take a flexible approach to mandatory quarantining. A flexible approach is necessary in putting countries on, and taking them off, the list.

I ask the Minister to reflect on the appeals process in his summing up. We saw some very tough cases that went to appeal. Some of them, thankfully, resolved themselves because the people involved ended up having negative tests or vaccinations and so on. However, there were some very difficult cases that did not necessarily succeed. Certainly at the beginning of mandatory quarantine, the appeal system was so rigid, strict and defined that it became irrelevant because so few people succeeded in having the decision to enter them into mandatory quarantine overturned. Perhaps the Minister will talk to us a little about the appeal process and if there is humanity, compassion and slight flexibility in it. Too much flexibility goes against the principle of mandatory hotel quarantine and the reasons and rationale behind it. However, in a situation where somebody is returning home because one of his or her parents is about to die within days, there is a strong argument that compassion and flexibility should enter the system, provided the person in question has demonstrated a negative PCR test. If we lose compassion and humanity, and the flexibility that brings compassion and humanity, the system can be justifiably criticised but too much flexibility goes against the principle of mandatory hotel quarantine and what people are trying to achieve with this difficult and tough measure.

I pay tribute to the people who are working in the hotels accommodating mandatory quarantine because it is not an easy job. It is difficult because those workers are not allowing people the type of flexibility we all take for granted in life. It is not an easy job but they are doing it in the interests of our State and the health of our nation. I salute them.

Senator Ivana Bacik: I welcome the Minister to the House. I welcome the opportunity to debate this motion, which would provide for a relatively short extension of the powers to operate mandatory hotel quarantine until 31 July. The Labour Party will not be opposing that short extension. In fact, Labour argued for the introduction of mandatory hotel quarantine.

As my colleague, Deputy Nash, said last week in the Dáil, mandatory hotel quarantine is not a tool with which any of us are comfortable but it is one we recognise has been necessary and effective in the fight against Covid-19. The Minister put that clearly in his speech to the House today and the speech he made to the Dáil last week. We are all conscious that the context in

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which mandatory quarantine was introduced was very different to the one we are in now. It was introduced at a time when the numbers of infections and transmission were rising. We also saw the transmission of new variants. None of us at that time, back in March, were fully informed as to how effective the vaccines were going to be against variants. We were at a much earlier stage in the vaccination programme and very much recognised the importance of this as one of a panoply or package of measures to be used against the virus. That was the dreadful context of the introduction of mandatory quarantine. Any discussion of the package of measures we have been using against Covid must recall how many thousands of people have died from the virus in Ireland. The total of 4,900 is extraordinary. Senator Malcolm Byrne spoke earlier about the need for a collective review of the grief that so many people have had to suppress. Those people have been unable to grieve properly or in the usual way. They have not had the normal supports that are available to people who have suffered a bereavement and we should all reflect on that matter.

In that dreadful context, mandatory quarantine was clearly a necessary measure. All of us will be conscious of hard cases and many of us have been approached by individuals for whom mandatory hotel quarantine was particularly tough for many reasons. Looking at the numbers the Minister has cited, we are all conscious of the impact that being detained in a hotel for that period will have had. We know about the number of appeals and the difficulties with the conditions in some of the hotels. It is, therefore, important that we move with agility and flexibility in operating the system for the few weeks that this motion extends the powers, as is recognised on a cross-party basis. I welcome the way in which the Government moved on exemptions and, for example, resolved issues around babies born abroad through surrogacy, an issue around travellers coming into Ireland who are fully vaccinated and, of course, the cases of students for whom particular provision has been made, as the Minister said.

In respect of essential travel, looking at the list of categories, it is most important that it be kept under review. As Senator Conway stated, compassion must be brought into it. It is also important that agility and flexibility are brought to bear on the countries that are covered by the order. I welcome the revoking of the designation of the countries mentioned by the Minister, namely, France, Belgium, the US and Luxembourg.

All of us look forward to the roll-out of the EU digital green certificate from 19 July 2021. We all fervently hope that it will not be necessary to continue to operate the same level of mandatory hotel quarantine beyond 31 July. I am glad we are dealing with a motion to extend the powers only until that date and not for the three months that would have been possible under the legislation. It is sensible that they are being extended for a shorter period. It is preferable, in any case, because it is vital that the Oireachtas bring scrutiny to bear on any motions extending draconian powers of detention and the sort of emergency powers that we have seen and the related legislation under debate in the Dáil and Seanad this week and last week. It is important that we use the shortest period necessary for extending the use of emergency powers. At the same time, we need to be conscious of the need to extend supports, such as the PUP, EWSS and the ban on evictions. It is important that these supports are extended for as long as necessary to protect those who are going to be most impacted by continued restrictions.

I very much welcome the cautious reopening and the announcement made by the Taoiseach last week. Deputy Ó Ríordáin sounded a very optimistic note when he welcomed the announcement of the reopening on RTÉ's "Morning Ireland" last week. All of us are very anxious to see a return to some semblance of normality. That is hugely important after all of the closures and the many impacts on businesses, individuals, communities and families that we have seen over

the last 16 or 17 months.

I pay tribute to the staff who have operated mandatory hotel quarantine under very difficult conditions. All of us should be aware that they are front-line workers too. I also pay tribute to all of those involved in the massive roll-out of the vaccination programme. I was delighted to receive my first vaccination in the Aviva Stadium on Lansdowne Road just over a week ago. I pay tribute to the huge effort that is going into making the vaccination programme so successful every day.

Senator Vincent P. Martin: I am delighted that Senator Bacik got a boost from receiving her first jab. I wish every Senator well in the upcoming by-election. Senator Bacik goes into the by-election as a candidate from the Upper House. I know that in our other workplaces, we always wish people well, no matter what jersey they wear. I hope she also gets a boost in the by-election, notwithstanding that the Green Party might win.

I commend the Minister on this continued dedicated efforts on behalf of the people of Ireland. He stated that mandatory quarantining is very effective. The statistics speak for themselves. I know the Minister is aware of civil rights issues in this country and how people have fought for freedom. However, we must strike that balance. It must be done in a respectful and thoughtful way. There are countervailing rights and people's safety and livelihoods must be put first. Nobody wants a fourth wave to come down the tracks. I believe the Government has struck the right note and balance by seeking the support of this House for the proposed extension of the powers to the end of July, as distinct from kicking the extension much further down the line, which would have caused difficulties. This is the case, even if it means that we will have to come back and review the provisions at a later stage. Although they are necessary, the powers are extreme. The Government is treating the issue with the sensitivity it deserves.

The Minister also indicated that he is satisfied that the turnaround of the second PCR test for those in hotel quarantine, processed by the HSE, is efficient. I am glad to hear that. If the results were delayed unnecessarily, it would annoy a section of the people who have no hidden agenda. They do not in any way wish to undermine the Government. People are hugely into civil rights in this country. Advocacy is alive and well. We should thank those advocacy groups and be grateful for them.

I will stray slightly from the script and refer to rapid antigen testing. I am aware that advisers to the Government have a different view on it, but the Minister and the Government are ultimately in charge. The tests are an extra layer of protection. I do not see why there is opposition to the tests if they are treated as an extra layer of protection. They are not a silver bullet, but they can only do good. Perhaps the people who are advising against them think we are not adults and will lose the run of ourselves if we get one and will think we will be safe for forever and a day. That is not the case.

In addition, the Act empowers the Minister to prescribe from time to time other classes of persons who should be exempted from the requirements surrounding mandatory hotel quarantine. To date, the Minister has enacted regulations exempting transit passengers, certain essential workers, families returning to Ireland with children born abroad, fully vaccinated people, international sports people and those returning to Ireland who have travelled for unavoidable, imperative and time-sensitive medical reasons such as, but not limited to, undergoing cancer treatment abroad. Family members or carers of children born abroad or of people who are exempted for medical reasons are also exempted when travelling together, as are children or other

dependants of fully vaccinated people. I support that.

Perhaps the Minister can assure the people of Ireland that he will continue to operate in such time-sensitive ways, because there are unintended consequences of legislation which will require an immediate response through secondary legislation. That is totally in the Minister's power. There are examples that we have not even thought about now which could get caught in this. I know the Minister will be alive to that. He does not want the courts trying to adjudicate on these matters. I wish the newly appointed future Chief Justice, Mr. Justice O'Donnell, well. The Government has nominated him and he will be a proponent and advocate of judicial restraint. It is not up to the Judiciary to tidy up legislation. The Judiciary does not like to go there. These matters should not be resolved in the courts. I am glad to see that, after an initial foray, common sense has broken out. I do not like to see people with such compelling cases having to resort to the High Court. However, that has not happened recently, and I commend the Minister on playing his part in ensuring those matters are kept to a minimum.

Finally, I wish the Minister well with the vaccination programme. I note with a wry sense of irony that when there is good news, real-time statistics are not available due to the cyberattack to give an uplift and morale boost to people. The statistics were so depressing for so many months and now the vaccination breakdown, which would have uplifted so many people, is not available to us. Hopefully, the statistics will be available soon. I commend the Minister and the Government on the great work being done on the vaccine roll-out.

Senator Niall Ó Donnghaile: Cuirim fáilte roimh an Aire. In the motion before us the Government is proposing an extension of this legislation to 31 July. Before we have even voted on the motion, and there appears to be unanimous support for it across the House, many people will already begin asking when the next date will be. People will want to keep a rolling watch on how we proceed on this issue in the broader context of the easing of restrictions that, thankfully, is being rolled out over the next weeks and months.

It is important to remember, as was acknowledged by the Minister and other Senators, that this is a serious limitation on people's civil liberties. It is not normal, and it should never be seen or treated as normal. These are draconian emergency powers. That is why Members of the House wish to engage with the Minister on this matter and to ensure this is done as properly and appropriately as possible. Colleagues have spoken about some of the concerns about conditions in some of the hotels. It is right to raise that issue. My colleagues in the Dáil, Deputies Cullinane and O'Rourke, spoke extensively last week with the Minister in that House. The reason Sinn Féin gave for supporting quarantine at the time was that it would be helpful in containing the virus and that it was necessary to prevent the importation of new variants.

It is significant that the Minister has said mandatory hotel quarantine has worked and has helped to contain the virus and prevent some new strains from entering the State. This fact is already being broadcast by journalists on social media. It is a vindication of NPHET's position and the position of those of us on the Opposition benches who called for the measure. NPHET began calling for it in May of last year but its request was not acted upon until ten months later. Medical advice cannot be selected on political grounds. As with any other public health measure, this has to be re-evaluated at all times. All of us have to listen to the public health advice. Our public health advisers will evaluate the status of Covid and its variants at any particular time and give the appropriate advice to the Government.

I want to make this point because it is key. None of us wants mandatory quarantine to re-

main in place a second longer than is necessary. It is the same for any public health measure. As the Minister said, mandatory hotel quarantine has worked to keep some of the new variants out and keep people safe.

As the restrictions more broadly unwind, it is important, as previous speakers noted, that we understand how the European digital green certificate for travel will work. The Minister has an opportunity this afternoon, and I hope he will take it, to outline some of the context of the changing nature of the restrictions pertaining to the quarantine in hotels. I have a particular interest, to be quite honest, to find out whether Irish citizens resident in the North will be able to avail of the digital green certificate. In the broader Brexit context, the Government offered to step in on issues such as the European health insurance card, retaining access to Erasmus funding and programmes for people in the North. In the context of our being in a post-Brexit environment and in light of the loss of so many rights and entitlements for Irish citizens in the North, I would welcome the Minister taking the opportunity today to clarify the position in this regard for us.

This brings me back to a point I made last week in another debate on health and Covid regarding the encouraging continued engagement between the Minister and his counterpart in the North. Obviously, in the context of travel and the fact we live on an island, it is crucial that the Ministers engage continuously as we navigate our way through this and, hopefully, start to emerge from it collectively and sensibly at the other end. We have seen what can happen when states take their eye off the ball. Like others, we support the extension proposed this afternoon because it is about keeping people safe. Also like others, we want to keep a particular and vigorous watching brief on this as we move forward.

Senator Alice-Mary Higgins: I welcome the Minister. We are debating the resolution. I thank the Minister because this week he will accept limiting some of the powers because resolution is not the ideal way to extend legislation. I am conscious that this is for a limited period until July.

With regard to mandatory hotel quarantine, the Minister outlined the important impact it has already had. We can see the number of cases that have been caught and prevented from having a multiplier effect and the capture of new variants. More than 1% or 2% of those who entered the system had the new variant and its capture is significant. However, I am conscious that some of the issues we flagged when the original legislation went through have arisen. The Minister is aware that at the time we debated the original legislation, I tabled amendments in respect of certain details on how the rights of persons in mandatory hotel quarantine should be respected. There are some human rights concerns in terms of addressing questions of how people engage with pharmacies or needs related to medical conditions and so forth. We have seen some of those playing out and perhaps we could have had more detail about that in the legislation, which would have allowed us to avoid some of those concerns.

I had another concern when the legislation went through. While I very much supported mandatory hotel quarantine, and this related to concerns about cost, it should not be that we regard mandatory hotel quarantine as a deterrent whereby it becomes so financially laborious that only some people can afford it. I note that Dr. Mike Ryan of the World Health Organization has specifically stated there should be no financial penalties and states could and should subsidise to a greater degree the cost of mandatory hotel quarantine. This means it would not unfairly burden individuals with the cost of what are public health actions. That was the direction from the World Health Organization and I had amendments in respect of that. I understand there has

been some case-by-case engagement on that matter but perhaps the Minister will provide some clarity on it. It is a concern and it should not be the case that this is expensive. People travelling for essential reasons come from every income bracket in society and should not be in the position where they feel they cannot, for example, travel because of what may be an emergency for them.

I also had concerns in respect of visas. There is a parallel measure whereby visas from certain countries were being restricted, despite the presence of mandatory hotel quarantine. We know people had said they would have been happy to go through mandatory hotel quarantine but wanted their family to be able to join them. I understand the rules changed on 20 May but I urge engagement with the Department of Justice to ensure all those provisions introduced in January that restricted access to visas for essential workers and their families would be changed. Some visa access was restored last week on 20 May but it is really important we do not end up having a parallel system whereby, effectively, the fact that a person is from a certain country is used to determine whether that person is welcome in Ireland. That is instead of there being appropriate public health measures that are required for those people to go through. These are different processes.

I have an overriding concern about the all-or-nothing approach. We have mandatory hotel quarantine and the Minister is aware of some of the concerns. There is now a move to argue that a second PCR test should allow a person to move from that quarantine. I am concerned for all those people not in mandatory hotel quarantine. What will happen as this system begins to be dismantled? The people coming into the country are still meant to be isolating and we still need to ensure there is testing. Will the Minister indicate what will be the procedures for those people? For example, the United States has now come off the list for mandatory hotel quarantine but will we nonetheless make a follow-up phone call after five days to inform people arriving from there where they can get a test? People are still meant to be isolating in that context.

I am thinking in particular of the B.1.617.2 variant, which we have seen having an extremely severe impact in the UK even on those people who are vaccinated. It is still very appropriate that we are clear that people not being in mandatory hotel quarantine does not mean they can go about their business as they wish. After arriving, people should still be expected to self-isolate and the State should follow up to check that this happens up until the PCR test after five days. Will the Minister speak to that component, which will be part of our ongoing safety?

Senator Jerry Buttimer: I welcome the Minister to the House to speak to this very important motion. I welcome the Government's decision to sign up to the European Union's digital Covid certificate. The vast majority of us welcome the return of international travel with a caveat.

There is a lot of hypocrisy on the part of members of the media and members of the Opposition who had a silver bullet in their arsenal in January and February, and all of a sudden they have changed tack again. That is the joy of being in opposition. To be fair to the Minister, he has a job in the Government to be responsible and to take action, which he does.

The robustness of the mandatory hotel quarantine system is evidenced by the figures of the variants and by the numbers of people who have tested positive. We know of the case in Melbourne involving one person who tested negative then traversed across the city. I listened to Professor Luke O'Neill on Newstalk this morning, and I was aghast at the number of people infected or contaminated, whichever word one wants to use, by one person in a short period.

The individual in question had been in mandatory hotel quarantine.

The easing of measures relating to hotel quarantine is absolutely necessary from an international aviation perspective. This has been debated for a long time by the transport committee. The relaxation for European member states is to be welcomed. Many of us had hoped that the common travel would be the pilot test but given what is happening with the Indian variant in the UK, I understand where we are going with that.

Professor Mark Ferguson was before the committee to discuss the use of antigen testing. We have heard previous speakers refer to antigen testing. I am aware that Dr. Holohan, in his capacity as Chief Medical Officer, wrote to the Minister for Health. We need to have a real debate about PCR testing versus antigen testing so that we can give confidence to people that if we use the model of antigen testing, it will be robust and that it will reveal proper results, which I believe it will.

The decision last Friday signified for many people a return to some type of normality for Ireland, as an island nation. Given that we are hugely in need of connectivity, we need to have an absolutely urgent reintroduction of the aviation task force with a view to recovery for our aviation sector. I am aware that the Government has made decisions, but our travel sector, including those who work as travel agents and in hospitality, the pilots, airline staff, and the ground staff in Dublin, Cork and Shannon, have been severely and profoundly affected. In the context of the pandemic, the industry has taken a gargantuan hit. If one spoke last week to the men and women who were, in a very dignified manner, protesting here or at the convention centre, one could not but be impressed by their sincerity and professionalism, as they balanced their real need with the public health considerations. It was not just populism. It was a real and honest cry for help. I met with staff from Cork Airport and with the other staff who protested here in Dublin last week to discuss the need for the Government to do more for the aviation sector.

I will not speak on the vaccination programme, but I commend all involved. I ask that the Minister would look up and follow up on the vaccination centre at the Munster Technological University, formerly the Cork Institute of Technology. I would like to get an update on that. I believe it is one centre that could be used continually in the fight against Covid-19.

All of us recognise that we have come on a journey. Dr. Colm Henry used the phrase “V-Day” when describing scenes from last weekend. We all know it is not a victory day and that we all need to keep our collective guard up. I commend the Minister on his work and his sincerity.

Acting Chairperson (Senator Rebecca Moynihan): Senator Craughwell is next. Does Senator Keogan want to come in until the Senator comes back?

Senator Sharon Keogan: Not unless the Chair wants me to speak twice.

Acting Chairperson (Senator Rebecca Moynihan): If Senator Craughwell comes back, I will-----

Senator Sharon Keogan: I am only joking.

Senator Jerry Buttimer: Senator Keogan is learning fast.

Acting Chairperson (Senator Rebecca Moynihan): That is no problem. I call on Senator Paddy Burke.

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Senator Paddy Burke: I welcome the Minister back to the House and support the motion extending mandatory hotel quarantine to 30 July. It is a hugely draconian measure and I am delighted that its extension is only for a very short period. I am also delighted that the Minister has taken France, Belgium and the USA off the list. The French are now our nearest EU neighbours and there is a lot more activity between France and Ireland, with more ferries running between our two nations, for example. I would have had a problem with the motion before us were it not for the fact that France has been taken off the list.

I welcome the European green certificate. Countries such as Portugal, France, Italy and Greece are opening up for the tourist season and we must do the same. There must be a balance between the economy and public health. In fairness to the Government, over the last year and a half it has struck a very good balance in most cases. Nobody can get everything right and the same is true of the Government but a fair balance has been struck.

Like Senator Conway, I would like to hear a little more on the appeal system. My heart went out to the family that came from Australia just after mandatory hotel quarantine was introduced. They could have isolated at home which would have been of benefit to them both mentally and financially. An enormous cost was borne by that family in having to quarantine in one of our quarantine hotels. They should have been allowed to self-isolate in a house as a family. Have there been any cases of people contracting Covid-19 in the quarantine hotels?

I welcome the motion.

Senator Aisling Dolan: I welcome the Minister to the House. Mandatory hotel quarantine was due to lapse very shortly on 7 June and we are here today to extend the relevant legislation until 31 July. We have seen how important the quarantine system has been, with potentially 59 cases identified. The figures do not include asymptomatic cases, which account for between 30% and 40% of all Covid-19 cases. There has been a fall in the detection of variants of concern since we introduced mandatory hotel quarantine. Mandatory hotel quarantine was introduced because we were in a very vulnerable position and we have reduced the risk. The system was about keeping people safe and healthy and it was very important to introduce it at the time.

I note that the Minister has removed France, Belgium, Luxembourg and the USA from the list. I have received representations from organic farmers who would typically use seasonal workers, including students, in the summer so the removal of the aforementioned countries from the list has been very important to them. As my party's Seanad spokesperson on education I am very happy to see that the Department of Further and Higher Education, Research, Innovation and Science will cover the costs for any Erasmus+ students who have to enter mandatory hotel quarantine.

The Government's vaccination roll-out programme has seen 2.7 million vaccines administered already, equating to half of the adult population. This is absolutely incredible, particularly given everything that the HSE has been through recently. The fact that the Covid-19 vaccination programme was kept separate from the rest of the HSE has meant that it was not so negatively impacted by the HSE cyberattack. The HSE email system is still not working.

4 o'clock

I have a question about the unique health identifier number allocated to individuals, which was mentioned briefly. We are able to use the vaccination roll-out as a way to drive that system forward. The Minister's Department allocated major funds to information technology, particu-

larly in the health sector, and it is very needed. Where I worked previously we were always fighting to have electronic health records and now they are examining sharing care records and how that can be brought forward. I would appreciate if the Minister would comment on that.

The Minister mentioned that from 19 July we will operate a digital Covid certificate for aviation. That will be crucial. We have heard many times from the groups affected, and everyone has seen them protesting outside the House. The impact of the pandemic on their incomes has been shocking. By doing this we will have a chance to get that sector of our economy back up and running.

I acknowledge the work the Minister, his Department and officials are doing and thank him for giving of his time. We are all looking forward to getting our vaccine and moving into a safer place. I thank the Minister and the teams in the HSE for achieving that.

Minister for Health (Deputy Stephen Donnelly): I had some closing remarks but instead I might address the points raised. I ask Members to bear with me as I go back and forward through some of the technical notes. I will start with the appeals process and exemptions. There were quite a few questions on that. The exemptions that were in the Act are as follows: those holding an annex 3 certificate, that is those ensuring the availability of goods and essential services; those arriving in the State who are heavy goods vehicle drivers, airline pilots, air crew, maritime crew arriving and performing their duties; travel to the State pursuant to an arrest warrant, extradition of another mandatory legal obligation; members of An Garda Síochána or the Defence Forces in the course of their duties; travelling to the State for unavoidable, imperative and time-sensitive medical reasons certified by a medical practitioner; and having been outside the State to perform the functions of an office holder, which would cover this House, diplomats and other categories of persons in that realm.

The Act also empowers the Minister for Health to add exemptions based on statutory instrument and what has been added is as follows: an exemption for passengers transiting through an Irish port or airport; an exemption for athletes competing in international events; an exemption for new born infants born abroad returning to the State with their families; an exemption for travellers who are fully vaccinated against Covid-19; an exemption for travellers coming back after receiving unavoidable, imperative and time-sensitive medical treatment together with their carers and-or dependants; and an exemption for travellers providing essential services to the State. Those are the original and the added exemptions.

There was a related question on appeals. The figures are as follows and these are from 26 May: there have been 1,563 appeals of which 175 have been granted. As of 20 May, the breakdown for what at the time was 157 granted appeals is as follows: 62 individuals were exempt, either because of a vaccine, a PCR test or some other reason for exemption. Two of the appeals related to individuals who had completed quarantine. Essentially, that was related to getting a PCR test and leaving before check-out. One appeal was in respect of an individual who had a negative PCR test after quarantining. Some 50 appeals were granted for medical and exceptional grounds and 42 appeals were granted on humanitarian grounds. They are the figures on appeals.

There were several questions on the digital Covid certificate and how it will work. We are working through the details of that and it is entirely possible we will be back here discussing it soon. Essentially, while I am seeking approval from the Seanad today for an extension for hotel quarantine to 31 July, what will happen is that on 19 July there will be a co-ordination between

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home quarantine, mandatory hotel quarantine and the digital Covid certificate. Many details on that are being worked through and member states have different choices in how that will be implemented. I imagine that, whatever portion of mandatory hotel quarantine is left, we will seek to extend it beyond 31 July on the basis that the variants of concern will still exist. From 19 July, the public health advice about non-essential travel will be lifted, so people can travel. If they qualify based on the digital Covid certificate, they can travel unimpeded, so when they come home, there will be no hotel quarantine, PCR test requirement or home quarantine. They can simply go about their business.

I will address how the digital Covid certificate will operate from Ireland's perspective. It is about passengers coming into Ireland. What passengers do on their way out is a matter for the countries they are going to, so we will not have any requirements regarding people leaving the country. The regulation relating to non-essential travel will be lifted. It is all about what happens for people who are coming back into the country. The first category is people arriving from EU or EEA countries. There are three qualifying criteria. One is that they are fully vaccinated against Covid-19. The second is that they have recovered from Covid-19 in the past nine months, so they have a lab-confirmed test result in the past nine months. The third is to have a negative PCR test taken no more than 72 hours before arrival to the State.

The second group is for countries outside the EU and EEA, if coming from a country that does not have an emergency brake. "Emergency brake" is the European language being used at the moment for what we have listed as category 2 countries, if someone is coming from outside the EU or EEA and it is not deemed to be one of the high-risk countries. If a passenger has valid proof of vaccination, no travel-related testing or quarantine is required. If the passenger does not have valid proof of vaccination, he or she needs to present evidence of a negative PCR test within 72 hours prior to arrival, self-quarantine, which is essentially home quarantine, and then undergo post-arrival testing, which is the day five test.

The third category is people coming in from or having gone through countries in the past 14 days that are outside the EU but to which the EU has applied the emergency brake. If a passenger has valid proof of vaccination, he or she needs to produce a negative three-day preflight PCR test, undergo self-quarantine at home, and then undergo the day five test. If a passenger does not have proof of vaccination, he or she needs to produce evidence of a negative PCR test taken no more than 72 hours before arrival and to undergo mandatory hotel quarantine and post-arrival testing. That third category is the case where we envisage the hotel quarantine remaining in effect. It essentially applies to non-EU, non-EEA countries that have been designated with the so-called emergency brake, where a person is not fully vaccinated. In that case a hotel quarantine is required. It is also required in cases where the preflight PCR test is required and people arrive without it, but for a short period. They would tend to be tested the day they arrive or the next day, get the results, and then leave. That is how Ireland proposes to participate in the digital Covid certificate.

There was a question about ability to pay. I confirm to colleagues that 157 certificates have been issued, so in those cases that fee has been waived or deferred using a certificate issued by our embassy or consular office abroad.

Senator Niall Ó Donnghaile: Is the matter regarding citizens in the North being looked at?

Deputy Stephen Donnelly: It is being looked at. I beg the Senator's pardon.

Senator Sharon Keogan: What of the unaccompanied minors?

Deputy Stephen Donnelly: With unaccompanied minors, there are two possibilities. The first is that they go into the care of Tusla. Tusla then carries that out and it is the correct agency to do that. Alternatively, if the minor has somewhere safe to go in Ireland, he or she can go to that place and be quarantined in that place.

I will finish by reiterating that nobody wants hotel quarantine. My understanding is there are very limited situations in which any of us can be deprived of our liberty, and rightly so. One is a custodial sentence, another is through mental incapacitation, and this is another. It is a very serious thing for us to do to anybody because nobody going into quarantine has done anything wrong. They are not guilty of anything. In terms of balancing human rights and civil liberties, it is about balancing the rights of these people coming in with the rights of everyone in the country to be protected against these variants of concern.

The figures are compelling. If we look at the number of variants of concern which have been detected, the figure we used was 59, if memory serves correct. As of 27 May, there were 59 variant of concern cases. The figure is likely to be higher than that because the genome sequencing takes time and we are still getting results on that. If we call it 60, and we broadly assume a 90% reduction in both the number of cases that would be coming in and the number of variant of concern cases being imported, because those going into hotel quarantine have already gone through a lot, having got their preflight PCR tests and so forth, we would be looking at either having successfully stopped ever coming in or having identified and isolated perhaps 600 variant of concern Covid cases. That is a very large number of variant of concern cases. We are watching the Indian variant situation very carefully but potentially to have stopped or identified approximately 600 incoming variant of concern cases is a very significant positive in terms of our national response. On that basis, I believe the very significant imposition on innocent people that this quarantine system entails is proportionate and warranted.

I have laid out how we would envisage it working in the future. Essentially, it would be on a reduced basis because it would take account of the EU, the EEA and people being vaccinated, and it would look only at higher risk countries as designated by the European Union.

Question put and agreed to.

Sitting suspended at 4.13 p.m. and resumed at 4.31 p.m.

Covid-19 Vaccination Programme: Statements

Acting Chairperson (Senator Pat Casey): I welcome the Minister for Health to the House for the second time today and he has ten minutes.

Minister for Health (Deputy Stephen Donnelly): I thank the Seanad for the opportunity to update it on the Covid-19 vaccination programme. The programme has continued uninterrupted since our last session despite the cyberattack on both the HSE and the Department of Health, although this criminal attack on our IT systems has had an impact on the programme as the validation of data and daily reporting of vaccination figures have not been possible.

Ireland's vaccination programme represents one of the greatest public health and logistical challenges the health services have ever faced. It is a testament to the commitment and quality

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of character of those who work in our health services that they have met this challenge and we are seeing such significant progress with the roll-out despite the attack on our systems. We have made major inroads into the vaccination of people all over Ireland, with the vaccination of the most vulnerable in society now largely completed and what a wonderful thing it is for us to be able to discuss here today.

In the middle of last week, Mr. Des O'Grady from Castleknock received the 100,000th vaccine dose administered just at the Citywest vaccination centre. This was a remarkable achievement for one centre. Mr. O'Grady received one of approximately 300,000 vaccine doses that were administered last week. That followed on from a record week in our vaccination programme the previous week when in excess of 300,000 vaccine doses were administered, including almost 40,000 of the single-dose Janssen vaccine.

It is now estimated that we have administered around 2.7 million vaccine doses. More than half of eligible adults have now received at least one dose, which is an amazing result. I know that colleagues will join me in expressing gratitude on behalf of the Government and of the entire Oireachtas to the many thousands of women and men in every county in the vaccination centres, GP practices, vaccination teams and nursing homes, including therapists, nurses, doctors and clinicians from across the healthcare family, as well as students, volunteers and people who have come out of retirement.

The National Ambulance Service and the Defence Forces have played an extraordinary role. We also have been helped by other Departments and Government agencies. The vaccination programme has been a truly national effort. It is wonderful to think that after what has been a dark and brutal year in many ways, more than half of the adult population has now received at least one dose. I want to pay tribute to everybody who has been involved, right across the board. I was in Citywest this morning meeting the team that is responding to the cyberattack. As with the rest of the vaccine programme, again we are seeing people from right across the country involved. We had the involvement of the Department of Health, the HSE, the Defence Forces, the National Ambulance Service, friends and partners across other Departments and State agencies, as well as private sector partners. It is a huge effort.

The Citywest campus is a physical embodiment of the can-do attitude across healthcare. Our cyberattack response is being run from there. It is a massive vaccination centre. Outpatient appointments are being kept there, including orthopaedic surgeons who are doing outpatient appointments. There are rehabilitation and therapy sessions going on there. It is where we put up some of our staff who cannot self-isolate or who cannot keep those they live with safe. It is also where we accommodate people who need to self-isolate outside of the healthcare world and who have nowhere else to do it. It is an amazing physical manifestation of the can-do attitude in healthcare and right across the country. There are loads of volunteers helping people all over the campus. It has been incredible.

The registration system is open, as colleagues will be aware, for those aged 45 to 49. I am delighted to be able to share with colleagues that the portal will open for those aged 40 to 44 from this Wednesday morning. It will be the same drill as before, in that the first day it will be open for people who are 44, the next day for people who are 43 and so on. That is really good news and more progress is being made this week.

As uptake is going well, I want to share some figures with colleagues. Among those aged 60 to 69, about 90% have started vaccination. For those aged 50 to 59, we have a registration

rate in excess of 86%, which is fantastic. Encouragingly, for those aged 40 to 49, between those who have registered and are now being vaccinated through the portal and the fact that there is a large cohort of healthcare workers who are within this age group, we already have a 45% rate of those in their 40s who are either registered or have started their vaccination programme. For those aged over 70, nearly 100% have been vaccinated. When one looks at the European tables for the percentage of vulnerable people vaccinated, in terms of both age and those who are healthcare workers, Ireland leads the EU. We are number one in the entire EU in vaccinating the most vulnerable people and our healthcare workers first. We should be immensely proud as a nation that this is how we went about our business.

The vaccination programme has been extended to encompass pregnant women, with pregnancies of 34 weeks and above being prioritised. An operational plan for the vaccination of pregnant women between 14 and 36 weeks has been implemented. All 19 maternity services have a pathway in place for these vaccinations. We have extended the vaccination programme to those in socially vulnerable groups, such as those in homelessness and addiction. A vaccination pathway is also being provided to those in the Traveller and Roma communities. This pathway was extended to a number of community health organisations at the beginning of last week. A total of 37 vaccination centres are in operation around the country and a 38th will open shortly in University College Dublin, UCD.

The Government is taking measures to secure the future immunity of the Irish people from Covid-19 as well and it is providing a robust framework against variants of the disease, which we are watching closely. Ireland has recently opted into a new purchase agreement at an EU level for up to 1.8 billion messenger ribonucleic acid, mRNA, based vaccine doses, of which we will take a *pro rata* share. While the basket of vaccines will be broadened for the future, this is a significant advance purchase by Ireland and the rest of the EU of the Pfizer vaccine, which has proven both reliable and highly effective. The purpose of the agreement is to ensure that member states have access to a vaccine that can be used to provide booster doses if that is required. It can also be adjusted to protect against emerging variants and it can be safely administered to younger people. We have seen the European Medicines Agency, EMA, grant approval in that regard in the last few days for those aged from 12 to 15 years. The agreement is also to ensure that member states have access to vaccines linked to a dependable and secure supply chain - we all know how important that is - and which will be easier to store and more portable than its predecessor. There have been some very encouraging technological advances with the Pfizer-BioNTech vaccine and much easier storage is now possible compared with the super low temperatures we used for this round. All of this will serve as a backbone for our vaccination strategy for the next two years. We will contribute directly to the manufacture of this vaccine as well, which is really exciting. I am sure all Deputies warmly welcome the announcement that Pfizer's Grange Castle plant will play a role and 75 new jobs will be created. Subject to regulatory approval, production at that plant could commence as early as the end of this year, which would be fantastic.

Through our participation in various EU forums and the Covid-19 Vaccines Global Access, COVAX programme, we are also taking steps to plan access to vaccines for countries less fortunate than we are. That is very important to me and Members of the House. We discussed this issue previously, and I expect we will do so again today. Recent events, including in India, are another reminder of why we need a global and just solution to this pandemic.

We are moving ever closer to meeting our goal of offering vaccinations to everyone in Ireland who wants one. We are vaccinating those at the margins of society, those bringing new

life into our communities and those living in the most vulnerable parts of the global community. These are significant achievements for our nation, and they show what is best about our country and public service. I conclude, therefore, by acknowledging all those making our vaccination programme so successful - the healthcare family, members of the Defence Forces, the staff of the National Ambulance Service, as well as vaccinators, general practitioners and all the wonderful staff in general practices, our healthcare workers and volunteers. So many people have contributed again and again, and I thank them all for working so hard to make this vaccination programme a success.

Senator Lorraine Clifford-Lee: I thank the Minister for such an enthusiastic update on our vaccination roll-out. It is a pity the cyberattack has stopped real-time reporting of the numbers of vaccines being administered because I imagine the daily figures are a sight to behold. We all have family members and know people in our communities who have been vaccinated. From speaking to them, I know it has been such a positive experience. People are arriving at vaccination centres and bumping into neighbours and friends, including old school friends they have not seen in years. Everyone is really happy. They are in and out of the centre in 20 or 30 minutes and it is a very positive experience.

Much credit goes to Professor Brian MacCraith and his team, the Minister, Mr. Paul Reid and everybody working in the vaccination programme, including staff in vaccination centres and those administering the vaccines. It is fantastic. The Taoiseach told us on Friday night that 2.6 million doses of vaccine had been administered, and many more were administered over the weekend. It is a really positive news story. If we think back to one year ago, just before the Government was formed at the start of June 2020, the atmosphere then was so different from the atmosphere today. Back then, people were worried and upset. We did not believe we would get a vaccine so quickly and doubts were cast on our ability to administer vaccines efficiently. All those worries have been put to bed. We are on the road out of the pandemic and we must keep going.

I will address a few points. What are the plans for vaccinating children aged between 12 and 18 years? What is the Minister's thinking on that issue? I would also like an update on the EU's action against AstraZeneca. The Minister mentioned the importance of having a dependable supply chain for the vaccines coming into the country. AstraZeneca deliveries were not what they should have been, which was a major disappointment to everybody in the EU. Mediation is ongoing. I would like an update on that. The Minister met with the Irish Nurses and Midwives Organisation, INMO, last week regarding healthcare workers who are receiving their second dose of the AstraZeneca vaccine in the next week or so. The INMO representatives looked for an update on the advice about mixing vaccines considering the updated data about the greater risk of blood clotting in younger people. Many of our healthcare workers are younger females. There is a worry about the second dose of the AstraZeneca vaccine, which they are due to get shortly. I ask the Minister to update us on the possibility of mixing vaccines.

On shortening the gap between the first and second doses of AstraZeneca, we know the first shot of AstraZeneca does not give much protection against the B.1.617.2 variant. In the UK, the interval between the first and second shot has been shortened. Has the Minister any plans to reduce it for the many people who have received AstraZeneca?

I raised this last issue with the Minister previously and he stated he would look into it, but the cyberattack has put it back somewhat. The lack of availability on the portal to register for vaccines in Irish is a very important vaccine roll-out issue for a certain cohort in this country.

As the Minister knows, there is an obligation on the State to provide all forms to members of the public in both Irish and English, but one must go to the portal to register for a vaccine. Registration can also be done by phone and when the issue was first raised an Irish-speaking line was put in, but the website is not available in Irish. I ask for an update on that and at what point it might be resolved. We will have to live with the vaccination schedule for a long number of months, possibly years, and it is very important the issue is tackled at this point. I would really appreciate answers to those questions. I again say well done to the Minister, his team in the Department, everybody in the HSE and everybody working in the vaccination centres. All of them are doing great. I cannot wait to get my vaccine when the time comes.

Senator Gerard P. Craughwell: The Minister mentioned my former colleagues in the Defence Forces a number of times in his speech. I record my deep appreciation to the Army and Naval Service for the work they did on the ground in building test centres, being prepared to meet people or have centres ready for them, and to our Air Corps which flew tests to Germany and vaccines to the islands. My one regret in all of that - and it has nothing to do with the Minister or his Department - is that we did not find a way of making *ex gratia* payments to soldiers, sailors and airmen for the extra work they put in. Most other people who worked overtime were paid overtime, time-and-a-half or double-time money. Soldiers got duty money. That is a matter for another time.

I must compliment the Department. There was a lot of toing and froing, vaccines were coming or they were not, we expected to hit this or that number, but in the end it is moving along in the way we expected it. Nothing is ever certain in that type of situation. I am fortunate enough to have had the first dose of AstraZeneca, which I had grave reservations about taking, largely because of the public relations surrounding it. I am now concerned having listened to some of the medical experts speak about the second dose. It seems the risk of clotting is higher in the second than the first dose. It is now recommended that the second dose is Pfizer or Moderna. The Minister is shaking his head but I am merely telling him what we are hearing on the airwaves. We need clarity on that.

Those who continued to keep this country running while we were without vaccines include staff members in the Houses of the Oireachtas and every local authority in the country. Supermarket workers, truck drivers, bus drivers and Luas drivers went out daily to fulfil the duties that were needed to keep this country running in some way or other. We must place on record our grateful appreciation for those people.

I am somewhat disappointed that we let teachers down with respect to the vaccine. Teachers mix with more of a mixed group of people than anyone else. I am disappointed that we did not move them up the scale for vaccination. Such is life and that is the way things go.

When I went to access a vaccine in Citywest, I was extremely impressed with the overall organisation. A number of activities were going on, as the Minister pointed out in his speech. When I was driving in the gate, I was asked whether I was there for a test or a vaccine and was moved into the appropriate area. There were literally hundreds if not thousands of people passing through the centre when I got my vaccine but, that notwithstanding, the nurse who administered my vaccine took all the time in the world to allay any fears I had and explain things to me.

I cannot tell the Minister the difference vaccination is making to people of my vintage. My wife had the pleasure of her two grandchildren coming to stay last Thursday and Friday for the first time in approximately 18 months. The joy on all three faces was unbelievable. My

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youngest grandchild said to her father approximately three weeks before that visit that she had a dream in which her nana had a vaccine and they could go back to playing with her on Thursdays. It is great when little kids are thinking like that.

I am concerned that because of the good news out there with respect to the vaccine, we are running a little ahead of ourselves as was demonstrated by the crowds who gathered in Galway, Cork and Dublin at the weekend. People such as the Minister have a difficult task to drive home the message that we are not home yet and have a long way to go.

I am anxious to see the airline industry come back in some guise as quickly as possible. Everybody in Europe is recommending antigen testing. Some pilots had a big demonstration outside Leinster House last week and called for antigen testing. I do not understand why Ireland has not bought into antigen testing. I am interested to hear what the Minister has to say on that issue.

Senator Martin Conway: I welcome the Minister back to the House. I concur with the credit that has appropriately been given to the people working in the vaccination centres around the country. They are the human beings who are injecting people's arms and making them safe. I commend Mr. Damien McCallion, the HSE's lead for the vaccination roll-out, who has done a phenomenal job. He is out front for good news and bad news. It is critical that people are out front for bad news and that is not always the case. It is often left to the politicians and some great civil servants to share bad news. One only sees some others when there is good news to share and we are reaching milestones. It is important to put my compliment to Mr. McCallion on the record.

There is no doubt but that the Government is now meeting its vaccination target because the supply and systems are in place. I would like to hear where we are with supply. Last week in the Dáil, the Minister said that the best-case scenario for delivery of the Johnson & Johnson vaccine in June was 190,000 doses while the worst case scenario was 60,000. Has he an update for the House as to where we are with those figures? What is the Minister's projection for June? What is his projection for the beginning, middle and end of June, respectively? That is important.

It is great that the portal will be open to 40- to 45-year-olds from Wednesday, but I have concerns. My colleague, Deputy Colm Burke, put on the record of the Dáil last week during Leaders' Questions the case of a lady with the blood board. As a healthcare worker, she registered on the HSE portal but still has not got a vaccine and cannot register on the ordinary portal because she has already registered on the HSE portal. That is not fair, especially when that person sees younger people getting the vaccine in their hundreds of thousands. I understand that 3,000 people who have registered through the HSE portal are in a similar situation. That is very worrying. Some of them are in their 50s and 60s. It is most unfair and frustrating for people who happen to work in healthcare to find themselves in a situation where people who are ten, 15, or 20 years younger are getting the vaccine in their droves while they are still waiting for it. Even though they may not be direct front-line healthcare workers, they certainly are healthcare workers and are exposed. What is the Minister's position in respect of that issue and what is he going to do about it?

In terms of an issue which has been raised already, namely, the concerns around the Astra-Zeneca vaccine, when is NIAC going to provide us with an update on its position? Surely to God it is looking at what is being said internationally in respect of the administration of the

second dose of the AstraZeneca vaccine. I have spoken to healthcare workers who are due to receive the second dose of the AstraZeneca vaccine and who are concerned about it. We and NIAC cannot ignore what is being said internationally. The people deserve for NIAC to provide its most updated advice on the matter. If that updated advice is the same, we need to hear it again.

Senator Emer Currie: I have never been happier to tick the box which states I am in the 40 to 44 age group than when I did so today. The purpose of the digital green certificate is to facilitate the safe movement of citizens within the EU during the pandemic. It is valid in all EU member states for people who are fully vaccinated against Covid-19 and others. There are people from the North, who live in the South and availed of the vaccine in the North. They are wondering where they stand respect of this issue. There are also people who normally live in the South but returned to the North to work from home during lockdown. They, too, have questions.

The digital green certificate should be available to everybody on this island. It is an opportunity for North-South relationships to shine at a sensitive time, irrespective of what is actually happening with the common travel area issue. Third level students from colleges in Northern Ireland will still be able to study in Europe under the Erasmus+ programme. The European health insurance card provides access to emergency healthcare in all EU member states. In respect of the digital green certificate, the Irish Government should put in place special measures to ensure all people on this island can get access to a digital green certificate and not just those with Irish passports.

I would also quickly like to ask the Minister about the Sinopharm vaccine that is being administered to teachers in schools in the United Arab Emirates. Will that vaccine also be recognised here?

Senator Annie Hoey: Unfortunately, I do not have any personal experience of getting the vaccine yet. I hope I will have that experience soon. I can speak very highly of my dad's experience. The first time we talked about vaccines in the House after Christmas, I recalled how my father and his friend, who are both hard of hearing, roared down the phone at each other about getting the vaccine. They are both long vaccinated now. As I said last week, there is certainly a lot more spring in people's step. They are looking forward.

I agree with Senator Clifford-Lee that it is a great shame we are not getting the real-time updates on the vaccine roll-out because people really want to know how it is getting along and what is happening. The cyber attack is a shame for many reasons, but that is particularly the case because it is detracting away from what is good news at a time when we are all desperate for good news. I welcome the pace at which the programme is progressing. I raised concerns a few weeks ago about the older people who had been cocooning. I also raised the issue at the Joint Committee on Health. I must say all of those who contacted me have had their issues resolved and have been vaccinated since then. There is a great sense of positivity in my area.

I do not want to go down the road of claiming the whole system has fallen apart because I know of someone who has fallen through the cracks. However, I ask the Minister to provide an update on the situation in respect of the homeless and those in shared accommodation who are facing homelessness. A few people have contacted me. They are registering through the vaccine portal system. It seems to me they are very vulnerable to contracting Covid in shared accommodation or when they are moved from one accommodation to another for whatever

reason.

5 o'clock

I am wondering if the Minister has an update on that.

We are talking about September and that deadline is creating a little concern. Many third level students have had a year and a half away from campuses and when they are hearing that it is not entirely certain whether they will be going back in September, that causes a lot of stress for them. I know this is matter is also the responsibility of the Minister for Further and Higher Education, Research, Innovation and Science but I wonder if the Minister has any thoughts on that and on how it will play out. Students are keen to get back onto campus, as are many lecturers.

We are talking about the reopening of the tertiary economy and we have to be aware of the fact that many of the workers in that sector are of an age whereby they will not be vaccinated even possibly before the reopening of the economy. Whatever one's opinion of the scenes on South William Street at the weekend, the fact remains that there is a large cohort of society that has been locked up for 15 months. Many of them have been working in essential front-line and front-facing roles and they will be key workers in reopening society. Members might bear in mind that many people who will be participating in the reopening of society will not have been vaccinated yet and they will only be getting into the vaccination process in July and August.

A person has written to me about Erasmus+ and exchange students. Hopefully, we will have many students going away on Erasmus+ and exchanges this September. They will be required to fly out in August in order to attend their orientation and there are a number of colleges or universities which have stated that Covid-19 vaccinations will be a requirement for all students and staff to be on campus and that they are planning full in-person return to campuses. We are talking about a cohort of those aged 18 to 24 who might not be getting their vaccines until well into July and then we are looking at four weeks after that for the second dose. There will possibly be a cohort of exchange and Erasmus+ students who have already spent a lot of time and money preparing, winning scholarships and all these other important things in order to be able to avail of Erasmus+ or exchange opportunities. Those students may not be able to go and if they are able to go they will either have to travel even earlier and try to sort out accommodation in order to quarantine or they will travel over at the time when they already have their flights booked and will perhaps have to miss the first two weeks or orientation for their new semester in their institutions abroad. Has that matter been raised with the Minister's office? Does he have any thoughts on how that will be dealt with? It is only something I became aware of today; otherwise I would not be landing it on the Minister right now. It is an issue we need to consider. As I said, those students have been through a lot during the past 18 months or so. I would hate to see Erasmus+ or exchange students missing out on this opportunity of a lifetime because they are going to fall into the age cohort which will be getting the vaccines later on and, therefore, that could lock them out of part of their exchange or at least out of availing of opportunities at the beginning.

Senator Pauline O'Reilly: The Minister is welcome. It is good to see him in the House. If we think back to a year ago, we did not even know if we would have vaccines. We did not know what kind of state the country and the world would be in so even having vaccinations is the first bit of great news. We can be so much in the middle of it that we can forget that we could have been looking at lockdown forever. We are in such a good position now that we are getting over

300,000 vaccinations done per week. I commend the Minister, the Department and, in particular, all of those front-line workers who are administering these vaccinations. I also commend all of those who were going to work not knowing if there would be a vaccine at the end of it.

Even though we are in a race against time, this is about public health and it is about how many people we can get vaccinated and how quickly we can get it done. We also have to remember that within the system, there are those who are more vulnerable. It is fantastic that the Minister says we are number one in the EU for vaccinating the most vulnerable but I know of some who feel they have been left out so I would love to hear the Minister's views on cohort 7. I am a member of cohort 7 and there are some within it who feel that things have not been going quickly enough. From my point of view, maybe some of that is to do with the lack of digitalisation of our healthcare system which means that it can be difficult to identify exactly who is high risk and who is not. I am looking forward to my vaccine in the coming weeks so I know the mop-ups are happening. I hope that many of the people who have been in contact with me will get their vaccinations.

Earlier, we saw the news that only 2% of prisoners have been vaccinated. That is disappointing. I know there have been problems getting the vaccine in quickly enough for prison staff, and that has to be a priority, but the Minister might provide an update because this news has only just broken and reached me today. Some 36 prisoners at Mountjoy Prison had contracted Covid-19 at a certain point. People are in that congregated setting so it seems to be an area of concern.

There is more news today that was trending on Twitter about B.1.617.2 and how it is dominant in the UK. How prepared do we feel for that? Do we feel that if we can keep ramping up vaccinations we will be prepared as a country?

I am delighted to see that Pfizer will be opened to 12- to 16-year-olds. I echo what Senator Clifford Lee said about when we might see that in Ireland. Those are the young people who have been out of school for the longest amount of time. They have been kept at home and they have been away from their friends during a critical time for young people to be social. I would love some great news for that age group, who have left school earlier, having left last Friday.

There were some comments about concerns that were raised in respect of the gatherings in Galway, Dublin and elsewhere. It is completely understandable that, having been locked down for a year and a half, people want to go out and enjoy the good weather. We have to ensure that there are spaces available for them. I was disappointed to see Middle Arch closed after Friday night. I passed by on Friday night and I saw what it was like. I do not envy the police and the volunteers but we need to ensure that we do not only call for an outdoor summer but that we put in place everything to allow people to enjoy that. I know that is not just down to the Department of Health but it is important to put it on the record that we need to have all the facilities in place. The money is there so why are the facilities not in place and how fast can we draw that money down?

I welcome the Minister's comments on Covid-19 vaccines global access, COVAX. Unfortunately it does not come up all that often any more. We need to remember that we have that global responsibility. Where are we as a country on that? This can be a real model for us in that global outreach and responsibility and I would love to see us do it across the board when it comes to climate change and everything. This could be the model and I am delighted that the Minister mentioned it.

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Senator Lynn Boylan: I welcome the Minister. I echo what others have said about thanking those who have been vaccinating and running the vaccination centres. I drove someone to Citywest to get a vaccination. There is definitely a lovely atmosphere there and it is well organised. We are lucky that we have low vaccine hesitancy rates and that most people one talks to are chomping at the bit to get the call to get their vaccine. That is to be welcomed because we know that the more people who are vaccinated the more we can open society and that the quicker the process is progressed the quicker we can improve our lives.

The key policy in terms of Covid-19 has moved to vaccination and recent news on delays is disappointing. At this point, any problems in the roll-out of the vaccine will have far-reaching effects into people's lives. I welcome the fact that 50% of the adult population will have its first dose by the end of May but there is concern that the 80% target for the end of June will not be met. It is repeated time and again by the Taoiseach and Tánaiste that 80% of the adult population would have received its first dose by the end of June. The Tánaiste has also made several vague statements to grab headlines but is also unfairly raising hopes of everyone being offered a vaccine by the end of that month. His statements are unhelpful, particularly to the Minister for Health in his work, especially in light of yet more problems on the supply side. There has been a drop from what was to be 470,000 single dose vaccines to half that number, or it could reach as low as 60,000 available doses, and this will significantly delay the full vaccination process. There are also reductions in expected AstraZeneca deliveries and a question over that vaccine's effectiveness against new variants. There is a real concern that problems on the supply side will delay or derail our reopening plan.

Others have mentioned the need for two jabs of either the Pfizer or AstraZeneca vaccines to give a proper level of protection against symptomatic disease from the B.1.617.2 variant, as is the case for the Kent or B.1.1.7 variant. We must ramp up supply and get as many people as possible vaccinated in order to protect us against the Indian variant. We have heard reports today from the British Scientific Advisory Group for Emergencies, SAGE, that the B.1.617.2 variant could be 50% more transmissible than the B.1.1.7 variant. That said, the Chief Medical Officer has given a positive outlook on Covid-19 in the State overall, although he has warned that we should keep an eye on those variants on local spikes of new cases, if any.

I will comment on some of what has been said over the weekend about the scenes on South William Street and other parts of the city. I worked in a café in Dublin years ago and public toilets were an issue even then. We were one of the few cafés that allowed tourists and others to come in to use public toilets. Nobody is excusing the rubbish left behind but it is not just people who are drinking who need toilets. People with disabilities or irritable bowel syndrome need somewhere to go to the toilet. We also need to provide bins as we cannot tell people they must holiday outside but not in particular areas.

This speaks to a privileged position of some, who assume everybody has a garden they can use or that people are not sharing overcrowded accommodation. People might not want to be in their parents' gardens but out somewhere else meeting their friends. We need to put in place facilities for that type of outdoor summer. We cannot close public spaces. We should instead increase their number. The scenes of hundreds of people on the street caused concern but they comprised smaller groups who had gone out to meet friends. The best time to have formulated a strategy on outdoor socialising was six weeks ago but the next best time is now. We must give people public space and facilities, including toilets, bins and everything else that goes with such activity.

Senator Alice-Mary Higgins: The Minister is again welcome to the House. I join others in commending all those people who have done really important and extraordinary work in rolling out vaccines. However, in hearing everybody's stories about how wonderful it has been to get a vaccine and what it meant for children and families, there is a heartbreaking component to the discussion. It is that there are people all over this planet with families, some of them going to work on the front line of health services, who are years away from vaccination. They are just like us, with families like ours and with hopes and fears like ours.

I look at the six months we have lost in a process for a trade-related aspects of intellectual property rights, TRIPS, waiver, which was proposed and would have allowed and supported the scaling up of vaccine roll-out internationally. Let us be clear that it is BioNTech's incredible work with the mRNA vaccine and of course it should be celebrated. Nonetheless, we are talking about booster doses for us while the rest of the world does not have access to a vaccine. That is entirely due to the fact that we are guarding a profit mechanism, which is a choice. There are now 62 countries, even including the United States, calling for a waiver on intellectual property. Every argument put forward by Europe has been debunked by experts, including the World Health Organization and others.

We know there are 144 facilities with manufacturing capacity in 35 countries that could be scaled up but we are still seeing mechanisms talking about licensing. The European Union, having been embarrassed into some kind of action, is now talking about letting a few partners in the global south into manufacturing through licensing rather than a temporary TRIPS waiver. The COVAX process is fine but that is about vaccinating 20% of the world. Let us be clear that the Covid technology access pool, a mechanism of the World Health Organization, is required to ensure quality in the roll-out. The European Union bears responsibility if we continue to be the main blocker of access to vaccines for the world.

We might need to attach our name to all the variants that may come, and certainly if variants are coming in six months when they should not have to. Maybe they should be named after us since they will arise because of the European Union. The B.1.617.2 variant and others are coming now but we can do more. We could be in a different place in January 2022 but Europe must stop its obstruction of the process. The European Parliament has now called on the European Union to take action and I have certainly been glad to add my voice to the voices of other parliamentarians across Europe in saying we need to allow global access to vaccines. The Minister is aware the Joint Committee on Foreign Affairs and Trade has also called for that.

There are still issues with the Irish programme, particularly with group 9 and overcrowded settings. The Minister might agree that prisoners could and should fall into that category. There are concerns about cohort 7 as a whole falling through the cracks. Traveller organisations have been clear they want a dual approach to vaccines, as it seems that the HSE, since March, has basically only been offering the Janssen vaccine to Travellers. This appears to come from an assumption of vaccine hesitancy and that a single dose would be preferable but we know much of that population is under 50 and are not, therefore, the ideal candidates for the Janssen vaccine because of its heightened risk for people under 50. It is really important there is another route. I have more detailed notes from my colleague, Senator Flynn, on this and she has been very clear about the NIAC advice on the age cohort overlap.

I am also concerned about young people who are part of cohort 7 and still waiting for a vaccine. They will lose their unemployment payment and many will be asked to work in hospitality or similar jobs. They may be in cohort 7 and be asthmatic. There are people in their 20s and

30s in that space falling between those gaps.

There have been very positive experiences at the centres but I have heard of single parents having difficulty. They are sometimes not in the position to have somebody caring for their child and need to bring the child to the vaccine centre. That has been brought to my attention.

Indefinite retention of the data used to access the vaccine portal falls outside the scope of GDPR. We should not have another obstacle to people being vaccinated. We know that where there is an imbalance of power, we must be very clear on the statutory basis for any measure. We cannot ask people to consent to indefinite retention of data as a condition of getting something that might save their lives. I am concerned that we are on legally ambiguous ground. Perhaps we will have an opportunity to engage on the matter to ensure we do it properly.

Senator Malcolm Byrne: I thank the Minister for coming to the Chamber. He is aware St. Stephen was the first Christian martyr who in very difficult circumstances stuck to the faith, in spite of unrelenting criticism at times. In fairness, the Minister has been subject to much abuse but has stuck to delivering the programme. Many of those who criticised the Minister said we would never achieve the targets we discussed. I know some critics from earlier this year have acknowledged that the Government's programme - the largest vaccination programme in the State - has been a success, and others need to acknowledge this as well. The only interruptions have been around matters regarding supply, which are beyond our control. In thanking all of those involved in the programme, the Minister and those who oversaw it deserve some credit. Those who were tweeting and criticising the Minister earlier in the year might do well to reflect on some of their predictions at the time and admit they were wrong.

I want to raise a number of points. I certainly would agree with the point made by Senator Higgins on the TRIPS waiver. We have a responsibility. It is not just about COVAX. We are not going to solve this problem until it is solved in the entire world. There will always be a risk. Ireland's generosity with regard to India is something that could prove as an example and I hope at European level the Minister will support the TRIPS waiver.

There continues to be anecdotal evidence that some people are being called for vaccination twice and some people are not showing up. I know it was a bigger problem previously but I am aware it is an issue. I hear from vaccinators that sometimes people are being called to two different centres. It may just be a glitch in the system.

I want to speak about the vaccine bonus. We have a high take-up rate and we have to give the vaccine bonus. I am aware that today the EU Commission has proposed that those who are fully vaccinated would be exempt of any requirement to quarantine or show testing when travelling within the EU. As part of the vaccine bonus we have to look at telling people that when they have their vaccine they are entitled to travel more freely. There has to be a reward because of the high take-up of the vaccine.

My colleague, Senator Clifford-Lee, asked when young people will be vaccinated. As we roll through the age groups, and I am looking forward to getting my vaccine soon, will the Minister give us an indication in his response that by the time we get to the end of August and we are looking at the resumption of schools and colleges, he can guarantee that all of those who may be starting or going back to third level will be vaccinated? We want people back on our campuses? Once it is safe to do so, will the roll-out continue to students at second level?

This is wonderful because when we think about last summer we never imagined we would

have vaccines. People never thought we would be in the situation we are in now or that we would see vaccines. It shows the wonder and importance of research, innovation and science and why we need to continue to invest in them. We also need to look at the experiences we have all had during this period. Some of them have to do with health and medicine but there have also been social experiences. I spoke earlier about how we will deal with grief and loss, which are very human emotions that many of us have experienced over the course of the lockdown. We need to look at partnering with higher education institutions to conduct research into this area.

Being Minister for Health is a challenge at the best of times but particularly at present when we are facing what I hope is a once-in-a-lifetime pandemic. We also have all of the other challenges with the health service. Unfortunately, as we are coming out of the pandemic the Minister will be hit with all of the other issues. As he knows, there are further backlogs in elective surgery. It is important there is communication on how we will deal with these. It may not be possible during this session but at some stage I ask the Minister to come to the House to speak about the post-Covid plan for Sláintecare and the rest of the health service.

Senator Mary Seery Kearney: I congratulate the Minister on the fine job he is doing and ask him to convey our thanks to all those involved. Approximately two weeks ago I met Fórsa and its representatives spoke about the various categories of employees involved behind the scenes. We are very quick to thank those on the front line but behind the scenes are the administrators and a heap of people who absolutely deserve our thanks. Just when they were on top of vaccines and Covid they got the cyberattack. Extraordinary hard work has gone into this area.

We are very clear and transparent in our messaging. I appreciate this but when we hear news of supply issues and a potential delay, it is also important in our messaging that we reassure people as to roughly when they will be vaccinated. The telephone calls I receive are from people whose anxiety is being heightened. Perhaps we underestimate the heightened level of anxiety everyone has been at over the past 12 to 18 months. Perhaps we need to acknowledge these feelings and the disappointment. This is not a criticism but an add-on that in our anxiety to be transparent sometimes we overlook this issue.

Others have mentioned this but I have promised that I will also raise the issue of people in their 60s awaiting their second dose of AstraZeneca. They have little cards telling them their next appointment will be in July. I appreciate they are considered fully vaccinated 28 days after the first dose of AstraZeneca for the purposes of visiting other houses but there is some question mark over the level of protection against the so-called Indian variant. For them there is a level of anxiety and frustration when they see that people in their 40s who perhaps do not have underlying conditions and in a lower-risk category are going to be fully vaccinated sooner. I would appreciate the Minister addressing this issue and ask for the ideas we have on it.

Senator Seán Kyne: I welcome the Minister. I acknowledge the work of the HSE on rolling out the vaccination programme nationwide. Many people did not believe the Minister, the Government or our specialists in NIAC or the HSE that the issue initially was a supply issue but clearly it was. It has been proven that once the supplies come into the country, the HSE and the State are very efficient at ensuring the vaccines get into people's arms. This is a compliment to the HSE staff, the teams working in the vaccination centres, GPs, testers, swabbers and laboratory analysts who continue the work they have been doing for over a year.

I acknowledge all those who continue, despite the difficulties, to abide in so far as they can

by the health requirements we have been asked to abide by over the past 14 months. It is difficult and wearing on people. Now they see so many of their friends, colleagues and family being vaccinated, particularly parents, loved ones, grannies and grandads. This cohort being vaccinated has given an extra boost to people's morale and belief in the system. It is certainly to be welcomed.

As we have seen in Galway and Dublin, the lockdown has raised the issues of celebrating outdoors, bins and public toilets. These need to be sorted anyway for various festivals and gatherings in warm weather. We do not get sunny days that often but when we get a warm spell we will have people congregating and it is important that facilities are in place.

The high level of uptake is certainly encouraging. It must be killing all the vaccine deniers and Covid deniers to see people are willing to go forward and get a vaccine.

It will be important that students go back on campus and I am sure the Minister is working with the Minister responsible for further education, Deputy Harris, on this issue. Antigen testing has been spoken about, particularly with regard to campuses where there is high throughput. Rapid antigen testing would be hugely important.

I have previously asked about booster vaccinations. Is it too early to ask whether they will be necessary or what will be needed later this year or next year?

Acting Chairperson (Senator Pat Casey): In order to get all speakers in because time is tight, is it agreed that we reduce speaking time from five minutes to four minutes? Agreed.

Senator Sharon Keogan: I thank the Minister even though I am one of the people who was quite critical in the very beginning of how the Covid pandemic was handled. I have always believed this could have been given to another Minister. Health is too big a portfolio. We needed a Minister responsible for vaccination and Covid-19 to support the Minister for Health in his role. Nevertheless, he has done a remarkably good job. He has certainly taken criticism on board as it was meant to be taken.

Thirty-seven vaccination centres are operating seven days a week. While people are heralding the 300,000 figure - and I thank everybody involved in that - we are looking at 1,600 people vaccinated per day in each of those centres. If that is broken down to 12 hours a day, it is 97 people per hour. My main criticism is about why we are not using the pharmacies. Why are they waiting? They have the capacity to deliver. Pharmacists are trained, experienced vaccinators and they are ready to start vaccinating. Community pharmacists have the capacity to administer at least 50,000 Covid-19 vaccines per week. They can help the Government reach its ambitious targets. More than 1,200 pharmacists have submitted expressions of interest to the HSE to participate in the vaccination programme. Some 2,000 fully-trained vaccinators are ready to go.

More than half the Irish population live within 1 km of a pharmacy while 85% live within 5 km of one. Yet people in rural communities are being asked to travel significant distances to vaccination centres. As there is only one vaccination centre in all of County Galway, for a person from Ballyconneely in Connemara it is a 3.5 hour round trip to get to the vaccination centre in Ballybrit. People in my county of Meath are being sent all over the place, to Louth, Dublin, Cavan and Westmeath. Why are people in rural areas being asked to travel, often long distances, when they can get vaccinated in their own communities? By allowing pharmacists to vaccinate it is made easier, convenient and local for people.

I want to know the reason for this delay. In December 2020, the Government's national Covid-19 vaccination strategy and implementation plan identified community pharmacists as having a central role in the vaccination roll-out along with GPs and mass vaccination centres. In January 2021, an agreement was reached with the Irish Pharmacy Union, IPU, as with the Irish Medical Organisation, IMO, on the fees to be paid to community pharmacists for administering the vaccine. In February 2021, it was announced that GPs alone would vaccinate the over-70s; no clinical reason was given for this decision. In March and April 2021, the Minister consistently stated that pharmacists would partake in community vaccinations but in May 2021, with mass roll-out of the Covid-19 vaccine under way, people were still unable to be vaccinated by local pharmacists. No reasons were given for this delay. The Taoiseach, the Minister, the CEO of the HSE and the chair of the vaccine task force have all consistently stated that community pharmacists will be involved. However, here we are in May and we still have no idea when or if they will be rolled out.

The reopening of Ireland's economy and society depends on the pace of the vaccine roll-out. Some 2,000 vaccinators are ready and waiting to roll out the vaccine in 1,200 pharmacies in their communities. The vaccination recruitment programme closes tomorrow at 12 noon. Can that deadline be extended? Some 1,200 pharmacists want to partake in helping their country out but they cannot register as vaccinators on a Saturday or Sunday. At this moment in time, they cannot volunteer to do that. Why do people who have had two vaccinations have to wait until 19 July to be allowed to leave this country?

Senator Eugene Murphy: At present, 90% of those aged 60 to 69 have started vaccination. For those aged 50 to 59, 90% have registered and almost 80% have started vaccination. Almost 100% of citizens over the age of 70 are now fully vaccinated. It was an extraordinary challenge but it has been a huge success. I often say that when a challenge is thrown down to Irish people, they like it and they respond. We have fantastic people in our medical service, including our GPs and their staff, people in the health service and the Minister himself. The Minister took some stern criticism all along, as Senator Keogan said, but he took it on the chin, kept doing the right thing and kept his head down. We can now see this is turning out to be a wonderful success. It is a tribute to the Minister and all the people in the health service.

I regret that when he tried to commence the debate here on the possibility of vaccinating students it was shot down. After last weekend, when we saw how young people in particular want to get back out and return to college, maybe that was the one debate we should have had.

I am very confident that the pace of vaccination will continue. Very shortly, almost 3 million people will have had their first vaccination. It is a real, good, success story. One has to think about all that has happened, including issues with delays, supply and, in recent times, IT and the cyberattack. Despite that, the Minister, health service workers and doctors continued to keep going. I say well done. The Minister might give us some explanation on how the second dose will work out for certain categories of people as regards term. Again, I ask the Minister to comment on the vaccination of students because that is a very important issue we need to tackle.

Senator Paddy Burke: I welcome the Minister to the House. I received my vaccination at the Breaffy House complex. It was a massive success and worked like clockwork. The staff were brilliant, there were no problems, no time waiting and it was a great success all round.

In 1928, Michael Collins's sister, Margaret Collins-O'Driscoll, had to speak against her own party in support of vaccination against smallpox, a disease which inflicted terrible misery

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on Irish people at the time. She spoke eloquently about vaccination at the time. Some people who are anti-vaccines should read what she said. I support the case for community pharmacists. Some people feel very comfortable going into their local pharmacist and it is an issue the Minister should look at.

Questions were asked about AstraZeneca and whether the timeframe for the second jab will be shortened. If it could be, it would facilitate many people, especially those who might want to travel and go on holiday.

I ask the Minister about the State and whether, as a nation, we have failed the Irish people on records and the holding of records. In the Department of Social Protection many people came up against the social welfare card. Did the Minister's Department have proper records of the age profile of people who were going to be vaccinated? When former Minister for the Environment, Community and Local Government, Phil Hogan, tried to introduce a property tax, his Department had no records. No local authority or Department could tell him how many houses were in the country or who had septic tanks and so forth. The Department had to get all those records.

Senator John McGahon: I will follow up on the calls to consider having people in their 20s vaccinated sooner. While it is highly unlikely to happen, I am concerned about the authoritarian nature of some of the comments that have come out over the past 48 hours regarding the scenes in Dublin. Young people have put their lives on hold for the past 15 months. We owe them a huge debt of gratitude. I am sick of the sanctimony and of the moralising towards young people. Young people are outside because they have basically been locked up for 15 months. They are now being told that they are not allowed walk up streets. We have been closing more and more public spaces to try to push them further away. We should open up more public spaces to give them more opportunities to socialise outside after the 15 months they have had.

We are the lucky ones. The best years of our lives are past us. I ask Members to imagine being between 17 and 22 years of age and being locked up inside for the past 15 months. Now, gardaí are coming along, taking their cans from them and emptying them. People are saying they are not allowed to walk on the streets, and Dublin City Council is trying to shut down every public space they have. That is wrong. I have been full steam behind all the measures we have introduced over the past year and a half because it was the right thing to do, but it is not now. All the vulnerable are vaccinated and we are flying through the vaccination process, yet some people in our society cannot stop the sanctimonious moralising towards young people, who have made the biggest sacrifice. We should be doing more to facilitate socialising for them outdoors. If we could consider that, I would appreciate it.

Minister for Health (Deputy Stephen Donnelly): I thank the Members for their contributions and ideas, and their appreciation of the massive national effort. All Members of the Oireachtas owe a debt of gratitude to workers throughout the country for the phenomenal work that has been done.

Many very important topics were covered and I will not be able to deal with all of them in the time available, so I will respond to those that were raised most often. First, to respond to the last speaker, God almighty, I hope our best days are not behind all of us, although perhaps they are. What happened over the weekend in the three cities is more a facet of urban living than of rural living. It is a reflection of many different things. People have been cooped up for a long time and it has been a brutal year for many. I do not subscribe to the idea that it has been harder

for one generation than for others. Yes, younger people have had a brutal time. At a time when they should be out socialising they are not. Plenty of older people have had a brutal time as well and have been in fear of their lives every day.

Ireland's success in dealing with Covid and the vaccinations and in suppressing the virus has been due to collective action and collective responsibility. We would not have been able to suppress the virus the way we have done without collective action; we would not be in our current position in terms of reopening without collective action. This has been a national effort. Every town, county and community has worked to support and mind each other and to help each other to get through this. The Government, local authorities and city councils, community groups and individuals have a role. There is individual and collective responsibility. We all understand the reason for what happened over the weekend. The apparatus of the State must do everything possible to facilitate safe outdoor social interaction. That is the message. At the same time, individuals must continue to take individual responsibility for their actions. People have done that and continue to do it, regardless of whether they are 22 years old or 82 years old. That is what we have done. We will get through this by means of the apparatus of the State doing what it can, which it must do, and people following the guidelines.

We are not out of the woods yet. The concerns that have been raised with me are driven by one thing, a concern for the people who were seen outdoors. This virus is highly contagious. We are dealing with an Indian variant that is even more contagious. Even for younger people who are more resilient to this disease and who have not been vaccinated, there is very sobering evidence regarding long Covid and serious health impacts for people regardless of their age. Any expressions from the Department of Health have been driven by concern for the people involved. That is my view on this. We have reached our current position through collective action and solidarity. When I spoke to Dr. Michael Ryan of the WHO some time ago, he said that Ireland stands out globally in terms of the united national approach we have taken to this. That is it. We just have to continue minding each other. It is not a problem if people are meeting up outside. It is good if people are meeting outdoors, but we must watch how we do it. The apparatus of the State must facilitate that in every way it can. Then we are relying on individuals, groups and families to do what is sensible for a little longer. That is my opinion on it.

Will we reduce the interval between AstraZeneca doses? The current advice we have is not to do so. It was brought up to 16 weeks and it is back to 12 weeks. There are no plans at present to decrease it any further. That is partly because one facet of getting all the vaccines administered as soon as they arrive is that the second doses are committed.

I am running out of time.

Senator Sharon Keogan: What about pharmacists?

Deputy Stephen Donnelly: As regards cohort 7, there was a question about whether we need better patient records. We do, absolutely. This was shown clearly for cohorts 4 and 7 in particular. It is a priority and this week we plan to vaccinate approximately 30,000 people in that cohort.

I will make two final comments.

Senator Martin Conway: Can the Minister give a quick update on the supply? What is the latest position?

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Deputy Stephen Donnelly: That is not one of the two. I am sorry, but I will give the Senator the figures afterwards.

I have very good news about pharmacies. The role of pharmacies and pharmacists is something I have been pushing from day one. I have engaged with the HSE every week about it. Pharmacists will be playing a role very soon, in early June. That is the update as of a few hours ago. Where that is particularly important is in some of the areas that are further from the vaccination centres. That is some very good news.

Finally, I will return to the impact of the vaccination programme. Reasonable questions were asked about second doses of this, first doses of the other and whether this or that group can get vaccinated, and I am sorry there is no time to answer all of them now. The impact is absolutely extraordinary, regardless of what vaccines people are getting or are scheduled to get based on their age, profession or whatever. I will outline the latest information. Believe it or not, the percentage of cases over the past two weeks in those who are 65 years of age or older is 2%. Almost 80% of cases are in those who are 45 or and younger. The reduction in cases for healthcare workers and for long-term residential care is 97% to 99%. It has been extraordinary.

I thank colleagues for their time and their contributions, which are greatly appreciated. I have taken many detailed notes which I will reflect on with the Department and the Government.

Acting Chairperson (Senator Pat Casey): I thank the Minister for his commitment to the House today. It is great to see on both sides of the House some Members boasting that they have received the vaccination and others boasting that they are too young to get it. That is good.

Sitting suspended at 5.48 p.m. and resumed at 6.03 p.m.

Affordable Housing Bill 2021: Committee Stage (Resumed)

SECTION 6

Debate resumed on amendment No. 16:

In page 8, between lines 32 and 33, to insert the following:“

(7) No action taken under the provisions of this section should be to the detriment of the provision of social housing by a housing authority.

- (Senator Lynn Ruane).

Senator Alice-Mary Higgins: I will be brief as my colleague, Senator Ruane, has already spoken on this amendment. This is a safety measure which I am sure the Minister has already assured my colleague on. The aim of the amendment is to make it very clear that nothing in this section should be to the detriment of obligations on housing authorities in respect of social housing. There is a concern here because we often hear narratives about “social and affordable” housing. They get pulled together as a package deal and affordable housing becomes equated with social housing but we have an extraordinarily strong need for social housing in this State. Social housing plays an incredibly important role and is the foundation for many families to

be able to live predictable and secure lives. There are many people who will not fall into this cohort, especially given how affordability is pitched but leaving that aside, social housing has a key role. We want to make it clear, in the context of this Bill, that we are not losing sight of the key and central role for housing authorities in respect of the provision of social housing and that there is no sense of resources being diverted from one area into another, that this is an addition rather than a re-routing.

An Cathaoirleach: Is the amendment being pressed?

Senator Alice-Mary Higgins: Yes.

Amendment put and declared lost.

Senator Alice-Mary Higgins: I move amendment No. 17:

In page 8, between lines 32 and 33, to insert the following:

“(7) In performing functions under *subsection (1)* housing authorities shall have regard to the appropriateness of the location of dwellings in respect of facilitating access to public transport, education services, health services and public amenities.”.

An Cathaoirleach: Is the amendment being pressed?

Senator Alice-Mary Higgins: I accepted the argument from the Minister of State that some of this relates to the planning area. I reserve the right to bring back a version of this amendment but I accept the Minister of State’s argument in respect of it. I hope that by Report Stage, when we will reintroduce amendment No. 15 in the name of Senator Fitzpatrick, we will have provided the local authorities or housing authorities and their elected members with the empowerment to ensure that the factors I am trying to address with amendment No. 17 are carried through. In the context of the Government’s plan to support amendment No. 15 on Report Stage, I will withdraw amendment No. 17. I reserve the right to reintroduce it on Report Stage.

Amendment, by leave, withdrawn.

Section 6 agreed to.

SECTION 7

Senator Rebecca Moynihan: I move amendment No. 18:

In page 9, to delete lines 4 to 6.

This is one of a series of amendments which essentially argue that public housing should be developed on public land without public private partnerships. We spoke to this amendment as part of the debate on Friday. Its purpose is to orientate the Bill towards safe provision of housing on public land and exclude public private partnerships that require houses to be sold at market cost which is out of the reach of many thousands of people in this country.

Senator Fintan Warfield: I reiterate the point we made last week and Senator Moynihan has made, namely, public private partnerships are inherently bad value for money. Successive Governments have seemed wedded to the policy but in schemes where we are trying to keep costs as low as possible, we need to avoid such partnerships. I will be pushing this amendment.

Amendment put and declared lost.

Senator Alice-Mary Higgins: I move amendment No. 19:

In page 9, between lines 13 and 14, to insert the following:

“(3) A housing authority or a planning authority may only enter into an agreement under *subsection (2)* where the dwellings specified in the agreement meet such criteria of affordability as may be set out in regulations developed by the Minister and laid before, and agreed by, both Houses of the Oireachtas and which may be reviewed by the Minister from time to time and which may be amended by the Minister from time to time subject to the laying before and agreement of both Houses of the Oireachtas.”.

An Cathaoirleach: Amendments Nos. 19 to 21, inclusive, 24 and 25 are related and may be discussed together by agreement. Is that agreed? Agreed.

Senator Alice-Mary Higgins: This suite of amendments relates to the principle of affordability. It is an issue that was touched on earlier. There is a concern that there is no clear definition of affordability in respect of this Bill and no such definition ties itself to people and what they can afford. I remember similar debates about the minimum wage legislation when the Low Pay Commission legislation was going through. I was not a Senator at the time but a civil society advocate. I highlighted a gaping hole in the Low Pay Commission legislation in that it did not deal with the question of adequacy. It referred to low pay as a market point and used it as a comparative term rather than tying the definition to the question of pay on which people could live. It is similarly important that the term “affordability” in this legislation means a price that people can afford to pay and not what the market could sell a house for, minus a bit. We must begin by considering what people can afford to pay.

I have tried to take a few different approaches to this issue. Amendments Nos. 24 and 25 refer to specific arrangements. The earlier amendments relate to the schemes as a whole. I have many views about what affordability should mean. In amendment No. 20, I set out that affordability should mean that a house is affordable to individuals with incomes on or below the national median income. A few years ago, the national median income was €28,500. When I worked with the National Women’s Council of Ireland, the median income for women was €20,000, which meant 50% of women were earning €20,000 or less in a year. It is a good reality check to look at the median income because we know that half the population earns less than that. Affordable housing should be affordable to the bottom half of the population. The Minister of State might even insert the average income, rather than the median, in which case we would want to ensure that two thirds or three quarters of the population are eligible for affordable housing because we know that some very high incomes skew that average in Ireland. It would be appropriate for what I call the social base, the foundation of the State, to be able to afford housing. That is what amendment No. 20 is trying to do. I suggested that as a criterion under amendment No. 20.

In my other amendments, I hold back from suggesting criteria and simply try to prescribe that the Minister would set out criteria. In amendment No. 19 and more specifically in the consequential amendment No. 25, I am simply stating that the Minister should set out the criteria of affordability in regulations, lay them and agree them before the Houses of the Oireachtas, and review them from time to time. Perhaps they will need to be amended and the Minister should then take those proposed amendments before the Houses of the Oireachtas. That is sim-

ply trying to include clear criteria that would allow us to respond to what we know about how the scheme is working out. We must ask whether it is working and reaching those we need to reach. The Houses of the Oireachtas would, alongside the Minister, have a role in that regard.

Amendment No. 20, as I have said, is similar but sets the median income as one of those criteria.

Amendment No. 21 is associated with amendment No. 24. Amendment No. 21 is important. It relates to the discussion that the Minister of State has been hearing about the level of knowledge and local knowledge that exists in local authorities, housing authorities and their elected members. Those people have knowledge of their areas and communities and how they are being sustained or not being sustained. It simply says that notwithstanding any national regulations which may be set out, referring to the regulations I have asked the Minister of State to bring before us, a housing authority might specify additional criteria for the determination of affordability before entering into a specific agreement. That again ties it back to amendment No. 24 which requires that a dwelling be affordable to specific and eligible applicants who are nominated.

The Bill should not legislate for affordable housing in a general sense relating to the market, meaning simply that somebody could afford a house at a certain price. It should cater for the kinds of people who local authorities know are in their communities, people who want to buy houses, need access to affordable housing and want to remain, in many cases, part of the communities their families have been a part of for decades, or who want to be near their workplaces, or who represent large cohorts of a population within an area. There might be a local factory employing 200 local workers. There might be a hospital and the Government might want to ensure all of the nurses who work there can access housing in the area. Those are all realities. This is where I would suggest that housing authorities should be able to add criteria to any particular Part 5 agreements they make.

We do not want “affordable” defined grandly as a percentage below market value. We want housing to be affordable for a specific cohort of our constituency. This amendment would enable local authorities to add criteria before they enter a public private partnership, public initiative or local authority direct build which, as the Minister of State has probably heard, is my preferred option in many cases.

I hope the Minister might consider these amendments. I believe they are constructive. They address one of the core gaps in the Bill, which is around the definition of affordability and people being able to see that this is going to work in the places they live.

I have spoken to amendment No. 25 already, and I believe I have covered the full set. This is about the criteria of affordability set out by the Minister or the relevant housing authority. I am seeing two layers. To be specific, I am not suggesting the housing authorities regulation of criteria would replace the Minister’s criteria, but these might be additional criteria. If, for example, there was to be an affordable housing development, 20% of it could relate to a particular income quintile. That would be an example of a criteria for a local authority. If, for example, a huge cohort of people are working in an area, the 500 people working in that particular factory would be able to afford the housing in that area. This is an example of some criteria a local authority may add on top of the baseline criteria the Minister might set.

Senator Victor Boyhan: I welcome the Minister of State, Deputy Burke, back to the

House on this important legislation, the Affordable Housing Bill. I will speak briefly to this series of important amendments. They are at the very heart of the issue of affordability, as Senator Higgins has said.

It struck me as rather odd that the Bill is entitled the Affordable Housing Bill, but it could not even give us a definition of affordability. There is no definition of affordability in the Bill. You could ask what are we doing here? That is our job. Currently there is no definition. I have studied this and spoken to a number of people about the Bill in recent weeks. I have taken stock of the Bill digest and I acknowledge the work done by the Oireachtas Library and Research Service on this.

Affordability is really the issue. When we consider the issue of the affordable dwelling, in section 5 or throughout the Bill, it merely talks of the ways in which homes can be made available. The Minister of State will be aware of that. The Bill mentions “a dwelling made available by a housing authority”, it refers to “a dwelling to which a Part V agreement applies”, and it also refers to “an open market dwelling”. The Bill says that any home made available through these avenues is an affordable dwelling, but what is an affordable dwelling? My view on affordability is simple. Anything more than 35% of a person’s net income is not affordable. That is the reality. Anything, be it any form of rental or purchase scheme or a shared equity scheme that costs more than 35% of a person’s net income is not affordable. This is a simple rule and is recognised by many jurisdictions as a marker of affordability.

What use is the term “affordable dwelling” if it bears no meaningful or legal resemblance to what those words are commonly understood to mean? This is very important. Just because a home is made available to a person in a particular manner, it does not make it truly affordable. That cannot be changed by simply putting it into the Bill and passing it through the Houses. There is a lot of ambiguity around the issue of affordability. I know what we are all trying to achieve, but what is affordable is a critical aspect of the legislation.

We are all aware of people who are paying huge sums of money in rent to have a home. We are talking of homes rather than houses. They are paying this money and yet there is no sense of ownership. People want secure tenure, and fair rent or affordable repayments. That is the real issue, and it should be the very kernel of this legislation. I suggest the Minister of State and his officials might look at this again. It is very important and very simple. There is an omission in the legislation. Let us define affordability. We might disagree on our interpretations of affordability but let us define the general common view of it and what is acceptable to the Minister of State, the officials and everybody else. Clearly, we are aware the guideline is around 35% of income. I believe it would be very helpful to do this and it would give great comfort to people.

With regard to the open market dwellings, I live in Dún Laoghaire and there is no more expensive place to live, to acquire a property, to rent a property or to share a property. You could be in some other part of the country and it would be a different scene. What the market demands or sets in one place is very different from another place. This is national legislation so we must be clear. We must have a simple matrix about what we define as “affordable” in this legislation. It is only right and proper that it is set out clearly in this important legislation, which is, after all, the Affordable Housing Bill 2021.

Senator Rebecca Moynihan: I will speak in favour of these amendments. They get to the crux of the issue about what the Affordable Housing Bill lacks, which is the definition of “affordability” as linked to income. Throughout the Bill, reference is made to affordability being

below market value. As Senator Boyhan has said, if a person is living in a place such as Dún Laoghaire and is earning a median wage of €40,000 or €50,000, below market value is not going to get that person one of the affordable units.

I have tabled a number of amendments to the Bill, some of which are clunky. I had a difficulty in coming up with the wording, on a legislative basis, to link affordability to CSO figures or to median values, or even that units be made available at cost. Senator Higgins's amendment in this regard is very good and I ask that the Government would take it on board. The Senator has allowed for the criteria to be set down by regulations and to be changed, with some flexibility added in.

In the next few years we might - I do not believe we will - have housing made available at somewhat affordable rates. We can see, however, what has happened with Part V, whereby Johnny Ronan calls €600,000 as one of his affordable housing units. We can see, therefore, that if we adopt the Affordable Housing Bill at this stage, which simply links affordability to below market value, then over time this provision in the Bill could be undermined. Inflation or other additional elements could also be taken into the costs. It is very important, in the context of State intervention, affordable housing, and the use of State-owned land, that there is a clear link between the median income of workers of this country and what is being provided to them. I ask that we take these amendments on board and at least work through a form of definition that is a workable definition of affordability linked to income.

Minister of State at the Department of Housing, Local Government and Heritage (Deputy Peter Burke): I thank the Senators for their important contributions as we move through our Affordable Housing Bill.

Amendment No. 19 seeks to add a condition to section 7, that a housing authority may only enter into an agreement for the sale of affordable dwellings "where the dwellings specified in the agreement meet such criteria of affordability", and to include a criteria that any such dwellings should be affordable to individuals on or below the national median income, "as may be set out in regulations developed by the Minister and laid before, and agreed by, both Houses of the Oireachtas". Amendment No. 20, similarly, provides that housing authorities should only enter into direct sales agreements "where the dwellings specified in the agreement meet such criteria of affordability, to include a criteria that any such dwellings should be affordable to individuals on or below the national median income, as may be set out in regulations developed by the Minister and agreed by both Houses of the Oireachtas". Amendments Nos. 21, 24 and 25, similarly seek to restrict direct sales agreements to dwellings that are affordable or meet the criteria of affordability.

Broadly, it is envisaged that dwellings made available by housing authorities under this scheme would have purchase prices available between €160,000 and €300,000. I have mentioned this a number of times in this debate. A home costing €160,000 is within the range of an applicant with an income of €29,000 gross for a single person, or €27,000 gross for a couple with two incomes, using the Rebuilding Ireland home loan. In the case of applicants using their bank mortgage, this unit is accessible for applicants with a gross income of €42,142. A unit costing €220,000 is within the range of applicants with a gross income as low as approximately €44,000 for a single person and €39,500 for a couple, using the Rebuilding Ireland home loan. In the case of an applicant using a bank mortgage, this unit is accessible for applicants with a gross income of €56,571. A unit that costs €310,000 is the upper end of the scale, which I have mentioned. It is accessible to a couple with a gross income of approximately €54,500 using the

Rebuilding Ireland home loan or a gross income of €79,700 if using a bank loan or mortgage. The minimum price at which homes may be sold will be determined by the overall development of each particular scheme. This will take into account supports such as the local authority land value and the shared service sites fund, as well as the housing type, tenure and mix involved. I am satisfied that the dwellings of all types provided for will be accessible to people on low to moderate incomes and therefore, I do not propose to accept the amendments.

A number of Senators referred to affordability. I assure them that the macro-prudential rules are the cornerstone for our definition of affordability. Senator Boyhan referred to various metrics, including 35% of income being spent on a mortgage but under the macro-prudential rules, the proportion is generally significantly less than that. A single person with a 30-year mortgage, borrowing 3.5 times his or her income at 3%, for example, would be spending 21.4% of an income of €35,000, 23% of an income of €45,000 or 25% of an income of €55,000. The macro-prudential rules put sustainability at the heart of the market. They were devised to do just that against the background of the fractious situation we found ourselves in after the financial crisis. Sustainability is very important and provides a clear underpinning for affordability. Housing is unaffordable when people cannot purchase a home while taking account of the macro-prudential rules.

There is very little international academic support for a measure that concentrates exclusively on affordability in terms of a definition and averages because different groups can experience very different conditions. Accessibility, affordability and financial constraints on households are not best identified by rules of thumb or by asking “How much is too much?”. Rather, we must ask “How much is too much, for whom, and in what circumstances?”. That is the intention of the Bill.

Senator Alice-Mary Higgins: I ask the Minister of State to respond explicitly on amendment No. 19 because none of what he has outlined is at odds with that amendment. It simply provides that the Minister would lay the rules before the Houses of the Oireachtas. I accept that amendment No. 20 sets out a criteria and one that I think is important but amendment No. 19 does not set out any specific criteria. It allows for exactly that nuance of different household types and different circumstances. Rather than tying us to specific amounts at a specific moment in time, it allows for a responsiveness as circumstances or the market change. Indeed, I hope the market will change. Under amendment No.19, all of the considerations outlined by the Minister of State can be factored in to regulations but it allows for more flexibility and a for a quicker response if the affordability matrix as we have been applying it is not working as we would wish. Is the objection based on the requirement for the Minister to come back to both Houses of the Oireachtas? In that context, I might reserve the right to suggest, for example, that it would be sufficient for the Minister to come back to the Committee on Housing, Local Government and Heritage. Either way, it would be appropriate to make regulations in this area rather than relying on a matrix at this flashpoint in time.

I also ask the Minister of State to comment specifically on the proposal on additional criteria that particular housing authorities may wish to attach. As the Minister of State indicated, there is a diversity of family and household types. If a housing authority knows, for example, that it has a huge cohort of single adult households, it may wish to focus on that part of the affordability piece. That might be something it wants to build in to the affordability criteria and a particular agreement or arrangement it might make. Notwithstanding his general response, I ask the Minister of State to comment on amendments Nos. 19 and 21 and to indicate whether there is any scope for engaging on those two.

Deputy Peter Burke: The Minister will be setting the method of assessment in terms of the eligibility criteria through regulations which will come before the House, as I outlined last Friday. These can be extinguished by the House within 21 days.

An Cathaoirleach: Is the amendment being pressed?

Senator Alice-Mary Higgins: Yes.

Amendment put:

The Committee divided: Tá, 11; Níl, 30.	
Tá	Níl
Bacik, Ivana.	Ahearn, Garret.
Boyhan, Victor.	Ardagh, Catherine.
Boylan, Lynn.	Blaney, Niall.
Higgins, Alice-Mary.	Burke, Paddy.
Hoey, Annie.	Buttimer, Jerry.
Keogan, Sharon.	Byrne, Malcolm.
Moynihan, Rebecca.	Byrne, Maria.
Ó Donnghaile, Niall.	Carrigy, Micheál.
Sherlock, Marie.	Cassells, Shane.
Wall, Mark.	Chambers, Lisa.
Warfield, Fintan.	Clifford-Lee, Lorraine.
	Conway, Martin.
	Crowe, Ollie.
	Cummins, John.
	Daly, Paul.
	Davitt, Aidan.
	Dolan, Aisling.
	Fitzpatrick, Mary.
	Gallagher, Robbie.
	Garvey, Róisín.
	Horkan, Gerry.
	Kyne, Seán.
	Lombard, Tim.
	Martin, Vincent P.
	McGreehan, Erin.
	Murphy, Eugene.
	O'Reilly, Pauline.
	O'Sullivan, Ned.
	Seery Kearney, Mary.
	Wilson, Diarmuid.

Tellers: Tá, Senators Alice-Mary Higgins and Rebecca Moynihan; Níl, Senators Robbie

Gallagher and Seán Kyne.

Amendment declared lost.

Senator Alice-Mary Higgins: I move amendment No. 20:

In page 9, between lines 13 and 14, to insert the following:

“(3) A housing authority or a planning authority may only enter into an agreement under *subsection (2)* where the dwellings specified in the agreement meet such criteria of affordability, to include a criteria that any such dwellings should be affordable to individuals on or below the national median income, as may be set out in regulations developed by the Minister and agreed by both Houses of the Oireachtas.”

Amendment put:

The Committee divided: Tá, 11; Níl, 30.	
Tá	Níl
Bacik, Ivana.	Ahearn, Garret.
Boyhan, Victor.	Ardagh, Catherine.
Boylan, Lynn.	Blaney, Niall.
Higgins, Alice-Mary.	Burke, Paddy.
Hoey, Annie.	Buttimer, Jerry.
Keogan, Sharon.	Byrne, Malcolm.
Moynihan, Rebecca.	Byrne, Maria.
Ó Donnghaile, Niall.	Carrigy, Micheál.
Sherlock, Marie.	Cassells, Shane.
Wall, Mark.	Chambers, Lisa.
Warfield, Fintan.	Clifford-Lee, Lorraine.
	Conway, Martin.
	Crowe, Ollie.
	Cummins, John.
	Daly, Paul.
	Davitt, Aidan.
	Dolan, Aisling.
	Fitzpatrick, Mary.
	Gallagher, Robbie.
	Garvey, Róisín.
	Horkan, Gerry.
	Kyne, Seán.
	Lombard, Tim.
	Martin, Vincent P.
	McGreehan, Erin.

	Murphy, Eugene.
	O'Reilly, Pauline.
	O'Sullivan, Ned.
	Seery Kearney, Mary.
	Wilson, Diarmuid.

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

Amendment declared lost.

7 o'clock

Senator Alice-Mary Higgins: I move amendment No. 21:

In page 9, between lines 13 and 14, to insert the following:

“(3) Notwithstanding any national regulations which may be set out, a housing authority may specify such additional criteria in respect of the determination of affordability as it believes appropriate before entering into an agreement under subsection (2).”.

I reserve the right to reintroduce amendment No. 21 on Report Stage. I am hoping the Minister of State might actually engage with some of the subject matter during the course of his incorporation of amendment No. 15 from Senator Fitzpatrick.

Amendment, by leave, withdrawn.

An Cathaoirleach: Amendment No. 22 in the name of Senator Moynihan has been ruled out of order as it involves a potential charge on the Exchequer.

Amendment No. 22 not moved.

Senator Alice-Mary Higgins: I move amendment No. 23:

In page 9, line 22, after “priority” to insert “and the eligible applicants will be owner occupiers”.

Amendment, by leave, withdrawn.

Senator Alice-Mary Higgins: I move amendment No. 24:

In page 9, between lines 25 and 26, to insert the following:

“(iii) require that a dwelling specified be affordable for the specific eligible applicant nominated,”.

Amendment put and declared lost.

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Senator Alice-Mary Higgins: I move amendment No. 25:

In page 9, between lines 37 and 38, to insert the following:

“(c) shall require that the dwelling specified meets any criteria for affordability as set out by the Minister or the relevant housing authority.”.

I reserve the right to reintroduce amendment No. 25 on Report Stage.

Amendment, by leave, withdrawn.

Senator Rebecca Moynihan: What time is the debate going on until?

An Cathaoirleach: Until 7.15 p.m.

Senator Rebecca Moynihan: That makes sense.

An Cathaoirleach: Amendments Nos. 26 and 27 are related and may be discussed together by agreement. Is that agreed? Agreed.

Senator Alice-Mary Higgins: I move amendment No. 26:

In page 9, line 41, after “person” to insert the following:

“except where such an amount would bring the total amount paid for the dwelling to greater than market price”.

I have some questions for the Minister of State in respect of amendment No. 27. On amendment No. 26, I am trying to address the issue of the affordable dwelling purchase arrangement. This section deals with a situation an arrangement is made and the differences between the amount being paid in a direct sales agreement to a person providing housing under one of the arrangements provided for in the Bill and the arrangement that has been made in respect of setting up the situation for those direct sales agreements with a local authority or a housing authority. What I am trying to deal with via this amendment is a situation where there is a difference between the amount being paid directly for the dwelling and the amount that has been made in terms of the arrangement. Under the Bill, where a housing authority has made an arrangement with a provider, the difference between the amount of the arrangement that has been made and the amount the individual making the affordable purchase is paying will be paid out by the local authority or housing authority. My concern is that we may have a situation whereby housing authorities are making arrangements with private providers or other providers under some of the arrangements in the Bill to purchase houses at what might seem to be a reasonable price but where, in the two or three years - sometimes it is four or five - it takes to actually get these houses to the market, the market may have gone down. I say this in the context of my belief that our housing market needs to deflate, which I make no apologies for. Our market is priced too high.

Amendment No. 26 would apply in a situation where, for example, a local authority has made an arrangement that a certain number of houses would be available for €300,000 but where they are then made available for purchase at €250,000 and the local authority would be paying the difference. If there is a situation where, on the open market, those properties are available for €260,000, there should be a ceiling. Even if the local authority has made a previous arrangement, if the market has deflated, we should not have a situation where local authori-

ties end up paying more than market price for houses that are meant to be contributing to our affordable housing provision. Regarding property rights and all of these balances and contracts, we are not taking from a developer if we will be paying them in that context up to the market price. We should not be contributing to an amount that is above market price because of a previous agreement because the market price is literally what a developer is getting for all the other properties he or she might have. Again, if one imagines a housing estate with 100 properties or whatever and we have 50 of them available on the open market, we should not have a situation where the houses being made available for affordable purchase are effectively costing more. That can happen in a situation of market deflation or where the gap in time between a local authority making an agreement and the houses actually being built is substantial. Unfortunately, we have seen that this can be the case and that is my concern in the context of the amendment.

I also have those concerns, perhaps more robustly, regarding amendment No. 27, explicitly in the context of Part 5. I am going to come back because I am examining this area. I particularly have a concern where the awarding of planning permission in the first place was conditional on a certain number of houses being available at an affordable price. We certainly should not be in a situation whereby the houses that are available as part of the condition of fulfilling the planning permission are effectively ending up costing more. The cost to the individual purchasing them will not necessarily be higher but the cost to that individual combined with the State, via the housing authority, may well be, so again perhaps the Minister of State might address those concerns. This really kicks in where time is concerned. We know that with O'Devaney Gardens and other sites there are concerns regarding some of the housing that has been priced as affordable. Members are hearing examples of some of the concerns around some of what is being priced as affordable and we want to ensure we do not end up paying over the odds for what should be provided, particularly with Part 5, at a price which should be under the odds.

Senator John Cummins: I understand the point Senator Higgins just made, but the reverse also applies in the case of inflation in the market. If a council agrees and fixes a price in 2021, that price is fixed, regardless of whether the unit is delivered in 2022 or 2023. From what has just been suggested, it would seem the Senator wants to have the flexibility to break a contract when a price has been agreed. I can see the point she is making in terms of cases where there is a deflation in the market, but when a contract is agreed at a point in time, prices may go up or down. If one enters into a contract at a certain point, the terms apply.

Senator Martin Conway: I was listening to my colleague, Senator Higgins. The very same thought struck me that when one signs a contract, in my view, the terms should be cast in stone. Irrespective of whether the situation goes one way or the other, it would not be appropriate to have a facility to break a contract within the legislation. However, it is important that there is full transparency. All information should be available to all parties and it should also be in the public domain.

When it comes to affordable housing bodies, they also need to look at things in the round, particularly in seaside areas. There are a few examples in County Clare, where significant developments are under construction. Those responsible for developing projects have an idea of the groups of people they would like to see also living in an estate, whether they are people with disabilities or those from minority ethnic groups. That type of flexibility is appropriate. However, when a contract is signed - and perhaps I am misunderstanding the Senator - it would not be appropriate to break it in any way.

Senator Alice-Mary Higgins: To clarify my point, I am suggesting that the facility should

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be part of the contract. Of course I am not saying the contracts should be broken. However, we should be setting the terms of the contracts that the State, through local authorities and housing bodies, is signing with housing developers in such a way that it is made very clear that we are not going to disadvantage people to the point that they will not get the market value back. We are not engaging as a company signing a contract with another company, where we are all trying to speculate and see where we can get the edge. The goal of the State, in engaging with these developers, is the provision of housing. The State is not engaging as a speculator. It is not a win or lose situation where stocks go up or down.

To be clear in respect of what the State is offering, the local authorities are offering, in many cases, to guarantee that a certain portion of a housing development will be sold. It would be reasonable to assert that we will guarantee the purchase of a specific amount of the housing, but we will set a caveat that we will not pay above the market rate for it if the market happens to deflate. That is a reasonable provision that could be inserted. Of course, it may also work in the other direction but that is a different scenario. That is where a company is going in for commercial reasons and looks to the steadiness of what is offered by the State, which is a guarantee. Planning permission for the development - the fact that a company can proceed with a development at all - is at the behest of the housing authority and the State. That is something else. We should be clear that what we are offering in this is already quite substantial.

There should be a little bit of insurance for the State. I do not want to see a situation where the State is worried about deflationary measures or we end up carrying the cost in a way that private housing purchasers will not. The State is working in large blocks and will be engaging potentially in the development of a large amount of affordable housing. It is reasonable - indeed it is a common practice - when signing a contract, the terms of which involve large numbers, that there should be caveats. Some terrible and unfair caveats were added into contracts in the past, upward-only rent reviews for example. It is a reasonable caveat to insert such a provision into the contracts. It is an insurance for the State that, in the event that the deflationary dynamics needed in the area of housing arise, it will be in a position to benefit from that, rather than fear it.

Progress reported; Committee to sit again.

Sitting suspended at 7.16 p.m. and resumed at 7.30 p.m.

Civil Legal Aid (Exclusion of Value of Free or Partly Free Board) (Amendment) Bill 2021: Second Stage

Senator Fintan Warfield: I move: "That the Bill be now read a Second Time."

I commend Senator Lynn Boylan on bringing forward this important Bill. She has been a constant champion for social justice and equality, whether through her lifelong activism, her contribution on behalf of Dubliners in the European Parliament - where she led the negotiations in respect of the right to water report - relentlessly campaigning to end the incarceration of Ibrahim Halawa in the Egypt, persistently challenging the Irish Government on the lack of media diversity in this country or her work on social change and for the Stardust families and victims who lost their lives in that tragedy in 1981.

The purpose of the Bill is to remove the discriminatory policy of treating the housing as-

sistance payment, HAP, as income in the context of applications for civil legal aid. Survivors of domestic abuse should have fair access to civil legal aid. This is a deeply unfair provision. HAP is paid directly to landlords. As matters stand, however, it is considered to be part of a person's income when he or she is assessed for civil legal aid eligibility. This denies survivors of domestic abuse and other low income households access to the courts. This is wrong and dangerous, and should be stopped. It creates a shocking situation whereby survivors of domestic abuse may have to represent themselves in court when hearings may concern child custody or child maintenance.

The way in which civil legal aid is calculated unfairly penalises HAP recipients. HAP is paid directly to landlords and is not income. However, the legal aid board is interpreting HAP as benefit-in-kind and that it is partially free board. The value of the benefit-in-kind is the HAP payment. This can tip victims of domestic abuse over the already very low income threshold of €18,000. This means that people on low incomes are left to defend themselves in court in cases relating to maintenance, child access, separation and divorce. It is unfair to expect an untrained person to represent himself or herself in the courts and is a contravention of the *Airey v. Ireland* ruling. It effectively denies such persons access to the courts. Senator Boylan's Bill addresses this anomaly by excluding the reference to partially free board so that HAP payments will not be included in the means test for civil legal aid. I welcome the Government U-turn on the issue. Let us be clear, survivors need certainty and what Sinn Féin proposes to do is pursue this Bill to ensure that the Minister is not the sole person who has the discretion to count or not count HAP as income in this scenario.

Senator Lynn Boylan: I thank my colleague for saving the day. I think everybody in this country would agree that the civil legal aid system is in drastic need of reform. It is not just the issue we are discussing today. It is under resourced and restrictive. There are delays of up to 42 days, according to the Free Legal Advice Centres, FLAC. Access to justice is a fundamental human right and is recognised as such under a range of regional and international instruments, including the European Convention on Human Rights and the EU Charter of Fundamental Rights.

Equal access to justice means that everyone should have equal access to the courts as a matter of law and as an element of social inclusion and cohesion. Those who have rights must have a way of enforcing them that is effective and meaningful. Therefore, it is acceptable that the right to legal aid is available. After all, following on from the *Airey v. Ireland* judgment, the Civil Legal Aid Act was put in place to give effect to the finding of the court that it is unreasonable to expect somebody who is untrained to represent himself or herself in court.

While I am aware that there is a review under way by the Department of Justice into the entire civil legal aid scheme - we could spend hours debating how we could make a civil legal aid scheme fit for purpose - I was motivated to draft this Bill and bring it forward out of sheer frustration at the lack of willingness on the part of the Government to address the very discriminatory interpretation of the legal aid regulations. Assessing HAP is income when accessing civil legal aid is deeply mean-spirited. As everyone knows, HAP is paid directly to landlords and tenants never receive the money.

In order to be eligible for HAP, a person has to meet the financial eligibility criteria for a local authority housing. However, given the mismanagement of housing by successive Governments, there is a chronic shortage of public housing. The Government has instead outsourced its housing responsibilities to the private sector. As and from 24 May, there were 61,716 HAP

households and a further 12,159 homeless HAP households. HAP is no substitute for secure tenure and many who are renting in HAP properties are supplementing the payment because the caps are not in line with market rates. This inevitably means that HAP tenants are getting by on very low household incomes. However, when they find themselves in need of civil legal aid in the family courts, they are being discriminated against.

In response to a parliamentary question in July last year the then Minister for Justice, Deputy McEntee, said that taking into account the regulations, and in the absence of any provision specifically excluding housing assistance payment as income, the Legal Aid Board is required to take HAP into account as a form of income. In a follow-up response in September, she went further and specifically referenced section 15(1)(e) of the regulations. This section refers to free or partially free board being classed as a benefit-in-kind and the Legal Aid Board has interpreted HAP as the monetary value of that benefit-in-kind. In February, I raised this issue again as a Commencement matter. I pointed out how it was disproportionately impacting on women and survivors of domestic violence. On that occasion, the Minister said the matter was subject to a judicial review and, therefore, it would be inappropriate to comment further. I find it quite telling that two days ahead of a Sinn Féin Private Members' Bill being debated, and following a Cabinet meeting, the Legal Aid Board was instructed by the Minister of State, Deputy Naughton, to issue updated guidelines to its external consultative panel. The memo states there is now an alternative interpretation of the regulations available that allows the board to disregard all State housing support payments, including HAP. The memo also states the board will now seek to identify recent applicants who have been affected and will encourage them to make a fresh application.

On news of these amended guidelines, I was able to contact some of the women who have been directly impacted by the callous interpretation of HAP as income and I can tell the Minister of State that the relief was palpable. Call me cynical but how is it that for a full year we had been told that without a change to the regulations nothing could be done? Why is it that as recently as February the Minister said nothing could be done until the judicial review was completed? It should not have to take a Private Members' Bill from me for the Government to have a Damascene conversion. We are now told that not only do we not have to wait for the judicial review to conclude but that a change to the regulations is not even necessary. All that was needed was an update to the guidelines. Politics is about choices and I cannot help but conclude the Minister was choosing not to issue legal aid to some of the most vulnerable people and that the Legal Aid Board was choosing to interpret HAP as a benefit-in-kind to save on what is a stretched budget.

While I absolutely welcome the U-turn by the Government and the updated guidelines issued by the Legal Aid Board, I can tell the Minister of State that a lot of women slept easier knowing they would not be forced to represent themselves in court. These are women who had fled domestic violence situations and found a new home for themselves and their children but when they tried to build a new life by seeking maintenance, separation or access they were told by the Legal Aid Board they would have to face their abusers in court by themselves.

While it disproportionately did impact on women, men were also impacted by this interpretation of HAP. Men who had to fight through the courts to be accepted for HAP to gain overnight access to their children found they had to defend themselves in court. Only today, the ESRI issued a report stating the breakdown of family relationships is one of the key triggers for pushing children into poverty. For the past number of years, this interpretation of HAP as income has led to deepening and worsening relationships within families. It has pushed women

to loan sharks. It has further abused survivors of domestic violence.

I welcome the U-turn but I also ask the Minister of State what she will do to ensure all those who have been impacted to date by this decision will be notified. What will she do to ensure they will have their legal aid cases expedited? What will we do to review the impact this has had? One of the women I spoke to was at real risk of losing custody of her child and she was terrified about going in and representing herself in court. Will the Department conduct a review to assess the impact the interpretation in place until Friday has had on those very vulnerable households?

Senator Lorraine Clifford-Lee: I am here as somebody who has very good knowledge of the civil legal aid scheme. For many years, I was a solicitor on the private practitioner panel and the pilot childcare scheme. I spent my days in the family court working for legal aid clients and very vulnerable families. I know very well the people who have had to go through the civil legal aid system and the challenges they have been facing for a long number of years. When I was a member of the justice committee I raised the issues surrounding civil legal aid scheme at every opportunity I got. There are many issues and we will not discuss all of them this evening. I very much welcome the decision by the Government to review the civil legal aid scheme. It is long overdue.

The civil legal aid system was founded in 1979 by the then Minister, Gerry Collins, a member of Fianna Fáil, to give people access to justice and to allow people in particularly vulnerable positions access to justice. I am very proud to have served a long number of years on the civil legal aid panel and to have worked with people who otherwise would not have had access to justice. The scheme needs to be better resourced. I hope the Minister of State will have a full review of the scheme. It needs better resources and more training for the legal aid solicitors and barristers. It will not be popular to say this but it also needs a better fee structure for the people on the private practitioner panel. We are speaking about very low fees being paid to the legal aid solicitors and barristers, which then impacts on the clients' access to justice because of the limited number of people willing to put themselves on the panel. We need a full review. We need a proper, robust, modern-day fit-for-purpose civil legal aid scheme.

The issue outlined by Senator Boylan and her colleague on HAP being interpreted as income is something I raised in the Chamber a number of months ago. I am glad to see this anomaly is being fixed. People who are accessing the family courts are in a vulnerable position, and those on low incomes are particularly vulnerable when accessing justice. It is an issue I have raised as a member of the justice committee, particularly with regard to women in coercive controlling situations who might be above the financial threshold but in reality might not have any access to money. It has been very difficult for them to access civil legal aid. People need to make a €50 contribution to their legal aid certificate. I had a client who literally squirrelled away 20 cent, 50 cent and a euro here and there so she could eventually save up the €50 for her legal aid certificate so she would be legally represented in court when applying for a barring order. The legal aid board guaranteed me a number of years ago that a waiver is always given. When people in domestic violence situations apply for legal aid a waiver is always given, no matter what their income, if people state they cannot afford the €50. There should have been a different interpretation of HAP with regard to this waiver. I am very glad this has been rectified and I look forward to a very comprehensive review in the action plan.

The commitment to justice and a fair society of the Legal Aid Board and those people employed by it is second to none. I was disappointed when Senator Boylan said the Legal Aid

Board was choosing to interpret the regulation so it could save on its budget. I do not think anybody in the Legal Aid Board would have ever chosen to interpret anything to deny anybody access to justice. The 42 week delay is with regard to wider family law. Those divorcing or separating who are accessing legal aid and whose matter is in the District Court are given a certificate to go to the private practitioner panel so there is no delay. However, there are barriers to access to justice and we really need them to be reviewed. It is primarily women who are at the receiving end of this.

A full review involving everybody involved and all the stakeholders is needed. I look forward to discussing the review with the Minister of State. As I have said, I have a long number of years' experience. I am very fortunate to have represented many people from varying backgrounds and varying experiences, including harrowing experiences. We are speaking about custody, access and guardianship, which are the very fundamentals of people's lives. If those aspects are not dealt with by professionals, deep fractures and divisions can evolve in families and those experiences have an impact on children for the rest of their lives. We must ensure access for everybody in these types of situations to representation and to professionals who can calm nerves, allay fears and come up with the best working solutions for those families. I welcome this debate and the action from the Department of Justice and I also welcome a further debate on the civil legal aid system.

Senator Barry Ward: I also welcome the Bill, which addresses an important point. The idea that any legal aid scheme would take into account income which is not really in the possession of an individual is wrong and it is right that we should act to correct that situation. I welcome the intervention of the Minister of State, Deputy Naughton, in this regard. It is important that we recognise that civil legal aid provision should be a reflection of people's disposable income, as it is in the context of criminal legal aid, for example. This Bill deals specifically with civil legal aid but the model used for criminal legal aid might also be a good one for assessing how we should administer civil legal aid.

I agree with Senator Clifford-Lee in not thinking that anyone in the Legal Aid Board is setting out to exclude any individual or category of people. The people there are obliged to work within the rules. For a long time, we have not been proactive in respect of putting civil legal aid in place and ensuring that it serves the people it is supposed to serve. Reference was made already in this discussion to many of the most dire cases where people need civil legal aid, such as those in the areas of childcare or child protection or both and barring and protection orders that one spouse might take out against another. In the latter situation, it is invariably a woman taking out an order against an abusive husband or partner. Those are the worst cases but a whole panoply of cases is covered by civil legal aid.

This includes the case of a lady I have been working with in my area. She hired a builder who destroyed the part of the house he was working on. That lady needs to sue the builder to recover the money to fix the mistakes he made, and we have been trying now for the best part of a year to get an assignment of civil legal aid. It has come now, but waiting so long has been stressful for that woman because the clock has been ticking on the Statute of Limitations regarding taking a civil action against the builder concerned. It is wrong that the process should take that long. However, that stems from an issue with resources. I do not think someone is sitting in the Legal Aid Board deciding to delay civil legal aid as long as possible in the hope that the woman in the example I referred to will just go away. I do not for a moment think that is happening.

The reality is that this concerns an issue with resources, and this applies to all legal aid. I do not level this charge against anyone in this Chamber but it is often politically expedient to criticise legal aid schemes because people see it as a payment to lawyers. Senator Clifford-Lee raised this issue as well. The reality is that anybody working as a lawyer in the context of payments from a legal aid scheme, civil or criminal, is paid the lowest fees available to any lawyer in the country. Therefore, many people choose not to be involved in that kind of work. They choose not to do work which is paid for by legal aid because of the low pay rates, delays etc. and that obviously has a knock-on effect on the level and availability of representation for people who have to operate under the legal aid scheme. It is a point that must also be addressed.

I note, for example, that I received correspondence from the Bar of Ireland recently regarding the restoration of fees for criminal barristers under that legal aid scheme. Those barristers had their fees cut, as all public servants and public workers did at the time of the financial crash more than a decade ago. However, those fees have never been restored and the barristers concerned are still working on rates dating back to the early 2000s. That will discourage more and more lawyers from getting involved in that type of law. Therefore, if we want a properly functional system in civil or criminal legal aid, we must pay lawyers at the level which makes such work viable for them. That would encourage young people, especially, coming into the legal professions, whether as solicitors or barristers, to get into that kind of work and to serve the very people who need to be served by lawyers. I know the Minister of State will take that aspect into account.

I support what the proposers of this Bill are stating about the fundamental nature of the need for people to be represented in court by professionals who know what they are doing and who know the legal landscape. I state that because it is a tremendously intimidating experience for anybody who is not used to it to go into a courtroom, deal with the formality of the proceedings, no matter how accommodating a judge might be, and face a legal issue and argument in such a court setting. It is only right and proper that people in that situation would have the benefit of professional help from people who understand what they are doing and know the landscape of the legal environment, because it will be the first time for many people to be in a courtroom. They will not be familiar with the language, the room, where to sit, when to stand and all of that kind of thing. Having the benefit of someone there to fight your corner is tremendously important and that is what the solicitors and barristers of this country are there for. It is, therefore, right and proper that we as a society pay for that provision and put those people in place to represent the members of our society needing such support.

This is an important Bill. I do not deny that point. My understanding is that the intervention of the Minister of State means that, to a great degree, what this Bill seeks to achieve is now already in train. I hope that will happen quickly. One point I will make, and I have already compared the civil and legal aid systems, is that it is a matter of course in the criminal legal aid system. In the context of our international human rights obligations, for example, everybody is entitled to access to justice and legal aid is a fundamental part of that. Criminal legal aid is assigned by a judge, however, and that circumvents the bureaucratic nature of the process of having to go to the Legal Aid Board. I say that without making any criticism of that board. The reality, though, is that people in this space, regardless of whether they are receiving housing assistance payment, HAP, or whether the process is speedy, face a bureaucratic mountain that must be climbed. We must reduce that to just a hill or even a speed bump, instead of something that will in any way substantively interrupt the opportunities for those concerned to get professional assistance and to put their best foot forward in the courtroom.

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Senator Victor Boyhan: I thank Senator Boylan and Sinn Féin for bringing this important Bill to the House. We heard from Senator Boylan about the litany of excuses and inconsistencies from the Government in responses to parliamentary questions, Commencement matters, dialogue, conversations and correspondence on this issue. One must therefore ask why that has now changed? This Bill has undoubtedly been significant in that regard and it has focused people's minds. I acknowledge and give credit for that accomplishment. Far too often, we come into these Houses and the prevailing arithmetic means the numbers are clearly stacked against the Opposition. However, the Opposition is not here simply to oppose. Its function is to also shine a light into a few dark spaces. The Opposition's job is to challenge the *status quo* and to question and hold to account all public representatives. That is an important aspect of the Opposition's role, and in that context I thank Senator Boylan for highlighting this issue.

In principle, this Bill is concerned with excluding HAP payments from means tests for the provision of civil legal aid. That is the kernel of the legislation. I welcome the wider debate as well, and Senator Clifford-Lee spoke in detail and demonstrated her great personal knowledge and in-depth experience of this area when discussing how the civil legal aid scheme must be reformed. We must never deny or frustrate people's ability to access justice. It is an important point and people must be afforded the opportunity to seek legal remedy and justice. However, it is also important, and I do not want to labour this point too much, to recognise that a litany of excuses has been given in this regard. If people can keep getting away with that, they will keep doing it. Therefore, they have to be challenged and that is important.

My understanding is that all this Bill does is to change five lines in the Civil Legal Aid Act 1995. I am not belittling all the wonderful work done by Senator Boylan. When we sit down and tease out this legislation though, that is what it does. That is not a lot but it is profound. It is a small but important step and this is a change that must be made. I understand that the Government has instructed the Legal Aid Board to reform the eligibility criteria for civil legal aid and that is an important development. It must be acknowledged and welcomed, albeit it is late.

There must be reform of the anomalies of the civil legal aid eligibility criteria, which are unfair and penalise people who receive housing assistance payments. An important point was made earlier that is worth reiterating, which is that HAP is paid to the landlord, not to the tenant. It is another crucial point to remember. There are anomalies and unfair provisions in the scheme and those have had an impact on survivors of abuse, male and female, in particular and on many other people. Nothing is more stifling and worse than people who have been abused and are now seeking legal remedy and access to justice through the courts being denied that outcome.

8 o'clock

I welcome the change of heart by the Government on this important issue. It is a first step but it cannot be allowed to sit. We cannot just clap ourselves on the back and say "well done"; we must see it through all the way. I hope the Minister of State will outline her commitments in that regard.

I commend Senator Boylan, who has been to the fore on this issue. She has campaigned to highlight the importance of this issue *vis-à-vis* free legal aid. I hope we will have a further debate on this as well as a total review of the scheme. The latter is warranted and must be done. Again, I thank the Minister of State and the Government for the change of heart on this Private Member's Bill.

Senator Marie Sherlock: I welcome the Minister of State. I warmly welcome this Bill and acknowledge and pay tribute to the enormous work Senator Boylan undertook to bring it to this point. She has detailed the very many communications and efforts over the past year and longer to try to get the Government to move on this. I welcome the fact that the Government is now moving on it, albeit belatedly. Following on from its commitment to support this Bill tonight, the Government must work to enact it as soon as possible because for as long as Senator Boylan has been raising these issues, women and families in very vulnerable situations have been left with no representation at all. They have been waiting for barring orders, maintenance orders, resolutions to their custody disputes and many other matters for which they needed civil legal aid. It should not have taken this long but I welcome the fact that the Government has eventually moved.

The Bill amends the principal Act to exclude free or partly free board in the consideration of eligibility for free civil legal aid. That sounds very archaic but the reality is that the State is paying rent directly to landlords through HAP to put a roof over the heads of thousands of families and individuals. It really is extraordinary that HAP was ever considered to be income. When one thinks of income, one thinks of the money one has to earn to pay for the things one needs in life. Some of us are fortunate enough to have discretion or control over the remainder of our income but there is no discretion or autonomy with HAP. Many of us in this House are dealing, day in and day out, with families in north Dublin who have €1,912 to spend on rent but who still cannot find appropriate housing. There is certainly no discretion or autonomy with regard to HAP.

I have spoken to lawyers who represent people in civil legal cases and since being elected to the Seanad, I have been contacted by many people in very difficult situations. I have been struck by how difficult it is to overstate the importance of civil legal aid to individuals and families in terms of the vindication of their rights, particularly in the context of domestic violence, marital breakdown or family law issues.

This Bill is a small but very significant step forward in the context of much broader reform. The Government is committed to reforming the entire civil legal aid system. Not only do we have problems with the means test, there are also considerable delays in the system. Reference has been made here to delays of varying lengths but in 2020 FLAC said that there were delays of up to 58 weeks in the system. People are waiting for over a year to access legal representation, which is horrendous. It is absolutely horrendous to think that people would be left in limbo for that length of time.

I also look forward to a broader debate in this House on reform of the civil legal aid system. At the moment it is very limited and it should be extended. I think particularly of workers in the context of cases of sexual and other harassment in the workplace and the lack of representation for them if they have to go to the Workplace Relations Commission or of parents trying to vindicate the rights of their child to access special needs education.

This Bill is extremely welcome. I congratulate Sinn Féin and Senator Boylan for bringing it before the House. The clear message from this Chamber is that this Bill must be enacted as soon as possible because we can no longer have a situation where vulnerable individuals who need to access civil legal aid are excluded.

Senator Vincent P. Martin: I welcome the Minister of State to the Chamber and commend Sinn Féin on introducing this Bill. It is self-explanatory and its proponent makes a very

compelling argument. Indeed, supporting it is irresistible. Sinn Féin is in opposition but this is a good example of how Opposition works.

The Bill invites us to consider the bigger question of whether people are equal before the law. We have a constitutional right to be treated equally before the law and every citizen in Ireland is treated thus. The next question is whether people have equal access to the courts and in my experience, having been a practising barrister for well over 20 years, the answer is definitely “No”. The courts are, by and large, for the very well off or, in certain cases, the extremely less well off. The costs are exorbitant and the majority of people in the middle could not afford to put one foot in the Four Courts without thinking long and hard about it first. There is not equal access to the courts in Ireland and we should make that perfectly clear.

This initiative by Sinn Féin is a small step in the right direction and should be fully commended. The Government has taken a very pragmatic view of things and has recognised that this is a good Bill and I commend it for that. However, I would love to see more ambition from this House. We are sorting out one dreadful anomaly in the system whereby HAP was regarded as part of disposable income. I am so pleased that this will be rectified and find it hard to believe that this change would not be happening were it not for the timely intervention of the Bill before us. This shows that politics is working, albeit on a small scale. We must unreservedly welcome this initiative.

There is no equal access to the law in this country. In terms of education, law is not even on the curriculum in this country so people are unaware of the careers of barristers and solicitors. The acoustics in court mean that it is often impossible for people to hear what is going on. The language of the courts is archaic. Some people choose to represent themselves, giving rise to the phrase that they “have a fool for a client”. Often massive issues are at stake and people are going into court, representing themselves. When I founded New Beginnings more than a decade ago, people were about to lose their homes. At that point, there was no civil legal aid scheme that covered them but now we have a personal insolvency regime on a statutory footing. We also have Abhaile, which is very good and a step in the right direction.

What happens if people have been defamed and their reputation has been destroyed? If they are not rich, they cannot go to court unless they meet lawyers who are willing to get stuck into the case, potentially for years, without getting paid. That is due to the time-honoured *pro bono* tradition of the Bar, where lawyers have filled the gap, albeit in an admittedly arbitrary way. They cannot catch every case and save everyone. They invest months in a case and if they bring it home, they get the costs. If they do not win the case but it is a matter of much public significance, there is a chance of getting costs from the court.

A case involving a slip or fall in a supermarket or a road traffic accident would need a person to be a very good communicator so as to sell the case to the solicitor if he or she cannot afford to pay for it. That person would have to hope or pray that the case would be taken. If it is a 50:50 case, the solicitor might have to make a business decision and may not be able to risk it if resources do not support it. If it involves a family asset or custody of children, it is a really tough one for lawyers. I know they all do their best but there may be no asset to distribute after a divorce. Such cohorts may have no voice and the most vulnerable are exposed.

We should really have a more fundamental debate about the barrister profession. I know it has changed but these professionals may not get paid for years. It attracts a certain type of person that would be utterly resilient, preferably unmarried and with no loans, or else somebody

with a very well-off relative or parent in the background to support him or her during many impecunious and challenging times in the early years of practising at the Bar. Solicitors may not be as badly off as they can get a salary straight away. Barristers may starve for years trying to make it.

I would love to see a greater socio-economic mix of all types in the Law Library. It is slowly but surely going in the right direction. The judges would then reflect Ireland in a better way in having experience on the front line. Judges, by and large, have done a very good job but many of those judges might not know what it is like not to have any food in the fridge, let alone a fridge in the house. It is very hard for them, although they do a brilliant job, if they do not have direct empathy. They have sympathy nonetheless.

There is much more we can do and Sinn Féin has taken a very pragmatic step on which it deserves to be commended. I hope there is more to follow and there will be much more co-operation between the Opposition and the Government to make the system more equal for everyone. It is about reflecting what is enshrined in the Constitution, which is that everyone is equal before the law. Unfortunately, that is not the case now.

Senator Alice-Mary Higgins: I listened to the comments about diversity in the law and my colleague, Senator Ruane, has been pushing work in that area. It is a piece that is needed.

I welcome the Minister of State to the House and commend Senator Boylan on what is a very important Bill and what has already been very consequential legislation. The existence of the Bill seems to have led to a change in policy being expedited, which will have a major impact on people's lives. This Bill falls within a set of measures in the House where the Seanad has had a particular role in highlighting real impact in the area of intimate partner violence, domestic abuse and rights in those cases. The Seanad pressed forward, demanding on a cross-party basis that coercive control be recognised as an offence. When the mediation legislation was going through this House, it was Senator Ruane and I who pressed for recognition that mediation was not always the appropriate route, with a civil legal route often being more appropriate in cases where there were imbalances of power and history of domestic abuse in all its different forms. There have been a number of provisions in the area and this piece will go down as another really important building block in attempts to make our legal system fit for purpose and the realities of people's lives and experiences.

I am glad different guidance has been recommended but it is important that the Bill would go forward. It is important, where possible, to copper-fasten legislation to make clear what may or may not be interpreted in terms of calculation of means. There has been an anomaly where a house in which a person lives, for example, might not be counted as an asset but the housing assistance payment may be seen as income. Again, that leaves people in different categories with different capacity in being able to seek civil and legal aid.

We know there is insecurity around housing in Ireland and this has been such a contributing factor to people not feeling able to leave positions where they experience abuse or danger. We know people have been turned away from domestic violence shelters because Ireland has not fulfilled its obligations under the Istanbul convention. It has been a contributing factor in the decisions that people have had to make. It certainly should not be the case that those getting a housing assistance payment must be concerned that the fact they are securing housing for themselves and perhaps dependant children, etc., may be stopping them from accessing the civil legal aid they need in order to create long-term security and potentially achieve long-term

protection for themselves and their children. People should not be pressed into those short-term to long-term choices.

There is mention of 42 weeks and 58 weeks, depending on the source we use, in the delays in civil legal aid that have been highlighted again in this debate. That creates danger in people making choices that are not the best for them. They are the choices they are forced to make because these people are caught between short-term security and short-term consequences being visited on them because they cannot access what would be their legal rights.

The Minister of State has mentioned there will be a review of civil legal aid. We need that review but we also know we need more resources. I urge that even prior to the review, more resources should be allocated so that in the review we can address systemic problems; if they arise because of resources, they can be addressed. That will allow us to pull out what are systemic issues and what are resource gap issues. There are examples of both and a number of areas must be addressed. I also have concerns relating to section 32 assessments. Sometimes a stronger party in a case is able to unduly influence the process of who is assigned as a psychologist. I have had cases come to my attention where a party with a solicitor can have much stronger representation or engagement around something like the section 32 process, which should be equitable and give clear results for everybody. These are some examples of areas where this legislation is needed.

I urge the allocation of more resources. I am glad the Government is putting guidelines in place but I encourage it to support the Bill. Perhaps some of the good ideas that may emerge from the civil legal aid review that we might have in the autumn could be incorporated via Government amendment to the Bill. There is potential for this to be a vehicle for a collection of good ideas in how to improve civil legal aid and its practice in Ireland.

This is an example, I hope, of good ideas coming through here on the Commencement. We should not have to bring a Bill before the House to effect change. Sometimes, when the flag goes up in an amendment, question or on the Commencement, I hope the Government would get better at taking those ideas back and really translating them into action as quickly as possible.

I warmly commend Senator Boylan on what is an important, consequential and meaningful Bill. The Minister of State has already been asked the question about people who have been refused legal aid in the past because of a previous interpretation of the law. Will there be a measure to ensure they are informed that they may have access to aid in future? They should know, if their cases are coming through again, that they can access such support.

Senator Robbie Gallagher: Ba mhaith liom fáilte a chur roimh an Aire Stáit go dtí an Teach. I welcome the Minister of State to the House today to discuss this most important issue. At the outset, I wish to commend Senator Boylan, and indeed my Sinn Féin colleagues, on bringing forward this piece of legislation. From a Fianna Fáil perspective, we will certainly not oppose it. We very much welcome it.

As previous speakers have commented, events have moved on, in that the legal aid board has moved to remove the housing assistance payment, HAP, from the calculation to entitlement to legal aid. That is very welcome. I am aware that there was mention earlier of the delay in the Government moving on this particular issue. Most reasonable people would be take the view - which I would certainly put forward - that in relation to this particular piece of legisla-

tion, the Government has only been in office for 12 months. By any stretch of the imagination it has been an extraordinary time with the Covid-19 pandemic, when the normal business of the day, if I can use that expression, was left to one side not just on issues as warranted as this, but also in respect of many other issues. Therefore, the Government should be lauded and not criticised for moving on an issue such as this within the first 12 months of being in office. It is worth making that point.

I also welcome the fact that the justice plan for 2021 states that a review of the entire civil legal aid system will take place. That is most welcome. I look forward to the consultation on that, when, as outlined by Senator Higgins previously, people will have an opportunity to make submissions to the review. When will that review take place? Does the Minister have a date in mind for it? How long will the review last? When can we expect the recommendations that flow from that review to be enacted and implemented?

In Fianna Fáil, we are quite proud of the fact that in 1979, it was the then Minister for Justice, Gerry Collins, who introduced the legal aid board to ensure that income - or should I say, the lack thereof - would not be a barrier to anybody being able to access justice in this country. The scheme has been reviewed many times since then. I commend my colleagues across the way for highlighting the issue of HAP and any other welfare payments not being used in the calculation for eligibility for legal aid in the future. It is a most welcome development.

I will not be repetitious. Most of the points I wished to make have been covered. In summary, I welcome this development and look forward to its speedy implementation. I have a few questions for the Minister of State. First, would he say that there is enough public awareness out there about the civil legal aid system, as it currently stands? Are people aware of what their rights and entitlements are, or should the State be conducting a publicity campaign on an ongoing basis, showing people that there is help out there for them, they are not alone and justice is not beyond their reach because they may not have enough money in their pockets?

Second, in respect of the income threshold of €18,000 per annum, when was the last time that figure was reviewed? Is it reviewed on a regular basis? Would there be merit in exploring the possibility of introducing a tiered approach for those who are just marginally over the income threshold, so that for those earning €18,500, for example, which is just above the threshold, some assistance could be given?

The issue of fees being paid to those in the legal profession who participate in the civil and criminal legal aid systems was raised by a number of my colleagues earlier in the debate. Some of my colleagues, as practitioners, voiced the opinion that the remuneration they receive for their work is less than adequate. From my perspective as a layperson, I would hate to think that perhaps the quality of legal advice available to me would not be as high as it would if I was paying for it myself privately. I would like to think that the quality of legal advice coming through the legal aid system would be as good as any available. Perhaps the Minister of State would comment on that point.

Finally, I have made reference to the fact that I commend my colleagues across the way on bringing this legislation forward. Is legislation necessary? Unfortunately, we are all aware of the length of time that it takes legislation to go through both Houses. I would certainly like to think that the implementation of this recommendation would be instant, which is to say that it would be introduced much more quickly than it would take for the legislation to go through both Houses. I would welcome it if the Minister of State could provide a timeframe for that.

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It is not that I am dismissing the legislation for one minute. However, I would like it not to be necessary and for the Government to act in such a swift fashion that the recommendation would be invoked long before the legislation has passed through both Houses.

In summary, I welcome the debate. It is most worthwhile. I commend my colleagues across the way on their input. I look forward to the citizens of our State being able to avail of this new departure relating to HAP sooner rather than later.

Senator Mary Seery Kearney: I welcome this legislation. It is well done and it is a welcome item of Private Members' business for this evening.

I welcome the decision to act sensibly, compassionately and rightly with respect to disregarding HAP in the calculation of eligibility for legal aid. It is an inappropriate inclusion and should have always been an inappropriate inclusion. It is an important step. However, it is in the context of the review of the entire civil legal aid system that that needs to be done. In the context of the justice plan, I welcome all of the five goals that have been set out in that, but particularly No. 2, which is to improve access to justice and to modernise the courts system. That is badly needed.

There is no question that the pathway to justice is prohibitive, at times, for people. In the last year, there have been cases around the leaving certificate and injustices that people felt as a result of the use of the algorithm in the calculation of grades. I know of many parents who were unable to take any sort of action because they just could not afford it, yet feel that their child was discriminated against in that. Therefore, there are instances that occur every day where there is no opportunity to move forward because the costs of litigation are so high. Senator Martin referenced defamation actions as being particularly difficult to initiate. If one is waiting on legal aid to initiate a defamation action, it will be a long wait and outside Statute of Limitations.

A number of the speakers spoke about fees in their contributions. I am mindful that in a context in which we are talking about setting aside HAP as being inclusive so that particularly vulnerable people can get access to justice, the discussion, particularly by lawyers, of fees may appear to be quite a difficult or, dare I say, a vulgar one. However, I wish to put it into context. In the early years of being called to the Bar people can go and sit for a whole day making a bail application, and at the end of the day, get paid €25. When we talk about it, we are doing so while being mindful that there is a huge attrition rate out of the Bar. People pay a lot of money to get through college, to equip themselves, ambitious for what that might bring to their lives and their desire to advocate on behalf of others, but that is the sort of thing that happens. I took cases in the District Court in the beginning, and one was paid €125 and a solicitor would take his or her cut out of that. I wish to put that in context lest anybody think we are talking about thousands of euro here, because we most certainly are not.

The remuneration of solicitors employed in the Legal Aid Board, and I brought this up with the Minister, Deputy McEntee, when it was first brought to my attention, is dealt with differently from how it is dealt with for other solicitors employed by State entities such as the Chief State Solicitor's office or the Office of the Attorney General. If one is an experienced solicitor coming into the Legal Aid Board, one's salary does not start at an appropriate point in the scale. One is always started at the lowest point in the scale. Consequently, there is a large turnover of staff because it is just not financially viable as people become more experienced. As a result, experienced people are not attracted into going there or if they go there for a period to have the financial security that goes with being employed, they do not stay. Then there is a lack of

continuity in the solicitors dealing with the legal aid cases. That contributes to the difficulties of the situation and to the frustration clients and people in need have with the situation. That has to be borne in mind.

I believe the length of the waiting lists is a resourcing issue and definitely must be addressed.

My final point relates to the areas that are not covered by legal aid. We need a mechanism to deal with change. Recently, for example, there was a decision of the Supreme Court that changed the operation of the Workplace Relations Commission. It is going to oblige oaths and cross-examination. Not everybody is represented by a trade union. While there is no fees risk in the Workplace Relations Commission, there is still a need to brief a solicitor in some instances because the areas of law are quite complex. It is not straightforward even though it was set up to be such. Members of the Law Society of Ireland and the Bar Council have been saying for a long time that there must be an element of legal practitioners there. However, there would be no legal aid and even if there was, the Statute of Limitations on any employment law matter would be well and truly passed by the time any sanction would come that would permit the legal aid element of it. We need a mechanism that responds to a Supreme Court determination in a such a situation and recognises that the circumstances have changed and that perhaps a legal aid element is required. There must be constant reviewing of what is included and funded in order that we can appropriately ensure that the most vulnerable have access to justice. Ultimately, everybody should have access to justice.

Senator Niall Ó Donnghaile: Cuirim fáilte roimh an Aire Stáit don Bhille anocht. Gabhaim buíochas leis an Seanadóir Boylan, ní hamháin as an Bhille agus as an ábhar seo a chur le chéile ach as é a chur os ár gcomhair don díospóireacht fosta. I wish to address the wider legal aid issues beyond the pertinent issue my colleague, Senator Boylan, has raised here. She has achieved a very welcome breakthrough for those directly affected. In terms of some of the earlier contributions, it was perhaps the intervention of Senator Boylan that put this change into motion.

I will first acknowledge the principle source of the points I will make tonight. Earlier this month, FLAC provided a comprehensive and thoughtful paper on the benefits of legal aid. It has campaigned for a root and branch review of the system. It has made several detailed submissions to Oireachtas committees charged with the responsibility of scrutinising and regulating society in terms of equality, family law, legal aid and the Courts Service. FLAC described legal aid as a “bridge” for those who cannot afford to access the law. That image of a bridge is particularly apt for the people most in need of legal aid because, invariably, they are people or communities on the margins of society, isolated from the rest of society and, indeed, often isolated from the Government and the State, which have a duty of care to protect them. Legal aid is an instrument which empowers the powerless and often represents the best chance people have of being treated with respect, equality and as full members of society in a courtroom. It is especially used in circumstances to do with social welfare law, personal debt and credit law.

It would be a mistake to assume that those in need of legal aid are small in number. People who avail of legal aid are affected by a range of issues, such as social welfare decisions, house repossession, eviction, insolvency and financial exclusion. They include community groups, Travellers and ethnic groups such as migrants and others. Legal aid has assisted in domestic violence and divorce cases, custody and guardianship and child maintenance, as well as individuals who choose to represent themselves in court. During the pandemic FLAC was inundated with queries about family and employment law and landlord and tenant law. The case is

well made not only with respect to the practical importance of legal aid to those in need of it but also as a statement of the type of society we wish to live in, where a cornerstone of the legal system is access to justice irrespective of one's financial circumstances or one's place in society.

The Government accepts that legal aid, as it is available at present, is too narrow in its reach. We welcome the ongoing review of the legal aid system. However, it cannot conclude soon enough. Each day without meaningful reform means people are potentially being denied access to justice. Improving access to justice means providing better information and advice, ensuring people have access to legal representation in the courts and more options to resolving disputes outside the courts. Debt can be a barrier to accessing justice. Families on low incomes experiencing debt can find it difficult to manage, further excluding them. Access to justice is a fundamental human and constitutional right and is recognised as such under a range of regional and international instruments, including the European Convention on Human Rights.

Legal aid is essential to ensure that people have access to justice, have their voices heard, exercise their rights, challenge discrimination or hold decision-makers accountable. Its availability should not be restricted to who is in government, nor should its value be counted in pounds or euro but rather in the contribution it makes to upholding the values of a caring and considerate society grounded in human rights. While the change brought about by this Bill would mean the world to the people affected, it is important to bear in mind that this is just the tip of the iceberg when it comes to reforming civil legal aid and ensuring everyone has access to justice. As Senator Boylan pointed out, we will continue to press ahead with this legislation to ensure that no Minister can walk back from it and that HAP will never again be allowed to be counted as income.

Sinn Féin will continue to push for a review of the cases that have already been denied legal aid. There must be a full and proper review of the HAP recipients who have been penalised already. Again, I thank Senator Boylan for championing this issue within this institution, as well as alongside others outside it. The U-turn announced last week by the Government to change the guidelines serves to reinforce how unjust this anomaly in the legal aid eligibility criteria was. The Minister of State will acknowledge, as other Members have acknowledged, that it was indefensible. Thanks to this Bill, people across the country, most notably women, will sleep a little easier tonight.

I thank the Minister of State for her attendance. Indeed, I thank all colleagues who have taken part in this debate and acknowledged not just the work of Senator Boylan and others but also the intent behind bringing this Bill forward. The discussion acknowledged the need for this change and that the situation was unjust and could be changed. With this move tonight, Senator Boylan's work will ensure the Seanad can be proud to have played a small, modest but important role in ensuring this change is delivered for those most impacted.

Minister of State at the Department of Justice (Deputy Hildegard Naughton): I thank the Senators who have contributed to this debate. I also thank Senators Boylan, Ó Donnghaile, Warfield and Gavan for bringing forward this Private Members' Bill, which deals with an important aspect of the civil legal aid process. I am pleased that the Government, during its meeting last Friday, approved the Minister for Justice's proposal not to oppose the Bill on Second Stage. Civil legal aid helps people of insufficient means with legal representation to resolve their civil and family disputes. I am sure Senators are aware that civil legal aid in Ireland was introduced in December 1979, as has been stated by colleagues, by way of a non-statutory scheme. This made provision for a financial assessment based upon disposable income and

disposable capital thresholds. It also introduced the payment of contributions for legal advice and legal aid.

The current civil legal aid and advice scheme was launched by the Government in 1980, following the report of the Pringle committee and the judgment in the European Court of Human Rights, ECHR, case taken by Ms Airey. The Legal Aid Board was established to manage the scheme, initially on an administrative basis. The board had and still has a particular, although not exclusive, focus on providing legal aid in family law cases.

The non-statutory scheme was placed on a statutory footing by the Civil Legal Aid Act 1995 and the financial eligibility criteria under the Act were set out in the Civil Legal Aid Regulations 1996, made by the Minister under section 37 of the Act, SI 273 of 1996. Some amendments have, over the period, since been made to these regulations, and Senators will be aware, most recently just this month, in the context of representation for the Stardust victims' families.

Civil legal aid and advice as provided by the Legal Aid Board under the 1995 Act and the regulations are perhaps among the most critical of the services provided by the State that facilitate access to justice. It can arise at clearly difficult moments in the lives of our citizens. In challenging situations where persons are not in a position to afford to pay for legal representation, it is essential that access to justice is enabled where it is merited. As we know, in particular, the board's provision of legal advice and representation, as well as more recently, its role in the family mediation service, play an important part in resolving family disputes.

The service is a vital one, as I am sure Senators agree, and it is important to ensure that it does not operate in any unintended way for those seeking access to justice. It is an area too that continues to develop. A good example of this is the Government response to last year's O'Malley report, which will see the relevant law being expanded in the area of legal aid and advice in respect of some areas concerning sexual offences and domestic violence. As Senators will be aware, generally speaking a means test in respect of applications will apply and there is a system of allowances, and other considerations that apply in the calculation of entitlement.

That brings us to the specific detail of today's Bill. The Bill that the Senators have tabled is in effect a one section Bill which provides for the amendment of section 37 of the Civil Legal Aid Act 1995. Looking at section 37, it provides that the Minister may make such regulations as are necessary for the purpose of giving effect to the Act. Section 37(2) provides that regulations under this section may make provision for various matters including, in paragraph (c):

For the assessment by the Board or its staff of the means, income, disposable income, capital and disposable capital of applicants, the contributions payable by applicants, the waiving of contributions and the acceptance of lower contributions from applicants.

Today's Bill amends section 37(2) by the substitution of the following for paragraph (c):

(c) make provision for the assessment by the Board or its staff of the means, income, disposable income, capital and disposable capital of applicants, the contributions payable by applicants, the waiving of contributions and the acceptance of lower contributions by applicants; excluding the value of free or partly free board;

The effect of the Bill therefore revolves around the added element - "excluding the value of free or partly free board". This appears to be a reference to the matters addressed in regulation 15(1)(e) of the Civil Legal Aid Regulations, as amended, 1996-2021. Regulation 15(1)(e)

provides that income includes: “the value of other benefits or privileges including the value of free or partly free board”.

The Bill therefore appears to have the intention of excluding “the value of free or partly free board” from the assessment of income. To the extent that this is a factor therefore in the determination by the Legal Aid Board of the income of an applicant for legal aid, the amendment would appear to require the board to exclude from the calculation of eligibility, sums that relate to or arise from the “value of free or partly free board”. The explanatory memorandum which accompanies the Bill makes a specific reference to applicants in receipt of the housing assistance payment. My understanding of the views of the Senators is that the interpretation of the regulations with regard to “free and partly free board” has resulted in some low income applicants being denied civil legal aid. This is of concern. Senators have also noted that the situation causes particular problems for applicants whose landlords receive housing assistance payment and which, Senators have noted, has been treated as income by the Legal Aid Board.

In passing, I would have some concern that the full implications of the measure proposed by the Senators may not be completely foreseeable on the face of it. There may be other implications. It may, for example, be entirely legitimate and indeed necessary to take account of an accommodation arrangement, that is board or part board, that is offered in an employment or remuneration context. As I have said however, while the full implications of the proposed amendment may not be entirely apparent, there is no intention to oppose the matter in the House this evening.

I have been informed by the Legal Aid Board that it has decided with immediate effect that the housing assistance payment, HAP, will be excluded from the calculation of entitlement to legal aid. It is reissuing its guidance to staff to this effect so that the HAP payment and indeed any other social housing support payments should no longer be treated as income for the purpose of the financial eligibility test. I understand that the matter has been communicated to the board’s stakeholder panel. It is also important to state that it is the responsibility of the board to determine the specifics of financial eligibility and I welcome its decision which, to answer Senator Gallagher’s question, will take immediate effect. This approach can be given effect in the context of the regulations as they are currently framed, and indeed in the context of the Act, as framed.

It might be noted that the Legal Aid Board is reviewing its submissions to the Minister with a view to submitting further proposals on the matter of financial eligibility, which will, I understand, reflect the board’s position, as stated, on the exclusion of social housing supports. Any such proposal on the regulations will be assessed by the Department and legal advice will be sought, and any changes deemed necessary will be brought forward. I can inform Senators that, as part of the Minister’s justice action plan 2021, a comprehensive review of the civil legal aid scheme will be commenced by her Department later this year. This is something that the Legal Aid Board and other organisations, such as the Free Legal Advice Centres, FLAC, have called for and support. The scoping of the proposed review is under way and under the justice action plan the review will commence in the third quarter of 2021. Senator Gallagher raised issues around, for example, the threshold for eligibility and awareness around access to the scheme. All of these issues can be factored into the review.

It is over 40 years since the first civil legal aid scheme was launched in Ireland and it is over 25 years since the scheme was placed on a statutory footing following the enactment of the Civil Legal Aid Act 1995. The Legal Aid Board and the civil legal aid scheme have worked

well to provide a necessary service to those of limited means, and in particular to those who have experienced family law problems over that period. Demands on the civil legal aid scheme have grown and in order to provide maximum benefit to those it was established to serve, a review of the scheme is appropriate, not least in light of societal change in Ireland over recent years. I note that calls for such a review have been made by senior members of the Judiciary, academic commentators, non-governmental agencies and, in the past year, by the Oireachtas Committee on Justice.

We must aim to ensure that those in most need and whose means are insufficient can continue to avail of the civil legal aid scheme, consistent with the principles of access to justice. While the terms of reference for the review are in the process of being finalised, I envisage this being a consultative process, which among other things will capture the insights of those from the non-governmental sector who interface with the civil legal aid scheme and its clients.

Among the topics the review is likely to consider are the criteria for eligibility for civil legal aid, and this is at the core of the business before us today in the House. In this context, changes to the regulations that have been proposed by the Legal Aid Board will be considered as part of this review, including matters that touch on financial eligibility. If it is to transpire from that review that the regulations require to be amended to address any perceived deficiency, then the regulations will be addressed. It is more than likely that the statutory parameters relating to eligibility questions are adequate and it is a function of the regulations to specify the detail around income, allowances and other matters. However, I am not ruling any necessary change out as a result of the review.

The review will take account of the significant role of the civil legal aid scheme in providing access to justice for litigants involved in family law proceedings from its establishment and having regard to the programme for Government commitment to, “Enact a Family Court Bill to create a new dedicated Family Court within the existing court structure and provide for court procedures that support a less adversarial resolution of disputes.” Recently there have been calls for changes to the accessibility criteria, particularly the means threshold. These calls have come not only from the Legal Aid Board but also, *inter alia*, from members of the Judiciary, including the Chief Justice who has, on a number of occasions, suggested that there is a very powerful argument for reviewing the income thresholds for access to civil legal aid. The Oireachtas Joint Committee on Justice and Equality, in its Report on Reform of the Family Law System in October 2019, called for a full review of the legal aid scheme to be conducted, with particular regard to be given to means test rates, contribution requirements and eligibility in order to ensure the scheme is meeting the needs of those most vulnerable in society. The joint committee’s report suggested that the current threshold for legal aid needed to be raised significantly.

Members will also be aware of a recent session of the Joint Committee on Justice and Equality which looked at the area of access to justice and legal costs. This provided an opportunity for a number of those making calls for reform to present their views and highlight areas they consider should be included within the statutory scheme of legal aid. Contributions to these hearings were made by public sector bodies, representative bodies and NGOs. The contributions to the debate also raise issues that the contributors believe should be examined in terms of the delivery of legal aid in the State and point to emerging areas of litigation. It can be expected that the review should map out a future for the civil legal aid scheme, which in my view is one which will provide for a flexible service that has, as far as possible, the capacity and resources to respond to the priority legal assistance needs of those of insufficient means.

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As I indicated, it has been decided by the Government not to oppose the Civil Legal Aid (Exclusion of Value of Free or Partly Free Board) (Amendment) Bill 2021, which is before the Seanad today. I repeat that the issue that would appear to have given rise to its introduction has been addressed by the Legal Aid Board. As I indicated, new guidance is issuing to ensure the housing assistance payment will not be included in the calculation of an applicant's eligibility for the board's legal services. I very much welcome this development as a significant step in ensuring that this very important point of access to justice is maintained to the benefit of those in need of the relevant supports.

The Legal Aid Board has indicated that it will examine the record to look at who had been refused on the basis of the inclusion of the housing assistance payment. It is also open to any person to reapply for civil legal aid. I will ask the Department to raise specifically with the Legal Aid Board the issue of those who have missed out.

An Leas-Chathaoirleach: I thank the Minister of State and congratulate her on her expanded brief. I wish her good fortune in that regard.

Senator Lynn Boylan: I thank the Minister of State for addressing much of what we asked, as set out in my opening statement.

I do not mean this in any combative sense but while Senator Gallagher is correct that a Fianna Fáil Government introduced civil legal aid, it is important that we give credit to Josie Airey, the woman who took the case to the European Court of Human Rights. Ms Airey, like so many women in the history of this State, was met with closed doors from the entire political establishment when she sought a separation, having been in an abusive marriage. She was snubbed by all politicians, the Catholic Church and the legal profession. She wrote to the European Commission of Human Rights and it was that organisation which provided free legal aid for her to take a case. It is thanks to Josie Airey that we have a civil legal aid system today.

I mention another woman, Kuxi, who raised this issue with me some months ago when she outlined the impact it was having on her and women she knew. She deserves credit as well. I could not believe it was true when she told me that HAP was being counted as income. I commend her because it was her work that prompted me to introduce this Bill.

Senator Martin made a point about ambition and noted that this is a pragmatic Bill. I hope we can work together on this. I have spoken in this Chamber many times about access to legal aid for the Stardust families at the inquest and the regulations in that regard have changed. However, that change was specific and other families who have lost loved ones in contested circumstances are now being denied legal aid in the inquest courts. Maybe that is something we can work on collectively as well.

Senator Vincent P. Martin: Hear, hear.

Senator Lynn Boylan: As I said, I was being pragmatic in bringing forward this Bill, which has just one line of text. The reason for that was that I was informed that this problem could be fixed overnight by regulation in the same way access to legal aid for the Stardust inquest was fixed with a regulation. Members of the Opposition cannot change regulations so we have to amend the Act to render it out of synch with the relevant regulation.

I take on board the Minister of State's points that there could be consequences if my Bill were to be passed as it stands. It was introduced out of frustration because while there is a

plethora of issues with civil legal aid, this one was acute and was having a significant impact, particularly on women surviving domestic violence. I felt we could not wait for the review.

Having not been long in this House, I would be proud to get my Bill through Second Stage today. However, in order to have it progressed through all Stages, I would prefer to have the Minister of State take the legislation and do the necessary work with the regulations as that would give certainty to the 70,000 households on HAP who could find themselves in need of civil legal aid at any point. While the updated guidelines are welcome, I know from the woman who raised her case with me that she was granted civil legal aid while in receipt of HAP, but a subsequent significant shift in the legal aid approach to HAP meant that every appeal was being rejected. That was happening in all of the cases on which she was helping women to appeal.

Guidelines are great but they can be changed. We need certainty and that would be best achieved through a regulation that can address potential consequences. That would also be faster. If that is not done, we will have to go the way of my Bill and we will then consider amendments.

I thank everybody for their contributions and for supporting the Bill.

Question put and agreed to.

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

Senator Lynn Boylan: Next Monday.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Committee Stage ordered for Monday, 7 June 2021.

An Leas-Chathaoirleach: I congratulate Senator Boylan on achieving unanimous support for her Bill. When is it proposed to sit again?

Senator Barry Ward: Tomorrow at 9 a.m. in the convention centre.

The Seanad adjourned at 9 p.m. until 9 a.m. on Tuesday, 1 June 2021.