



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**SEANAD ÉIREANN**

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

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## SEANAD ÉIREANN

*Dé Luain, 21 Meitheamh 2021*

*Monday, 21 June 2021*

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

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*Machnamh agus Paidir.  
Reflection and Prayer.*

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### **Gnó an tSeanaid - Business of Seanad**

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

The need for the Minister of State with responsibility for public procurement and eGovernment to outline his plan for the implementation and operation of the EU digital Covid certificate in Ireland.

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

The need for the Minister for Education to provide an update on a new school building for Scoil Náisiúnta Shéamais Naofa, Bearna, Contae na Gaillimhe.

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

The need for the Tánaiste and Minister for Enterprise, Trade and Employment to outline his plans to address the challenges of long-term unemployment black spots in Limerick.

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

The need for the Minister for Health to make a statement on the roll-out of a minor ailment scheme through the national network of pharmacies.

I have also received notice from Senator Erin McGreehan of the following matter:

The need for the Minister for Social Protection to extend the reasonable accommodation fund to public sector employees.

I have also received notice from Senator Ollie Crowe of the following matter:

The need for the Minister for Defence to consider concluding the military ceremony at funeral services of deceased members of the Defence Forces with a presentation to the fam-

ily of an Irish flag.

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

The need for the Minister for Education to outline the measures being put in place to support the leaving certificate class of 2022.

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

The need for the Minister for Education to provide an update on the construction of a new school building for Bunscoil Coláiste Mhuire, 4 Cearnóg Pharnell, Baile Átha Cliath 1.

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

The need for the Minister for Housing, Local Government and Heritage to set out the proposed timeline for ending the practice of strategic housing development fast-track planning for developments of 100 residential units or more.

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

The need for the Minister for Transport to make a statement on the N24 motorway project and the need to include a bypass of Tipperary town.

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

The need for the Minister for Finance to make a statement on his plans to increase the existing capital investment in State-provided housing to a minimum of €4 billion per annum.

I have also received notice from Senator Aisling Dolan of the following matter:

The need for the Minister for Health to make a statement on the proposed timeline for the opening of HSE ambulatory care centres in counties Galway, Roscommon and Mayo.

I have also received notice from Senator Shane Cassells of the following matter:

The need for the Minister for Housing, Local Government and Heritage to make a statement on the collapse of the roof of the former St. Patrick's Classical School in Navan, a listed building in the ownership of Meath County Council; and whether emergency funding will be allocated for its repair.

Of the matters raised by the Senators suitable for discussion, I have selected Senators Doherty, Kyne, Keogan, Gavan, McGreehan and Crowe and they will be taken now. I regret that I have had to rule out of order the matter raised by Senator Cassells on the ground that the Minister has no official responsibility in the matter. The other Senators may give notice on another day of the matters they wish to raise.

## **Nithe i dtosach suíonna - Commencement Matters**

## Travel Documents

**Senator Regina Doherty:** I thank the Minister of State for his attendance in the House this morning to discuss this matter. I wish to raise the importance of Ireland's implementation of the EU digital Covid certificate, or what we used to call the EU green certificate. As we are all aware, the Government has signed up to the EU Covid certificate with a start date of July 19, albeit two weeks later than the rest of our European colleagues. The certificate has been developed by the EU Commission over the last six months under their plan entitled "A common path to a safe and sustained re-opening". The importance of reopening our skies and gaining back our crucial connectivity cannot be understated. Hundreds of thousands of families are relying on us to get this reopening right. Therefore, it must be both safe and easy, and we must get unhindered access to travel.

When we talk about the reopening of travel, it is often inaccurately framed, either in the media or on our social media, as involving young people who are desperate to head off to Ibiza. Of course, there is nothing wrong with wanting to go to Ibiza - I would nearly like to go myself - but it ignores the far greater impact on families that have been torn apart throughout the Continent. There are grandparents who have not seen new arrivals who have been born in the last 15 or 16 months. There are daddies who, in many cases, have not seen their children and have missed birthday parties. There are many more heart-wrenching examples. The introduction of the Covid certificate will be a game changer for these people. While I am on the subject, I thank the Tánaiste for his strong commitment to the implementation of the certificate. There were suggestions last week that we would exclude young people from accessing the certificate. That would be reprehensible and incredibly disrespectful to our young people and I am glad to hear that this is not being entertained.

We are four weeks away from Irish implementation of the certificate. The lack of information and significant level of disinformation circling in our social media channels is a real problem. I wish to hear in the Minister of State's response, if possible, details about the logistics of the certificate. So much of the debate around the return of international travel to date has come from the public health sphere. Obviously, the balance of risk taken into account by those in that sphere is different from that taken into account by the Government. What we really need to hear about the certificate is how it is going to work, how Irish citizens are going to get certificates, who will issue them, when people can apply for them, whether our testing and vaccination systems will feed into the process and if so, how.

I look forward to hearing the Minister of State's response. These are the issues in respect of which information needs to be laid out. I am sure the Minister of State will do this. If it is not already planned, can we have a public information campaign in order that people can dispel the memory of what happened over the weekend when they thought they needed PCR tests on their way out of the country as well as on their way back in, as opposed to just meeting the requirements of the countries to which they are travelling?

**Minister of State at the Department of Public Expenditure and Reform (Deputy Osian Smyth):** The Senator is correct. There has been a lot of disinformation, not all of which has been intentional. Sometimes, ideas start to float around and need to be clarified so I thank the Senator for bringing this issue to the attention of the House. I always welcome the opportunity to speak in the Seanad.

As the Senator is aware, an EU digital Covid certificate is digital proof that a person has been vaccinated against Covid-19, has received a negative test result or has recovered from Covid-19. There are three separate certificates for those three events. Being in receipt of an EU digital Covid certificate should enable the holder to be exempt from restrictions on freedom of movement. However, member states do have the right to impose additional travel restrictions on the holders of an EU digital Covid certificate provided they are necessary and proportionate to safeguard public health. In such a case, as a reaction to new variants of concern, the member state would have to notify the Commission and all other member states to justify this decision. Each country will be responsible for issuing certificates where vaccination, a positive test for recovery or a negative test has taken place in that country.

In Ireland, the Government recognises how stretched the HSE is in terms of trying to support the vaccination roll-out and business as usual while recovering from the damage caused by the recent ransomware attack. Consequently, we are looking at how we can best support the HSE with these new obligations. For example, the Department of Public Expenditure and Reform, through the Office of the Government Chief Information Officer, is working with the private sector to develop the system to support the negative test certificates so we will be issuing those certificates to say that a person has tested negative in the previous three days. However, the Department of Health and the HSE are responsible for issuing vaccination certificates and recovery certificates.

The EU digital Covid certificate contains only the necessary key information such as name, date of birth, date of issuance, relative information about vaccine test or recovery and a unique identifier. This data remains on the certificate and is not stored or retained when a certificate is verified in another member state. For verification purposes, only the validity and authenticity of the certificate is checked by the person verifying it who issued and signed it. All health data remains with the member state that issued an EU digital Covid certificate. The system is logical. Each EU digital Covid certificate will contain a quick response, QR, code with a digital signature to protect against falsification. When the certificate is checked, the QR code is scanned and the signature is verified. The signature can be checked using special software that can run from an app on a phone or any other device that can read a QR code.

Each issuing body has its own digital signature key that will be securely stored. We are only planning to have one or possibly two for our certificates. The European Commission has built a gateway through which the certificate signatures from each member state can be verified across the EU. It is important to note that the personal data of a certificate owner does not pass through the gateway because this is not necessary to verify the digital signature.

EU digital Covid certificates can be stored on mobile devices, although citizens can request paper versions if they need them. Both versions will have a QR code containing essential information as well as a digital signature to make sure the certificate is authentic. Member states have agreed on a common design that can be used for the electronic and paper versions to facilitate recognition. I am pleased to advise that the Irish certificate has been designed and the digital signature has already been tested with the EU. It is important that we stress test the overall process. We need to develop the most efficient way to enable travellers to be checked before departing the island and to enable visitors or those returning to be checked on entry to Ireland. To that end, the Government has set up a group of stakeholder Departments to work on the processes. This group is also liaising with other key stakeholders such as the carriers and testers. A great deal of work is required within very challenging timeframes to enable the system to work properly. I am confident that Ireland will be ready for 18 July, however. I com-

mend everyone who has worked so hard during our preparations and who will continue to do so until everything is ready. Everyone recognises the importance of this initiative in helping the return to some form of normality. We are all committed to continuing to work closely in a co-ordinated manner, with the European Commission and member states, to support EU citizens' right to free movement with the roll-out of digital Covid certificates and the further opening up of travel from third countries.

**Senator Regina Doherty:** I thank the Minister of State. Respectfully, I have no doubt about ours or the Minister of State's intent but he has told me that we are still at design stage. I asked the question of how somebody would even apply. Are we going to log on to a website? Obviously, that has not been decided yet. These are the issues. How will it work? How will Irish citizens apply for a certificate? Who will give it to them?

The Minister of State alluded to the fact that there will be three certificates. Will we go to three different places? Will I go to the HSE to get my vaccination and to the Department of Public Expenditure and Reform to get my digital certificate? Again, I am not trying to be smart. We are trying to give clarity. I appreciate that he said that it is still at design stage. When does he believe he will be in a position to make a definitive statement and give clear and unambiguous information as to how a person will log on to a certain website or queue outside an office on 18 July?

I feel like I am banging my head off a brick wall trying to get an antigen pilot test done here in order that we can be the equivalent to our European counterparts. In the absence of getting the pilot, the Minister of State alluded to a fund of €100 million from the EU to support the costs of PCR tests. What plans do we have? Will introduce a voucher scheme for Irish travellers be introduced so that when they return to Ireland, they will not have to pay a very expensive cost for PCR testing? Will people be given a voucher to help towards those costs? We are encouraging people who are vaccinated to travel but they may have children who cannot get vaccinated. What will we do to help those people to be able to allow them to reunite their families this summer?

**Deputy Ossian Smyth:** First, the Senator asked how people apply. In the case of a test certificate, people go to an accredited laboratory, which sends their certificate to them. They give their email address at the time and it is sent on to them. People choose whether they want it on paper or on their phone. How do people apply for a vaccination certificate or recovery certificate? The HSE will contact people by email and they can opt to download it from there. There is, therefore, no requirement in that regard.

Data were gathered very carefully all the way through the vaccination stage and stored in the COVAX system, which the HSE is using to keep track of who has been vaccinated and who has tested positive in the past nine months. Those data have been analysed. I would not say we are at design stage. The specification was laid out by the EU over the past six months or so.

The Senator asked about antigen tests and the costs and so forth. A person can have an antigen test on his or her certificate and if somebody accepts that in another country, that is great. If the Minister for Health and the Government decide to accept antigen tests for people coming in, they will be accepted too. The antigen tests, however, must be performed by either a medical professional or somebody who is qualified to do so. The current rate is not that much cheaper than a PCR test so that is something to bear in mind.

## **School Accommodation**

**Senator Seán Kyne:** I thank the Cathaoirleach's office for choosing this Commencement matter. I welcome the Minister of State, Deputy Madigan, to the Chamber. To set the scene, Barna is a popular place to live. As I am sure she will be aware, it is on the outskirts of Galway city. It is a coastal town that has experienced rapid growth over the past 20 years. The 2016 census recorded a population of 2,000. The population projection is set to increase by 750 people by 2028 under the draft county development plan presently on display. In that plan, Barna is part of the metropolitan hierarchy. It is connected to the Mutton Island sewage plant and, therefore, future development is pretty much guaranteed. While it is situated in County Galway, it is the closest urban area to Galway city.

Scoil Shéamais Naofa primary school is situated on the R336 coast road. It was built in 1980 and its enrolment at present is 259 pupils. The school is on a restricted site on a busy coast road, with heavy traffic and narrow footpaths. The building is outdated in terms of classroom size, layout and energy efficiency. The yard space is limited and is sloped, which results in pupils falling in wet or icy conditions and is particularly unsuitable for children with a physical disability.

Tá Bearna lonnaithe sa Ghaeltacht agus tá an scoil páirteach sa scéim aitheantais do scoileanna Gaeltachta. Tá 259 dalta ag freastal ar an scoil faoi láthair. Tógadh an scoil i 1980 agus níl sé suas chun dáta sa lá atá inniu ann ó thaobh fuinnimh, toirt na seomraí ranga, leagan amach an fhoirgnimh agus araile. Tá an scoil suite ar an mbóthar cósta R336, áit a bhfuil trácht trom, cosán cúng agus nach bhfuil aon áit sábháilte le dul trasna an bhóthair. Tá an Ghaeilge lárnach sa phobal agus ceadaíodh plean teanga do limistéir Bhearna agus Cnoc na Cathrach le déanaí.

The current draft county development plan includes a policy objective for the Barna metropolitan settlement plan to support the upgrading of or relocation of Scoil Shéamais Naofa to a more appropriate site within the plan boundary, which would facilitate increased pupil capacity and more expansive recreational facilities, with improved and safer access. This is similar to objectives in previous plans that have not come to pass. Lands suitable for the relocation of Scoil Shéamais Naofa, owned by community facilities in Galway County Council, have been identified off the main Moycullen road in the centre of Barna. These lands could be accessed via a continuation of the inner relief road in the town. This site would be more suitable than the existing school site, would provide more space, be safer and encourage more walking and cycling by children. The school in Barna is on a very busy road and it is of its time. It has a wonderful principal and staff providing a good standard of education. However, the site is too small for the school's current needs, given that the village is close to Galway city and is only going to grow, subject to zoning, the county development plan and the projections therein. What engagement has the Department had with the school's board of management regarding the possible relocation to an alternative site?

**Minister of State at the Department of Education (Deputy Josepha Madigan):** I thank the Senator for raising this issue. I will take this opportunity to outline the Department's perspective on this matter. Scoil Shéamais Naofa is a Catholic mixed all-Irish primary school under the patronage of the Bishop of Galway. In September 2020, the school had an enrolment of 259 pupils. I understand that enrolments in the school have fallen by 9% in the past five years. The school currently has a principal, ten mainstream teachers, three special education teachers, a part-time special education teacher and one temporary mainstream teacher. The Senator said

that the standard of education in the school is good.

The current accommodation comprises ten mainstream classrooms, a general purpose room, library, principal's office, general office, staffroom and other ancillary accommodation. The Senator will be aware that, to plan for school provision and to analyse the relevant demographic data, the Department divides the country into 314 school planning areas. It uses a geographical information system and data from a range of sources, including child benefit and school enrolments, to identify where the pressure for school places throughout the country will arise and where additional school accommodation is needed at primary and post-primary levels. The most recent analysis undertaken by the Department projects that more than 60% of enrolments in the 314 school planning areas at primary level are stable or decreasing for the period to 2024. Conversely, some 90% of the school planning areas at post-primary level are anticipated to have increased enrolments for the period to 2027. The level of demand across school planning areas with an increasing net requirement ranges from small to medium increases, which are likely to be accommodated by existing schools, to significant increases that may require additional provision. Where data indicate that additional provision is needed, the Department considers a number of options, including utilising existing capacity, extending a school's capacity, providing a new school or a combination thereof.

Scoil Shéamais Naofa is one of 36 primary schools in the Galway city school planning area. Following the most recent demographic exercise carried out by the Department, the demand for primary school places in that area is set to fall by at least 200 by 2024. The Senator will be aware that significant devolved funding was granted to Scoil Shéamais Naofa between 2009 and 2012 for the provision of permanent accommodation on its existing site, including two additional mainstream classrooms and two resource rooms, to meet its long-term accommodation needs. In 2016, the Department received an application from the school for a new 16-classroom school on a greenfield site. I understand that the school authority was informed at the time that the Department did not see the need for a new school building, as the level of accommodation available to the school was sufficient to meet its long-term needs and those of the school planning area. I understand that this remains the Department's view.

The Senator mentioned one of the reasons for which the school was seeking a replacement school building on a greenfield site, namely, traffic management issues. Road safety measures on a public road outside a school's vested site such as road signage, traffic calming measures and so on are matters for the relevant local authority.

**Senator Seán Kyne:** I thank the Minister of State for her response, which was somewhat disappointing. The capacity of the school or local authority to improve safety is limited at that location. It is a busy regional route and there is no space to widen the road, provide a car park or implement safety measures. A new school is needed in the area. Not only would this increase the safety of children and their parents when dropping children off, but it would also increase the safety of the road itself.

The Minister of State mentioned the Galway city school planning area and capacity, but Barna is a self-contained community. Children living there in future will want to attend locally, not in Galway city, and they deserve to get the best education within their local community. If we are to encourage walking, cycling and so on, a new location for Scoil Shéamais Naofa is necessary, as the current site is not suitable. I ask that the Department re-engage with the school to examine the possibilities and with Galway County Council to get clarity on what it can do in respect of school safety. I do not believe that anything can be done on that site, but such an

engagement would be positive.

**Deputy Josepha Madigan:** I will bring the Senator's comments and concerns to the Minister, Deputy Foley. I understand what he is saying about traffic management. This is a matter for the local authority, but we have to ensure the safety of children. That is critical.

The Senator should bear in mind the demographic exercise that is being undertaken on projected growth. The fact that the decrease in demand for places in the area in question will be approximately 200 by 2024 does not augur well for trying to find a new school for the area.

I am struck by his comments about the school yard being on a slope, particularly as it relates to children with additional needs.

*11 o'clock* Again, I will take it back to the Department. We always want to encourage children to walk and cycle to school. This collaboration with the local authority is important. It is on a coast road and I do appreciate the issues the Senator raised.

### Job Creation

**Senator Paul Gavan:** Earlier this year, a briefing paper was produced on unemployment blackspots in the State. The CSO defined an unemployment blackspot as an electoral division whose labour force exceeded 200 persons and where the unemployment rate exceeded 27%. The results from this paper tell a shocking story of political failure to address issues of social inequality in Limerick going back 20 years. It is the front-page story of the *Limerick Leader* this morning.

We know that for many years unemployment has been systemic in certain parts of Limerick but this report highlights how the situation has steadily worsened even as the country as a whole enjoyed a return to economic growth. Indeed, if we did not know better, we would think that this research was exclusively on Limerick as opposed to a State-wide report.

In 2002, Limerick city did not appear in the top ten worst unemployment blackspots in the State but by 2006 it accounted for four out of the top ten areas. It worsened to a shocking seven areas out of the top ten by 2011. This latest report shows that Limerick had eight out of the ten areas with the highest unemployment rates in the State in April 2016. Its important to put these areas on the record of the House: unemployment in John's A was 58%; Galvone B, 45%; Ballynanty, 43.6%; Abbey C, 42%; Prospect, 41%; Glentworth, 40%; St. Lawrence, 40%; and Kileely, 39%.

These figures are a damning indictment of the political establishment's disregard for people living on working-class estates in Limerick city. It is especially damning in respect of long-standing public representatives, some of whom are still in office and one of whom was a Minister for Finance. The figures show that Limerick is the most socially divided city in the State. This is their legacy. Successive Governments have known the issues of disadvantage in Limerick but this most recent research highlights that things have been getting worse and not better for whole sections of our community across the north and south side of Limerick city.

It is clear that unemployment blackspots are increasing in the city and have been for 20 years. Something is seriously wrong and this cannot continue. We need new policies in place to ensure intervention by the State to give people the future they and their children deserve in

terms of education, job opportunities and careers. We need targeted investment in each of these eight areas to tackle disadvantage and rebuild hope in these communities. We need to roll out new programmes of training, apprenticeships that can lead to real jobs within anchor institutions or those companies providing services to those institutions.

We need to ensure there is balanced regional development in the State. This has not been happening and the regions are declining. Specific to Limerick, we need to introduce IDA Ireland to the north side of Limerick city. IDA Ireland has rightly been lauded for successfully bringing foreign investment to Limerick but it has never brought a project to the north side of the city where many of these areas are located. Community wealth building is a policy that encourages such community development, with a much greater focus on local jobs and services. Sinn Féin is pushing this across the whole of Ireland and it is a model that has proven successful in other countries.

These policies must be put in place to start job growth because Limerick deserves better. Limerick people deserve better. They deserve better job opportunities, to grow communities and to build back better after this pandemic. The report highlights a shocking level of disadvantage and inequality in Limerick city. I look forward to the response of the Minister of State.

**Deputy Josepha Madigan:** I am pleased to take this matter on behalf of the Minister of State, Deputy Robert Troy. I welcome the recent risk report on unemployment blackspots by the Houses of the Oireachtas Library and Research Service. This excellent research does a great job at highlighting the concentrated nature of employment blackspots. It is particularly worrying, as the Senator said, to note that in 2016, 17 out of a total of 38 electoral districts in the city of Limerick were unemployment blackspots and, moreover, that Limerick city also counted for eight out of the ten electoral districts with the highest unemployment rates in the State. However, it is also worth noting in the report that between April 2017 and February 2021, the live register in Limerick decreased by 3,482 or 32.5%, which was better than the State average decline of 29.1%. Regional enterprise development and sustainable local job creation is a key policy priority of this Government, and I note the Senator mentioned in his remarks that ensuring we have sustainable local job creation is what we must do. To this end, the Department of Enterprise, Trade and Employment is overseeing the development of new regional enterprise plans to 2024, including for the midwest. These are bottom-up plans developed by regional stakeholders including the local authorities, the enterprise agencies, the local enterprise offices, regional skills forums and education and training institutes in each region. The Department's regional enterprise development fund has allocated over €117 million across 79 enterprise-strengthening projects in every region since 2017 and the midwest and Limerick have been very successful in attracting these funds, securing just over €15 million for eight significant enterprise focused projects for the region. These funds are supporting significant collaborative and innovative regional projects that will provide a timely impetus to job creation in the midwest.

The Senator mentioned the IDA and regional development is also at the heart of its new strategy, Driving Recovery and Sustainable Growth, which is under the regions pillar. The IDA will take actions in collaboration with existing clients to drive transformation through innovation and upskilling, to develop clusters and to work with clients and stakeholders to facilitate remote working opportunities. There are 143 IDA client companies in the midwest region, employing approximately 24,169 people. The foreign direct investment performance, FDI, in the region has been consistent over the past five years, with employment among IDA clients increasing by 29%. I am confident implementing these strong actions will continue to drive down unemployment in Limerick. The midwest has a significant ecosystem of well-established

companies across technology, life sciences, international financial services, services engineering and industrial technologies and it has also won significant investment in the food and film sub-sectors. We have seen, particularly around Covid, the advantages some regions have had in relation to remote working and this is something that is being looked at as well in Limerick. We have seen it in the west, for example, where IDA Ireland has a client, Shopify, which has since 2015 built a team of over 400 people who work remotely in the west of Ireland, and the company continues to grow there. The IDA will ensure both Irish and FDI firms can benefit from the changed landscape by making Ireland a better place to work remotely and by remaining agile in its approach to companies' changing needs in the particular region of Limerick.

**Senator Paul Gavan:** The Minister of State has rightly mentioned many success stories around Limerick and we must acknowledge that. The IDA has done a good job around much of Limerick but it has not done anything for the north side of the city. It is a glaring failure in an otherwise good record of success across the midwest. The Minister of State mentioned a number of positive initiatives but I must say, with respect, we have heard this stuff before. More of the same policies are not going to change what is wrong in Limerick city, with respect to the chronic unemployment and disadvantage that have become entrenched in many parts of the city. I ask the Minister of State to go back to the Government with a message that policies must change and that specifically, we must embrace community wealth-building as a policy. That is where we align our anchor institutions - in Limerick that would be the University of Limerick, University Hospital Limerick and Limerick City and County Council - and ensure they do business differently to benefit local businesses, to encourage the development of co-operatives and to encourage a living wage through their procurement policies. This is the way to encourage our city for the better; more of the same simply will not work.

**Deputy Josepha Madigan:** I thank the Senator. I hear what he is saying. I know Limerick well. My grandfather originated from Limerick. It is a fantastic city and a fantastic region. I heard what the Senator said about the north side of Limerick and I will convey that to the Minister of State, Deputy Troy. I was struck by what he said about particular black spots and unemployment in areas ranging from 58% to 39%. Those are quite stark figures and that is something we need to tackle. The Senator acknowledged IDA Ireland does considerable good work in the area and much good work is being done. The targeted investment the Senator referenced must be particularly ramped up for these regions and for the areas within the regions that are suffering more than anything else. Community outreach is integral to that and collaboration from a grassroots level up is needed to motivate people through the adoption of a multipronged approach to get people back into the work environment. We had 15% unemployment across the country during the recession but we managed to bring that down again. That is something we can do again in the Limerick region.

### **Pharmacy Services**

**Senator Sharon Keogan:** I bid the Minister of State, Deputy Feighan, good morning. The minor ailment scheme is an internationally recognised extended pharmacy service which allows pharmacists to improve public health access, shape further future services and broaden pharmacy roles to deliver patient care and improve health outcomes. At present, private patients who want to access non-prescriptive medicines for ailments such as hay fever, migraines or skin conditions consult local pharmacists on the best options for them and pay for the over-the-counter medications. However, medical card patients with the same ailment can only ac-

cess the same medication if they visit their general practitioner, GP and get a prescription. If the Minister were to introduce a minor ailment scheme, public patients would no longer have to make GP appointments, which would save time for both GPs and patients.

Pharmacy-based minor ailment schemes have been introduced throughout the UK to reduce the burden of minor ailments on high-cost settings, including general practices and emergency departments. Some 24 million consultations take place in Irish general practice each year and more than 1 million consultations in out-of-hours co-operatives. With Irish GPs receiving €551 million from the HSE in 2017, this implies a cost €22.98 per consultation. Independent analysis commissioned by the Irish Pharmacy Union, IPU, estimated that the full implementation of a comprehensive minor ailment scheme would save almost 1 million GP consultations per year and free up approximately €22 million worth of valuable GP capacity in an overloaded GP service, the equivalent of almost 100 full-time GPs. I have pointed out previously that more than half a million of the population live within 1 km of a pharmacy and 85% live within 5 km of one. Therefore, why the delay in introducing such a scheme?.

In 2006, the IPU made a submission to the Department of Health and Children on a pharmacy-based minor ailment scheme. In January 2009, the IPU proposed the introduction of a pharmacy-based minor ailment scheme at a meeting of the Oireachtas Joint Committee on Health and Children. In 2015, the IPU centred its prebudget submission on a proposal to introduce a minor ailment scheme. In April 2016, the then Minister for Health, Deputy Varadkar, announced the introduction of a pharmacy based minor ailment pilot scheme at the IPU's conference. In July 2016, a pilot scheme was commenced and ran at 19 pharmacies in four towns, namely, Kells, Roscommon, Macroom and Edenderry and it ran for three months. In May 2019, the then Minister for Health, Deputy Harris, addressed the IPU members at the IPU conference and declared we know the minor ailment scheme works. He stated I am fed up hearing about evaluating the minor ailment scheme; we know it works. On 2 May 20221, in a video address by the IPU members the Minister for Health, Deputy Stephen Donnelly, stated he also wished to emphasise the important role community pharmacists play in the wider health service in the delivery of holistic patient care. He also stated he was committed to further developing that role in the context of health service reform. He further stated he had listened to and met with the IPU both in opposition and since he was appointed Minister for Health and that he firmly believed that there is much merit in the initiatives it was seeking to progress as the minor ailment scheme. Often in this House we do a lot of talking and very little doing. This scheme works and will support the existing delivery of healthcare to our citizens.

**Minister of State at the Department of Health (Deputy Frankie Feighan):** I thank the Senator for raising this important issue and for the opportunity to clarify the position on the introduction of a minor ailment scheme in community pharmacies on behalf of the Minister for Health.

The programme for Government contains a commitment to expanding the role of community pharmacies in managing patient health, and there have been a number of proposals in recent years to expand clinical pharmacy services, which the Senator outlined. These include recommendations to the Pharmaceutical Society of Ireland's 2016 Future Pharmacy Practice report, and proposals from the Irish Pharmacy Union, IPU, and others. In addition, it is intended that a modernised service contract will include improvement and expansion of pharmacy services for public patients. Important new services, including influenza vaccinations and emergency contraception, have been introduced in recent years. I can now go to a community pharmacy for the influenza vaccination, which is a great benefit.

The Minister acknowledges that community pharmacists have played a pivotal role in responding to the health needs of the public during the Covid-19 crisis, most recently in assisting with the vaccination roll-out, which happened last week. I do not yet have data on the success of this roll-out, but it is very welcome.

New public health services in community pharmacy, as elsewhere, should address unmet public health needs, improve access to existing public health services or provide better value for money or patient outcomes to be funded by the taxpayer. Any new or transferred services should also be based on sound evidence with matching improvements in governance and administration. One such proposal for an expanding community pharmacy service is a paid minor ailment scheme whereby pharmacists treat medical card patients directly with over-the-counter items for specified minor conditions, without the patient needing a GP prescription. It has been suggested that such a service will produce better patient outcomes and reduce GP consultations for general medical services scheme patients with minor conditions. Pharmacists already provide the services for private patients and it is within their scope of professional practice.

As the Senator outlined, the HSE undertook a three-month feasibility study in Kells, Roscommon, Macroom and Edenderry. Five conditions - dry skin, dry eyes, vaginal thrush, scabies and threadworm - were selected, with clinical protocols in place for safe and accountable practice. The pilot was intended to demonstrate the feasibility of delivering such a service, and the HSE report found its operation with regard to IT and the claiming infrastructure was effective. The Senator also said that a larger trial, with a defined outcome assessment, will be required to produce meaningful data on clinical outcomes, patient experience, and the effects on GMS-GP activity for minor conditions. If this matter is to be progressed, more extensive trialling will be required to determine the effectiveness or otherwise of a minor ailment scheme in an Irish healthcare context.

The Minister met with representatives of the IPU last December, when the minor ailment scheme and other issues were discussed. He stated that he wants to see the expansion of the role of community pharmacists through a new contract in line with Sláintecare objectives. In this regard, it is intended that any discussions on progressing the issue will take place in the context of broader consultation with pharmacy representatives on a replacement for the current pharmacy contract.

**Senator Sharon Keogan:** I thank the Minister of State. As we rebuild our health service after Covid-19, we must remember the resources of community pharmacists and the value in which we hold them in the implementation of community healthcare. Changes were made to allow pharmacists to give the emergency contraceptive to women with a medical card. The IT systems are already in place such that in terms of a mechanism for the minor ailment scheme, very little support would be needed for the sector to implement it. The delivery of community care services must be the only way forward. I urge the Minister to enable this vital piece of community-based coverage. We cannot continue to put this on the long finger. A larger trial is not what this industry needs. The scheme has been already trialled and it was a resounding success in the 19 pharmacies. The data collected from the trial justify this. I urge the Minister for Health, when preparing this year's health budget, to include the costing for this scheme. The last thing we need is another trial. This could result in a vital saving and it will help the already stretched health service in this country.

**Deputy Frankie Feighan:** I again thank the Senator for raising this important matter. The Minister is keen to expand the role of community pharmacists in managing patient health, but

he is of the view that for any new public health services in community pharmacy to be funded by the taxpayer, as elsewhere, they must improve health outcomes and provide value for money and benefits for patients. Any new or transferred services should also be based on sound evidence, which I think is the case in regard to this scheme, with matching improvements in governance and administration.

While the introduction of a comprehensive and resourced minor ailment scheme would require further trialling and consultation, it is the Minister's intention to have a broader discussion with the Irish Pharmacy Union on contractual and service arrangements carried out in due course. The Irish Pharmacy Union has a strong voice, one I always welcome. The delivery of the influenza vaccine by pharmacists has been very effective. There may be some issues arising relating to contracts, but these will be dealt with by the Minister, officials from the Department of Health, the HSE and the IPU.

### **Employment Support Services**

**Senator Erin McGreehan:** I welcome the Minister of State, Deputy Joe O'Brien, to the House. In this Commencement matter, I am seeking an extension of the reasonable accommodation fund to the public sector and, in light of our extensive obligations under the United Nations Convention on the Rights of Persons with Disabilities, that it be changed to a person-centred fund rather than an employer-centred fund.

Currently, there are schemes in place for private sector employees and employers. The reasonable accommodation fund enables employers of employees with a disability to take appropriate measures to help them to access, improve or retain their employment by way of the following grants: the workplace equipment adaptation grant, the job interview interpreter grant, the personal reader grant and the employee retention grant. However, public sector employers and employees cannot access these grants. Public sector employers include Departments, State agencies, the HSE and local authorities. Public sector employers must facilitate staff who have a disability through the provision of assistive technology adaptive equipment, facilities, aids and appliances and they must also meet that cost. The critical point is that the management of each Department or State agency must decide where to expend money within their respective departments in the context of budgetary constraints.

I want to highlight one of many cases in the public sector where an employee is being treated disgracefully because of budgetary constraints and the autonomy within each sector.

The following are the words of an employee of this State:

I first submitted an application in 2007. Since then, I have been sent to a doctor. I had the NCBI in a meeting with management to show the merits of the device, reports from the NCBI and doctors recommending it. I was told to sell it to them - make a business case, what benefit is it to this organisation as the benefit to you is immaterial. This is now 2021 and we are no further on. They refuse to accept that with this technology I will be able to do my work better, do a more diverse range of work, have more confidence and I would be able to feel and I would be able to progress in this organisation. I am now exhausted and constantly demeaned as I have to go with my begging bowl. I am retracting inwards and I know I am not valued within this organisation because I am visually impaired.

Those are the really upsetting words of a public sector employee. The issue is that it is within the gift of management to provide this employee with assistive technology but only if it is within budgetary constraints. If the fund was extended to the public sector, this sort of begging would not be necessary. A person with a disability, if in employment, should not be dependent on his or her employer to obtain a grant from the State. It should really be individual. We must give the person with a disability autonomy and ownership of the grant. It would mean that the person in receipt of the grant would feel more independent and would have the autonomy to move from one job to another.

A review of the grant scheme would be very beneficial. Under Article 27 of the UN Convention of Persons with Disabilities, every person with a disability has a right to work and should be enabled to participate in the workforce on an equal basis. Under the comprehensive strategy for people with disabilities, the Government has committed to increasing the public service employment target for persons with disabilities from a minimum of 3% to 6% by 2024. Given that approximately 15% of our population is considered to have a disability, a target of 6% is very low. That said, if we open up the reasonable accommodation fund grant to individuals and extend it to the public sector, we will make our society and our public sector fairer for everyone.

**Minister of State at the Department of Social Protection (Deputy Joe O'Brien):** I thank Senator McGreehan for raising this issue. My Department has responsibility for providing labour market services for people with a disability, assisting them with finding paid employment and preparing them for employment through training or employment programmes. Under the reasonable accommodation fund, my Department helps employers and employees with a disability to take appropriate measures to help a person with a disability to access, improve or retain his or her employment in the private sector. The fund is comprised of four types of grant, which Senator McGreehan referenced, namely the workplace equipment or adaptation grant, job interview interpreter grant, personal reader grant and employee retention grant.

It is important to note that the funding the Department makes available through the grants it administers does not impact or lessen the obligation on employers to provide reasonable accommodations. The provision of reasonable accommodations by all employers is a legally enforceable right for both jobseekers and employees. The Employment Equality Acts oblige employers to take reasonable steps to accommodate the needs of both employees and job applicants except where to do so would impose a disproportionate burden on them. Under section 47 (1) (a) of the Disability Act 2005, a public body shall, in so far as practicable “take all reasonable measures to promote and support the employment by it of persons with disabilities”.

The Senator is calling for the extension of the grant scheme to public sector workers. As a public sector employer, the Department of Social Protection employs a dedicated disability liaison officer, DLO, who provides support to staff and managers through advice, information and reasonable accommodations. In 2020, 5.75% of total staff disclosed a disability as part of a staff census. New staff appointments to the Department are made aware of the DLO, the officer's role and the supports available as part of an induction and information programme for new entrants. This encourages and facilitates the ability of the DLO to ensure that necessary accommodations are notified and provided as early as possible. The Department utilises the Code of Practice for the Employment of People with a Disability in the Irish Civil Service to guide its induction, awareness and provision of workplace supports training and career progression. Staff assistive supports include ergonomic assessments, Irish Sign Language, ISL, interpreters, subtitling for videos circulated internally, adaptation of premises including bathrooms, doors, parking and so on, software for individuals with visual impairments or dyslexia, adjustments to

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work patterns, job role adjustments and working from home provisions. The Department also provides specialised equipment such as cameras, magnifiers, large monitors, adjustable desks, custom chairs, headsets and telephone equipment.

In 2020, the Department established an internal equality, diversity and inclusion unit which encompasses and further supports the DLO role, allowing for further resources and more reach to staff with disabilities. In the area of work experience for people with disabilities, the Department is committed to yearly participation in the willing, able, mentoring programme, a work placement initiative organised by the Association for Higher Education Access and Disability, AHEAD. The Department has consistently employed candidates from the programme each year.

The provision of such supports in the public sector is a matter for public sector employers and it is my firm view that the public sector should show leadership in this area by providing the supports necessary directly. Given the limited resources available to the Department of Social Protection to support people with disabilities and other groups that are marginalised, I do not believe the provision of such incentives to other public sector organisations is necessary. Where public sector organisations require resources for this purpose, it is a matter to be raised with the Minister for Public Expenditure and Reform in the context of the annual budget Estimates.

**Senator Erin McGreehan:** I certainly will raise my concerns with the Minister for Public Expenditure and Reform. The Minister of State's response outlines the valid reasons why his Department looks after the labour force. However, this highlights the lack of acceptance of disability in the workforce. There is unconscious bias and people with disabilities are constantly fighting for access and to be seen as equal in our society. Yes, the Minister of State correctly stated in his response that the public sector should show leadership, but, unfortunately, when it is down to management and personality deciding whether one person is worthy of something and not worthy of something else, that is not leadership. There should be leadership from the Department. I understand the Minister of State's response and am disappointed with it. However, I will take his advice and take it up with Minister for Public Expenditure and Reform.

**Deputy Joe O'Brien:** Again, I thank the Senator for raising the issue. I will not ask what Department was involved but the situation she described, frankly, was unacceptable. I reiterate what I said earlier. The Employment Equality Acts oblige employers to take reasonable steps to accommodate the needs of both employees and job applicants with disabilities, except where to do so would impose a disproportionate burden on them. Under section 47(1)(a) of the Disability Act 2005, a public body shall, "in so far as practicable take all reasonable measures to promote and support the employment by it of persons with disabilities". It is not clear to me that the public sector employer the Senator referenced in that case has done these things. Perhaps the employer has, but perhaps not. Each Department has legal responsibilities in this regard, and that is the nub of our response to this.

## Defence Forces

**Senator Ollie Crowe:** I thank the Cathaoirleach for giving me the opportunity to raise this very relevant matter. This morning, I am asking the Minister for Defence whether on completion of a military ceremony at the funeral of a member of the Army the Irish flag could be presented to the family of the deceased as a tribute to the service given by the deceased. I believe this would be a suitable acknowledgement of the service given to the State's Defence

Forces. Having spoken to many families in Galway and throughout the country who have been in this situation, this is something they would very much appreciate. In Galway city and county I speak to Army families daily and we certainly must consider this. As the Minister of State is aware, this already happens in other countries in Europe and across the world. The flag that would be presented would be cherished, kept safe and respected. It would be passed down through the generations as a reflection of the service given by the deceased member. Our national flag would serve as a symbol to the family and would be very appropriate.

I thank the Minister of State, Deputy Brophy, for being in the House and giving of his time to answer the question. All Members of both Houses and people across the country respect the Irish flag to the highest level of nationalism. For a small outlay, the provision of a flag is very worthy and I await his response.

**Minister of State at the Department of Foreign Affairs (Deputy Colm Brophy):** I thank Senator Crowe for raising the matter and I am here to represent the Minister for Defence, Deputy Coveney, who, unfortunately, cannot attend.

I acknowledge the service given by current and former members of the Defence Forces who have devoted their time to serving our country and thank them for it. I hope to provide some clarity on the protocols for military funerals and where it is customary for the national flag to be presented to the next of kin of deceased former members of the Defence Forces' personnel.

I am advised by the military authorities that the national flag, which drapes the coffin of a person who has died in service, is to be presented to the next of kin at the time of place of burial or cremation. However, it is not customary for the national flag to be presented to the next of kin of former members of the Defence Forces' personnel at the time and place of burial or cremation.

Administrative instruction A10 sets out the relevant protocols for military funerals and certain procedures around the presentation of the national flag to the next of kin of deceased former Defence Forces' personnel. That administrative instruction states:

It is not the custom for the national flag to be presented to the next of kin of ex-service personnel. In certain circumstances, where the next of kin of an ex-service personnel requests to be presented with the national flag draping the coffin, the General Officer commanding the Brigade, the Defence Forces Training Centre, the Air Corps, or the Flag Officer commanding the Naval Service may accede to such a request.

As set out in the administrative instruction, the national flag may be presented to the next of kin of ex-service members of the Defence Forces on the basis of various criteria such as their length of service and retirement with a satisfactory record. This administrative instruction also delineates the procedures for military participation at a funeral. The administrative instruction A10 states:

Where the family of a retired member of the Permanent Defence Force has requested a Military Funeral and where the exigencies of the service permit, the General Officer Commanding the Brigade, the Flag Officer Commanding the Naval Service or the General Officer Commanding the Air Corps may authorise military participation at the funeral of a retired member of the Permanent Defence Force who is not entitled to receive a full military funeral under the provisions of paragraph 5 of the Defence Forces Regulation A10. The deceased must have had a minimum of twenty years service and retired with a satisfactory

record.

Although the administrative instruction A10 states “where the next of kin of an ex-service personnel requests to be presented with the national flag draping the coffin, the General Officer commanding the Brigade, the Defence Forces Training Centre, the Air Corps, or the Flag Officer commanding the Naval Service may accede to such a request”, it is not the standard practice to present the family of the deceased with a national flag at that place of burial or cremation. At present, there are no plans to change the procedures referred to in administrative instruction A10.

In conclusion, I again acknowledge the service given by current and former members of the Defence Forces who have devoted so much time to serving the country. It is something that I know we are all immensely proud of.

**Senator Ollie Crowe:** I thank the Minister of State for his response. I accept his response and I am aware of what he outlined in terms of the national flag being presented automatically if the deceased is a serving member. I ask for the Department to reconsider this matter and give certainty. I ask that if members have a full service and meet the qualifying criteria, their family is presented with a national flag at the funeral. There has to be certainty in this. If the deceased had an unblemished record, a full service, and served at the required level, there should be criteria set out so that the flag can be presented to his or her family. If the deceased meets those criteria, that should be sufficient. If he or she does not, the answer will naturally be “No.”

In fairness to the length of service of personnel and in having respect for the military and the Defence Forces, there must be clarity and certainty brought to this matter. If criteria are set down in a list and they are met, that is all well and good.

**Deputy Colm Brophy:** I have listened to the Senator’s remarks. There is much to consider in what he has said and I will convey his remarks to the Minister, Deputy Coveney. Many military families will be interested in his remarks. As it stands, that is the procedure in place, but I will convey the Senator’s remarks and the contents of our exchange to the Minister.

*Sitting suspended at 11.41 a.m. and resumed at 12.03 p.m.*

## **Gnó an tSeanaid - Business of Seanad**

**An Cathaoirleach:** Since the end of the 18th century, Luxembourg’s national day has celebrated the reigning monarch’s birthday. Celebrations in the capital usually begin with a torchlit procession. There are significant historical and cultural links between Ireland and the Grand Duchy of Luxembourg, not least of which is the fact that Luxembourg’s only patron saint, St. Willibrord, was educated and got his spiritual education in County Carlow.

Ireland’s embassy in Luxembourg opened in 1973, which marked our accession to the European Economic Community, EEC, as it was at the time. A number of Irish people moved to Luxembourg to take up positions in the European institutions, which led to the establishment of Luxembourg GAA, Comhaltas Ceoltóirí Éireann Luxembourg, Cumann Gaelach Lucsamburg, the Irish Club of Luxembourg and Luxembourg’s participation in the Rose of Tralee. Luxembourg is working on establishing an embassy in Ireland. Hopefully, next year, we will have a

new ambassador from Luxembourg in Ireland and will be able to welcome him or her to the Seanad for Luxembourg's national day. I wish the people of Luxembourg all the best on their national day, *Nationalfeierdag*.

**Senator Regina Doherty:** The Cathaoirleach is a mine of information. I did not even know that there were GAA clubs or a branch of Comhaltas Ceoltóirí Éireann in Luxembourg.

**An Cathaoirleach:** I thank all our ambassadors for the information.

**Senator Regina Doherty:** It is indeed a beautiful country and capital city.

### **An tOrd Gnó - Order of Business**

**Senator Regina Doherty:** The Order of Business is No. 1, motion regarding the eleventh report of the Committee on Parliamentary Privileges and Oversight, to be taken at the conclusion of the Order of Business without debate; No. 2, Climate Action and Low Carbon Development (Amendment) Bill 2021 – Second Stage, to be taken at 1.30 p.m., and notwithstanding anything in the Standing Orders, to adjourn at 3.30 p.m. or immediately before the Minister is called upon to close the debate, whichever is earlier, with the opening contribution of the Minister not to exceed 12 minutes, the contribution of group spokespersons not to exceed ten minutes and all other Senators not to exceed six minutes; No. 3, statements on the aviation sector, to be taken at 4 p.m. and to conclude at 5.45 p.m., with the opening remarks of the Minister not to exceed ten minutes, all Senators not to exceed six minutes and the Minister to be given no less than ten minutes to reply to the debate; and No. 4, Gender Pay Gap Information Bill 2019 – Committee Stage, to be taken at 6 p.m. and to adjourn at 9.30 p.m., if not previously concluded, and the proceedings shall be interrupted after two hours for 15 minutes to allow for sanitisation of the Chamber, and the order of debate shall resume thereafter.

**An Cathaoirleach:** I call the leader of the Fianna Fáil grouping in Seanad Éireann, Senator Chambers.

**Senator Lisa Chambers:** I wish to raise a number of issues. Once again, I will raise that relating to restrictions at our maternity hospitals. I am sure many people will have listened to the harrowing recounting of events by a man named John on Newstalk, who tweeted the previous day that his wife had suffered a miscarriage. My condolences go out to them and their family. John was stopped at the door of the hospital and was not allowed to go in with his wife. I am not sure how he managed to speak on the radio the next day. It is a credit to him because that story is so important in the context of getting these restrictions lifted. He was almost in tears on the radio. He spoke about how his wife was distraught and devastated, on her own in her hospital bed, while he was trying to console her via WhatsApp. What happened was unacceptable and disgraceful. We will be dealing with the impact of the trauma we are causing on people unnecessarily. We are still awaiting a proper and full response from the HSE as to who is making the decisions. We know that national guidelines are in place. The hospitals are clearly just ignoring those guidelines and doing what they please. It does not happen in any other area of healthcare, yet it is somehow okay when it comes to women's healthcare. We have been here many times before in many aspects of women's healthcare and well-being in this country. I know the Leader has done her very best in respect of this issue. I ask her once again to use

her good offices to get some sort of an update from the HSE and the Department of Health. It is long overdue.

I welcome the response from Minister for Health and his Department to the ongoing saga with the ownership of the national maternity hospital site. I understand that the Government is renewing efforts to try to purchase the site. If I can say this, the Religious Sisters of Charity is playing it a bit too cute in suggesting that it has not been asked to sell the site. It has been asked via St. Vincent's Holdings CLG and the St. Vincent's Healthcare Group. I ask all those entities, which are clearly connected in one shape or other, to do the right thing on behalf of the State and of women and girls in this country, sell the land at a reasonable price and remove themselves from all influence, either directly or indirectly.

The final issue I wish to raise is that of the new report by Professor John Bradley with regard to the western rail corridor. This is an issue that is very close to my heart. I have been working on this with the West On Track campaign since I became a councillor in 2014. Last year, the Government commissioned a long-sought review by EY-DKM, which did a consultant's report on the feasibility of opening the track from Athenry to Tuam and on to Claremorris. The consultant's report came back with what I consider to be a precooked outcome. Many colleagues across the Seanad and the Dáil engaged in that. The report said there was a certain cost and a certain journey time. That has now been completely debunked by a new report by Professor Bradley, which shows that the cost of reinstating the tracks is actually €128 million, not €263 million. The amount involved is, therefore, half of what EY-DKM suggested it would be. The journey time is also much faster. Those are the two aspects we are taking into consideration around the cost-benefit analysis of actually putting this project in place. I ask that the Minister for Transport come before the House at the earliest opportunity to discuss the huge variation between both reports and the merits of this new report by Professor Bradley, which I believe warrants a significant hearing by the Department and the Government.

**Senator Jerry Buttimer:** The Cathaoirleach celebrated Luxembourg. I wish to celebrate LGBT Pride Month, which takes place every year in the month of June. Traditionally, people across the world celebrate with joyful and colourful abandon. However, because of a combination of Covid-19 and some draconian laws that have been passed, to which I will come in a minute, there is some fear and retraction of celebration. I ask that we have a debate in the House on the matter. I congratulate An Post, which has set a precedent with its beautiful commemorative Pride and Bród stamps and commemorative kit to remember and celebrate Pride.

In this Gay Pride month, we cannot take things for granted. In Waterford, the Pride flag was twice taken down. I commend the mayor of Waterford, Councillor Damien Geoghegan, for his alacrity and enthusiasm in putting it back up. In Dublin, graffiti was written on the wall of the iconic Pantibar. I commend Councillor Ray McAdam for his wonderful work in dealing with that. Dublin City Council adopted the policy put forward by the former president of Young Fine Gael, Dale McDermott, and installed a rainbow walk across from Pantibar. Unfortunately, there is a retraction in some parts of the world, but especially in Europe, where Hungary passed legislation making it illegal to show any material relating to gay people to people under 18 and linking it to paedophilia. Why are we allowing parliaments and parliamentarians around the world to continue passing these laws and expressing these views, which condemn people and create fear? There has also been a retraction of rights in Poland. I could list other countries across the world where the same thing is going on. Ministers have done huge work in our country, of which we could all speak. I would like a debate in the House on the full implementation of human rights in our country but also on the rights of members of the LGBTQ+ community.

**An Cathaoirleach:** I thank the Senator for raising the incident in Waterford and the actions of the mayor. We all agree that he has been very forthright in expressing his views about what has been happening with the flag. We all also celebrate what An Post and Angus Lavery have done in making sure people celebrate diversity, which is what that flag is about.

I call the leader of the Opposition, Senator Boyhan.

**Senator Victor Boyhan:** I commend Senator Buttimer and support everything he has called for. I also acknowledge An Post. I do not know if anyone saw them as they were coming in this morning, but some of its letterboxes have been decorated in the rainbow. It is imaginative and it is great when big organisations embrace Gay Pride, diversity and respect for everyone. That has to come from the centre of corporations and the political houses because that is where leadership is important.

I raise the issue of An Bord Pleanála. There was much coverage of housing in the national press over the weekend and, indeed, at the Leader's own Ard-Fheis. There was also very important coverage in the national press yesterday about strategic housing developments and how over 60,000 houses are now caught up in some sort of legal jam or controversy. Much of this stems from strategic housing developments. I personally have no difficulty with people objecting and I have always stated that I am against strategic development housing because it bypasses citizens, local politicians and councils by allowing big developments in excess of 101 units to go to An Bord Pleanála. That is not good and is in breach of the Aarhus Convention. I note that, based on the social media of people of all political persuasions in this House and in local councils, they are frustrated by it. This issue was part of the Government formation negotiations. The Green Party has worked very hard in this area and I acknowledge that. The time has come to have absolute clarity. When is this practice going to stop? It has to stop at some point. We should of course allow planning applications to go to the planning authorities in the first instance. We are talking about empowering local government and local communities and it is important that decisions be made at that point. They could be appealed to the board after that but currently, nobody can object to those applications. There is no third-party appeal for strategic housing developments. It is crazy. Previously, a person could make a submission to a local authority. If the person was not satisfied after that, he or she could appeal it to An Bord Pleanála.

This is clearly a difficult issue. An Bord Pleanála is overwhelmed by the situation. It is disheartening that, since 2017, the board has lost 80% of the judicial reviews lodged against it. It has been subject to 33 completed judicial reviews since the strategic housing development, SHD, track was launched, of which 14 were conceded without a hearing and 15 were conceded following court hearings and judgments.

I am asking for a debate on the matter at some stage, for the Government to set a date by which we will end the SHD process and for more resources for planners in An Bord Pleanála and our local authorities.

**Senator Ivana Bacik:** I call for an urgent debate on the future of the new national maternity hospital. I was one of the Oireachtas Members who attended the cross-party briefing with the Minister for Health last week at which it became apparent that proposals for the State to buy the site had been rejected. The situation has moved on over the weekend, however, and there have been further reports, including some contradictory ones. At this point, we need clarification on what exactly has been happening as regards the site's ownership.

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I commend Dr. Peter Boylan, who for some years has been raising concerns about ethical governance and whether a full range of treatments and procedures for women will be carried out in the new maternity hospital if it is sited at the St. Vincent's hospital location. However, there are also concerns about the ownership of the site. It has become apparent that what is on offer is a 99-year lease for the State, or possibly a lease as long as 149 years. All of us might be conscious of the fact that it is still not State ownership. It now appears that the State will invest approximately €500 million - I have seen figures of up to €800 million - of public money in the building of the new hospital. Clearly, a new hospital is needed and it would be unfortunate to see delays, but that amount of public money should not be put into a site that will not be in public ownership.

This matter is not just about the ethical governance issues, serious though they are, but also the issue of public ownership of the land on which the hospital is to be built. Will the Leader ask the Minister for Health to attend the House for an urgent debate on it? We received some indications and the briefing was helpful, but we need to hear on the public record what exactly is happening. This is a serious issue.

We know the difficulties that many women are facing because of the current restrictions on partners accessing maternity services, as Senator Chambers eloquently described. We have all heard about dreadful experiences of women and their partners. There are major issues around maternity care and reproductive healthcare for women in this country. We need to have that broader debate, too.

Might I seek clarification on the issue of outdoor hospitality and the licensing rules? We are all glad to see outdoor hospitality reopened, but it is not satisfactory for those running premises or those seeking to enjoy hospitality on such premises to have a discretionary approach and to be unclear about what the licensing laws and Garda powers are.

I join others in wishing everyone a happy Pride. I commend Senator Buttimer on his remarks. I welcome the rainbow crossings that Dublin City Council has instituted. It is great to see the one outside PantiBar in particular. I condemn the dreadful homophobic graffiti that we saw against PantiBar and the homophobic actions in Waterford.

**Senator Pauline O'Reilly:** I propose an amendment to the Order of Business to ask that No. 20 be taken before No. 1. My colleague, Senator Martin, will second the amendment. No. 20 is a Private Members' Bill relating to solar panels on public buildings and schools, which would remove some of the restrictions applying to domestic properties. Since we will be discussing the climate action Bill this and next week, it is appropriate that we consider what we do in a practical sense to ensure that everyone takes part in the climate transition. I hope that the Bill will get support in the House next week.

I was going to raise the issue of Professor Bradley's report, which Senator Chambers mentioned. We were quite disappointed when we saw the EY report. It was quite clear that incorrect assumptions were made in the report about Galway and Mayo. For instance, the number of people living in Athenry was completely wrong. It is a 200-page report and I commend Dr. Bradley on the amount of work that went into it. The Green Party always feels that if there is rail or other public transport infrastructure, the first thing to do is try to bring it back. Anybody involved in a greenway group would also say that greenways can be used where rail is not viable but we need to have a proper understanding of whether rail is viable. There is now a section in the country that is missing rail. We can go around three quarters of the island and then

there is a missing piece of track. This is not something that is desirable. I would welcome a response from the Minister. I know the Minister has met the group on many occasions and is committed to looking at whether rail is feasible and I support this.

I am glad many Senators have raised the issue of the national maternity hospital. We need a proper understanding of the situation. I call on the religious orders themselves to be responsible because they are not doing themselves any favours in the eyes of the public when they try to change the facts and pretend they are handing over something to the State when it is actually going to another body. Let us have a proper conversation about this.

Last week, I called for a debate on maternity care and breastfeeding. Perhaps all of these issues could be looked at together and we could have an honest and open conversation with the Minister for Health. As Senator Chambers quite rightly said, we have been very clear that the maternity restrictions need to be lifted. However, we still have no response from the hospitals, although I would say that this week University Hospital Galway has lifted some of the restrictions, which is very welcome. They all need to be lifted at this stage.

**Senator Niall Ó Donnghaile:** Ar dtús báire fáilte, cuirim fáilte roimh an chéim shuntasach agus tábhachtach a glacadh an tseachtain seo caite i dtaca le reachtaíocht Ghaeilge ó Thuaidh. Seo reachtaíocht ar a bhfuilimid ag fanacht le tamall maith, le blianta fada anuas, agus is deascéal é go raibh muid in ann é seo a bhaint amach. I will begin my remarks by welcoming last week's news about Irish language legislation in the North. As the Leader and colleagues know, this is a long-standing commitment to Gaeilgeoirí, going back to the Good Friday Agreement and, in particular, going back 15 years to the St. Andrews Agreement and 18 months to New Decade, New Approach, the premise on which the power-sharing institutions of the Good Friday Agreement were returned.

With regard to last week and the week we are heading into, it is important to remember, and to remind colleagues and the broader public, that when it comes to New Decade, New Approach and the issues regarding the protocol and any attempt to contrive a crisis around these issues, a majority of people in the North voted against Brexit. The majority of the political parties in the Executive and assembly support the protocol. The majority of parties in the Executive and assembly support the implementation of Acht na Gaeilge. It is important to take the opportunities calmly to reiterate these key component political points because they are worth remembering and they are worth restating.

The institutions of the Good Friday Agreement are important and key. As we emerge from Covid and deal with the ramifications of Brexit, they will continue to be crucial for all of the public. It is also important to remember that, again at the weekend, we saw one in a series of opinion pieces, reports and research on the protocol, on the reorientation of trade across this island and on the tangible benefits for businesses and the economy that have flown from the protocol. It would be timely if we were to take the opportunity to ensure those benefits and opportunities are being maximised and that that is being communicated out there, not just to the businesses concerned but to workers, to the public and indeed to those politicians who need to hear that message as well. It would be in order, as it has been quite a while, for us to have statements on the North and as part of that, or perhaps separate to it, statements on the implementation of the protocol. We would do so, I hope, to sincerely and respectfully cut through a lot of the noise that is out there around all of it.

**Senator Robbie Gallagher:** I would like to address the unfortunate confusion which seems

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to have arisen around outdoor dining. With the good weather, it is very heartening to see so many people out and about and our towns and villages alive with people sitting and enjoying a bite to eat and maybe a glass or two of wine or beer in the great outdoors. It is a lovely, heartening, uplifting sight to see.

Unfortunately, confusion has now arisen about the legality of the public space some pubs and restaurants are using to serve alcohol in some instances. There is a question mark over whether that is legal or not. The Garda, or maybe more accurately, the law of the land, would seem to state that unless a licence has been obtained from the courts to serve alcohol for consumption in a given public space area, the Garda and the law of the land are saying it is illegal. The Department of Justice on the other hand is saying we should not worry too much about it and that it is down to the discretion of an individual member of An Garda Síochána. Quite frankly, that is simply not good enough. Businesses have been through hell over the last 18 months and are trying to get back on their feet again. When they open their doors of an evening, is the future of their business that evening going to depend on the discretion of a member of An Garda Síochána? That is not good enough. It is not fair on the business and not fair on the individual member of An Garda Síochána. What the word “discretion” boils down to is “turn a blind eye”. Thus if a member of the public makes a complaint to a member of An Garda Síochána about a premises serving alcohol with no licence and the garda ignores it, that member of the public may very well report that member to the Garda Síochána Ombudsman Commission, GSOC, and the member will be under investigation. The simple solution to the problem is to issue a special exemption for a limited period of time to all the businesses concerned to take away the confusion and let everyone know exactly where they stand.

**Senator Aisling Dolan:** Over €15 million has been allocated to 170 schools around the country under the Safe Routes to School programme. This funding was a commitment under the programme for Government. This is going to have an impact on the lives of thousands of students across the country. We know how dangerous it can be in rural areas where we do not really have that many footpaths so it is really difficult for children to walk or cycle to school. We have many issues with safe parking around schools and much congestion. It is really important parents can pick up and drop off kids in a safe way and that it is not dangerous when one is leaving one’s kids off at school. As such, it is really great to see this funding coming through.

I thank the teaching staff, principals, secretaries, boards of management and parents’ associations for getting these applications in even though it has been such a crazy year for them. It is in conjunction with An Taisce, Green Schools and the Department of Transport. It was announced today by the Minister, Deputy Eamon Ryan, the Minister for Education, Deputy Foley, and the Minister of State, Deputy Naughton, who has delegated responsibility for this programme under the Department of Transport. With over 930 applications from schools across the county, it just shows there is urgent need for funding. It was so competitive only 170 have been funded in this round. For schools which were not funded this time, there will be future rounds of funding under this programme for those which have applied.

In County Roscommon, we had five schools which were successful in this competitive round one. I was delighted to see the impressive new Coláiste Chiaráin in Summerhill, Athlone funded. This brand new school which opened in 2017 is an amalgamation of St. Joseph’s College, a girls’ school, and St. Aloysius College, a boys’ school. I have a bit of a grá for the area as I worked for a really short while as a substitute teacher in St. Aloysius College. I am absolutely delighted to see funding for this area coming through. It is going to be for over 700 students because the primary school was funded as well. It is just up the road from the secondary school.

Is that not really co-ordinated, integrated planning? I congratulate Scoil Náisiúnta Pol Naofa in Castlereagh, Carrick National School in Ballinlough and Croghan National School, all of which were successful in this round. More than 1,350 students and children in County Roscommon will benefit from safer travel to schools. It is a safe way to pick up children from school. It is a fun, active and healthy way to get to school. It is a great day of learning.

I want to wish Members a happy Pride. The flags are flying high on the Department of Enterprise, Trade and Employment across the road. That is really good for this week.

**Senator Sharon Keogan:** I want to raise an issue, which Women's Aid highlighted recently, namely, the Garda failed to respond to thousands of domestic violence calls. An internal investigation has found many victims received no help after calling 999 in domestic violence incidents. Some of the incidents involved people repeatedly calling the emergency line and not getting the assistance needed. I call on the Minister for Justice, Deputy Humphreys, to liaise with the Garda Commissioner, Drew Harris, immediately to address this serious issue. I understand he will appear before the Policing Authority this week. It is important all members of the Garda know their responsibilities under the Garda domestic abuse policy and do everything in their power to protect these women and, indeed, some men living in fear.

It is also quite worrying the Garda Síochána Ombudsman Commission, GSOC, does not have enough staff to do its job. GSOC, the oversight body that investigates complaints about alleged wrongdoings and incidents involving members of An Garda Síochána, saw an 11% increase in the number of complaints it handled in 2020, up to a figure of 1,955. The Minister for Justice needs to address both those serious issues with regard to manpower for An Garda Síochána. With all the recent anti-social behaviour in our towns and cities in recent weeks, we can see the members of the Garda are stretched. We need to recruit more gardaí and to do so in a proper way.

**Senator Malcolm Byrne:** I welcome the decision of the Press Ombudsman and Press Council of Ireland concerning false statements made about Presentation College, Carlow and its teaching staff last November. It is time some of those who led the attacks on the teaching staff, including the Labour Party, would publicly apologise to those teachers who suffered a very unfair social media pile-on.

I also echo the comments of Senator Buttimer in wishing everybody a happy Pride. It is unfortunate to see what has been happening in Hungary and Poland. A small number of homophobic incidents that took place around the country remind us of the importance of this month. However, what we saw in my neighbouring county of Waterford with respect to the mayor, Damien Geoghegan, the councillors, the Minister of State, Mary Butler, my colleague, Senator Clifford-Lee, Waterford Local Radio and the people of the city and county showed exactly how tolerant a county it is and how diversity could be celebrated. I am also very proud of Wexford County Council. If people get a chance they should check out the way County Hall has been lit up in the rainbow colours. That shows Wexford is not only a tolerant county but a very creative place.

As I am speaking of Wexford, Members will be aware this is the strawberry season. I was delighted my colleague, the Minister of State, Senator Hackett, was recently at Green's berry farm in County Wexford where she sampled some of the finest strawberries in the country. It is important we support our fruit growers over the course of the summer, particularly Wexford strawberries. I know the Cathaoirleach likes to come down to Wexford. I hope he will have

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plenty of strawberries during his time there. In addition, there is a young man from Wexford called Mark Kavanagh who has set up a business selling a new vodka liquor called Wexbury. I hope the Cathaoirleach will be able to drown the strawberries at the same time.

**An Cathaoirleach:** The Senator's time is up but I must say his advertising is fairly commendable.

**Senator Malcolm Byrne:** I am delighted and I hope the Cathaoirleach and all the Members will come to Wexford on their staycation in the months ahead.

**An Cathaoirleach:** I thank the Senator for the invite to stay in his place. We also look forward to him bringing in loads of punnets of strawberries.

**Senator Malcolm Byrne:** I have the some strawberries outside-----

**An Cathaoirleach:** I hope the Senator has enough and that it is only the strawberries not the vodka.

**Senator Garret Ahearn:** We have apples in Tipperary. The apple farm run by Con Traas does fantastic work. It is a fantastic local business. It is only a mile away from my home. I would encourage anyone to go there to buy apples. He sells strawberries as well but he is famous for apples and cider. It is lovely cider.

**An Cathaoirleach:** I thank the Senators for listing the offerings of their counties, including apples, strawberries, vodka and cider.

**Senator Garret Ahearn:** I have lost some time now Cathaoirleach.

**An Cathaoirleach:** I invite Senator Ahearn from Tipperary to contribute on the Order of Business.

**Senator Garret Ahearn:** I thank the Cathaoirleach. Mr. Paul Reid, CEO of the HSE, was on Today FM's "The Last Word" last week talking about maternity hospital restrictions. Mr. Reid said that 16 of the 19 hospitals with maternity wards are complying with restrictions. I understand that St. Luke's General Hospital in Kilkenny, Wexford General Hospital and Tipperary University Hospital are the three hospitals that are not complying. Despite what the management at Tipperary University Hospital has been telling me, the Minister and everybody within the local community to the effect that the facility has been complying, it is clear now that it has not. St. Luke's in Kilkenny is easing restrictions from today. It will be allowing partners in when they arrive at the door. It will also be easing the restrictions relating to visiting times after birth. I call on Tipperary University Hospital to follow suit. Many of the staff and people who work at the hospital have been calling - within the hospital - for the easing of restrictions for months. I hope the position will change. In fairness to "The Last Word", it has done a lot to promote this issue in recent days. The programme highlighted the case of a person who was sitting outside in his car when he found out that his partner had had a miscarriage. I know of a case where the labour was so traumatic that the mother is receiving professional counselling in the hospital, while at the same time her partner is not allowed to visit her. What is happening is absolutely disgraceful and change is needed.

The highlighting of issues relating to maternity hospital restrictions coincides with a WHO report released last week which indicates that appropriate attention should be given to the prevention of drinking among pregnant women and women of child-bearing age between the ages

of 18 and 50. This is just women: there is nothing about preventing men from taking alcohol if they are considering having children. Is it any wonder that women in the State feel unfairly discriminated against? At present, some women cannot have their partners in with them during labour. They are totally on their own and isolated. If a woman is suffering with hyperemesis, there is no drug licensed in the State to help her. Hyperemesis is one of the most debilitating conditions one can have during pregnancy. If a woman has an intention of ever having a child, or even if she cannot have a child, she is now supposedly not allowed to drink alcohol until she is 51. This only applies to females. It is utterly unacceptable.

**Senator Mark Wall:** Like Senator Gallagher, and I am sure like public representatives elsewhere in the State, I am seeking clarity on licensing. Over the past days I received a number of representations about the possibility of fines being handed out by An Garda Síochána to those who are enjoying or about to enjoy our outdoor summer. The Garda have said that pubs and restaurants are not legally permitted to serve alcohol in temporary, outdoor seating areas. Licensed premises across the State have been given permission to set up outdoor seating by the local councils. Section 254 licences have been applied for and issued throughout the country, with many licensed premises setting up on footpaths or in areas in front of their business premises as a solution until indoor dining is allowed. The Garda has said, however, that these areas are not covered by alcohol licences originally issued by the District Courts. Until indoor dining and drinking return on 5 July under the Government's reopening plan, we need clarity. When I was travelling to the House this morning, my local radio station, KFM, covered this item and mentioned a tweet by the Minister for Justice, Deputy Humphreys, in which she mentioned speaking with the Garda Commissioner and used the word "discretion". A Garda representative stated, rightly, on the programme to which I was listening that gardaí deal with the law of the land and that they need clarity on what discretion means in this context. We are told that there will be a memo going out today from the Garda Commissioner. We all know the terrible times that our licensed premises' owners and families have been through. The owners of those premises that have the necessary space have listened to the concept of an outdoor summer being promoted by all Departments and they need to know that when it comes to renewals through the courts system, their licences will not be affected by this new development. They need to know that their customers will not receive fines for attending their premises. Discretion creates doubt - I might even say fear - among potential customers. After the year the owners of licensed premises have had, they simply cannot continue to trade in this way. We are told that an outdoor summer is on the cards for us all. In that context, clarity is required as a matter of urgency.

**Senator Catherine Ardagh:** I wish everyone a happy Pride Month. We need clarity on our licensing laws. It is basic legislation. Perhaps it can be done by some sort of order from the Department. If legislation is required in this case, then bring it on. It is unfair to those attending premises, as well as to restaurants and bars throughout the country, and it needs to be rectified.

I also want to speak about the epidemic of knife crime that has hit our city. An Garda Síochána is investigating three separate incidents of knife crime last weekend, but it is an ongoing issue. Following every weekend, we read of various knife crime incidents around Dublin city. The number of incidents is increasing and they are becoming more vicious. What can we do about it? We could introduce minimum mandatory sentencing. That should, possibly, be done because there is no deterrent to people carrying knives or using them, but in my view, we need to take a more holistic approach. There are 50,000 children living in the south-west inner city, but there are no sporting facilities. Work on a full-size GAA pitch at the St. Teresa's Gardens site is under way, but one pitch for 50,000 children and ten primary schools is not sufficient. We

need to nurture children when they are young and easily influenced and attempt to steer them away from a life of crime.

There are other related issues. Prior to the onset of the Covid-19 pandemic, the issue of decentralising juvenile liaison officers was under consideration by the policing forum. I hope this does not proceed. It is important that juvenile liaison officers are attached to localities and not decentralised. Decentralisation would take away from the great work that is being done throughout the city by these garda. I commend the St. John Bosco Youth Centre and Bru Youth Service in Crumlin for continuing their youth diversion programmes during Covid. They went to huge lengths to keep those programmes going and they must be commended on that.

There are four policing forums in Dublin South-Central but there is still no policing forum co-ordinator. It is a huge issue. A co-ordinator is required to focus the community and statutory bodies on early intervention and prevention of crime. It is remiss that a co-ordinator has been not yet appointed. We need to take a holistic approach to knife crime and we need to tackle it at the core, which means minding children and looking after them when they are young and easily influenced.

**Senator Micheál Carrigy:** In response to the matter raised by Senator Wall, the Minister, Deputy Humphreys, has given a commitment in regard to the licensing laws and to the introduction of whatever legislation is needed to ensure there is no issue with regard to outdoor hospitality for the summer ahead.

I would like to raise with the Leader the issue of Bóthar in respect of which there have been numerous reports in the media over recent weeks. Are there questions that need to be asked of the Charities Regulator given that every couple of months there is an issue with regard to a particular charity and its finances? This is becoming so commonplace, people no longer have confidence in supporting various charities. The Charities Regulator needs to put in place additional controls in regard to these issues.

I would also like to raise an issue of behalf of members of Bar Council from my local area and the fees that have been paid to them. Some junior barristers are earning only €25 per day. This is the only group that has not had any restoration of cuts imposed in response to the downturn in our economy. I call on the Government to restore the link with public sector pay agreements and engage in a process to unwind the cuts applied to professional fees. A local barrister I know is asking that his profession be treated fairly and reasonably, consistent with the approach taken with other groups of workers for whom the State is the paymaster. I am not sure the public is aware that there are people working in our courts earning only €25 per day. That is not acceptable.

**Senator Paul Gavan:** I would like to begin by referencing football. I am sure that, like me, other Members of the House are enjoying the European Championships. I would like to put in a word for our local League of Ireland football, which is well under way at this stage and going well, particularly so for Limerick. The success story of Treaty United FC is a great story of a rebirth of football. It is a new club in its first season and now in the dizzy heights of second in the first division. The point I am making is that, when permitted, we should get out and support our local clubs. It is great to support European football. It is fantastic and I want to wish all of our neighbours well in the competition this week but we need to remember that football starts at home. The story in Limerick at the moment is a really positive one.

I also wish to raise the ESRI report on the pandemic unemployment payment, PUP. This really good report, which was published this morning, puts to bed the idea that somehow the PUP is damaging to businesses in terms of seeking workers. It shows conclusively that 95% of recipients are better off in work. It is good to be able to put that particular myth to bed which was highlighted again last week at a meeting of the Oireachtas Joint Committee on Enterprise, Trade and Employment. I was struck by a tweet from Mr. Pat Phelan, who runs SISU aesthetic clinic:

Sick to my back teeth of hearing it's hard to get staff

It's absolutely not

It's hard to get cheap staff

Hired 10 people in the last 10 weeks not a problem.

Free private Healthcare, free contributory pension

Zero issues

Pay your teams

This is a really clear and positive message from someone who is clearly a very good employer.

The second issue raised in the ESRI report is the worrying drop in income as the PUP is phased out, particularly for younger people. The unemployment rate for young people in Ireland at the moment is 61%. To be clear, that excludes people at college but it is still a shocking rate. If the PUP is dropped, young people will be back down to €112 per week which is not acceptable. While we obviously need to get them work, we must also address the issue of enabling them to at least get by until such time as they get into work or an apprenticeship.

**Senator Mary Fitzpatrick:** I wish to join colleagues in congratulating the 170 schools that were successful in their applications to the Safe Routes to School programme. It is a really welcome programme, to which there were over 900 applications. Indeed, one in four schools made an application, which shows that there is huge public interest and appetite for the programme. I want to congratulate all of the schools in Dublin Central that applied. Six were successful including St. Catherine's on Ratoath Road, Broombridge Educate Together, the Central Model Senior School, Drumcondra National School. I congratulate all of the school communities that were involved in making those applications. The programme teaches children about mental and physical health, as well as independence and resilience, which are real-life skills in the context of walking, cycling and scootering to school. All of the schools are to be congratulated and I urge the Minister to increase the funding for that programme.

I would also like to raise the DART south west project, which is being progressed by the National Transport Authority, NTA. This is a really important service, potentially connecting Hazelhatch with the city centre, but it is really disappointing that the NTA proposal does not include a stop on that route in Cabra. There is the potential for a stop there which would give more than 20,000 people living in the area direct access to what will be hugely important public transport infrastructure. I am sad to say that this follows the NTA's failure to include a stop in Ballybough or in or around Croke Park as part of the Maynooth DART upgrade. I would urge everybody who is interested to make a submission to the public consultation on DART south

west, which is being conducted at the moment.

Finally, I wish to raise the issue of taxi drivers again. I acknowledge that the Minister for Transport has put some supports in place for them. He has waived the vehicle licence fees and provided for NCT fee refunds but I ask the Leader to urge the Minister to address two issues. The grant for electric vehicles should be extended to hybrid vehicles and the life cycle extension for vehicles should be pushed out to 2025 at a minimum.

**Senator Vincent P. Martin:** I will begin by formally seconding the proposal on the Order of Business by my party colleague, Senator Pauline O'Reilly, to take No. 20 on today's Order Paper before No. 1.

I wish to mention two very sad matters today. First, 15-year-old Tiggy Hancock is being laid to rest this afternoon. She was an exceptional horse rider and had a bright future ahead of her in eventing but last week that all ended in a most tragic fatal accident at a training session. One journalist wrote, "the world has lost an angel". Ar dheis Dé go raibh a hanam.

I will also mention the fact that it is approaching ten years since university postgraduate student, Shane O'Farrell, lost his life in a tragic hit-and-run incident near his home in Carrickmacross, County Monaghan. The full circumstances leading to this fatal accident remain unresolved. We know that the person who did this had a record of criminality and was a repeat offender. The scoping inquiry has been extended on several occasions.

**An Cathaoirleach:** I wish to caution the Senator against naming anybody.

**Senator Vincent P. Martin:** Very good, a Chathaoirligh.

**An Cathaoirleach:** I know you are not doing it, but I just want to raise the issue.

**Senator Vincent P. Martin:** Yes. In the case of Sergeant McCabe, the scoping inquiry took only a few weeks but, in this case, the scoping inquiry has gone on for almost 18 months. It has been extended repeatedly. This is not a criticism of Judge Haughton, but the family continue to hurt. They want to get to the bottom of this and to get the truth. It is compounding their upset. In addition, until it is resolved and clarified, with recommendations and, hopefully, a public sworn inquiry, as both Houses of the Oireachtas voted for about three years ago, such incidents could recur. With that in mind, we must instil urgency in this matter. I invite the Leader to try to ascertain the latest situation for the O'Farrell family who are still deeply hurt and upset as a result of this.

**Senator Joe O'Reilly:** If I may return to the county offerings mentioned earlier, County Cavan has free fishing on 365 lakes.

**Senator Regina Doherty:** Hear, hear.

**Senator Joe O'Reilly:** Then one can view the beautiful drumlins after the day's fishing.

However, I will turn to the serious issue I wish to raise with the Leader, the mental health outcomes from Covid-19 and the problems in that regard. I am broadly basing what I say on an article in the *Irish Medical Journal*, entitled Impact of Covid-19 on Mental Health in Ireland: Evidence to Date by B. D. Kelly. This involves research carried out by Trinity College Dublin and Maynooth university. I will refer to the highlights.

One person in every five of the general population in Ireland, and elsewhere, have significantly increased psychological distress, for example, anxiety and depression, arising from Covid-19. The big risk factors are being female, so it is very much a woman's issue, and living alone. Rates of significant psychological distress, obviously a higher level, among healthcare workers are approximately double those in the general population. There is an issue here for healthcare workers which should involve careful rostering, ability to take leave and a different type of organisation. Healthcare workers require a sensitive and holistic approach. Maynooth university and Trinity College Dublin studied 1,000 people in March and April 2020 during the initial restrictions and found 41% of respondents reported feeling lonely, 23% reported depression, 20% reported clinically meaningful anxiety and 18% were in a very bad state of post-traumatic stress and so forth. This increases again. In May and June, a survey of 195 psychiatrists in the College of Psychiatry of Ireland found that the majority, 79%, reported increased referrals for generalised anxiety.

I am aware that an extra €80 million has been allocated this year for mental health. However, as the founding chairperson of Bailieborough Mental Health Association and recognising the importance of this, I wish to offer a stark statistic to the Leader. Some 2,000 people were waiting for child and adolescent mental health services, CAMHS, at the beginning of this year. That is criminal. Regardless of what we have invested, I want to establish that this is resolved. I ask the Leader to investigate that. I also ask that she arrange for a special debate on mental health issues and Covid-19 as a single item, because the service has traditionally not been funded adequately.

**Senator Sharon Keogan:** Hear, hear.

**Senator Erin McGreehan:** Last Saturday was World Sickle Cell Day and I commend the Sickle Cell Society Ireland on its fantastic event on the day. Its informative conference featured international experts and created awareness of this inherited blood disease.

Sickle cell disease is a red blood cell disorder. People with the condition do not have enough healthy red blood cells to carry oxygen around the body. The symptoms include anaemia, episodes of pain, swelling of hands and feet, infections, delayed growth or delayed puberty and vision problems. The disorder has many complications such as stroke, acute chest syndrome, pulmonary hypertension and blindness. Unfortunately, the list goes on. In Ireland, the prevalence of the condition is on the rise, with nearly 500 people suffering from it. A national screening for sickle cell disease needs to be introduced. I will advocate for that with the Department of Health and the National Screening Advisory Committee.

I urge all Senators to learn about the disease, help create necessary awareness of the disease, help establish family supports throughout the country and support the global issues concerning this disorder. In some countries, nearly 90% of babies born with the disease die before they reach the age of five. It is important to raise awareness of sickle cell disease.

**Senator Emer Currie:** I find it hard to believe that any unionist would be shocked that the leader of Fine Gael aspires to a united Ireland. It is certainly not the first time the Tánaiste or others in the party have said so. He did so only months ago on a well publicised edition of the "Claire Byrne Live" programme.

A united Ireland is a legitimate political aspiration, which is enshrined in the Good Friday Agreement for which 94% of us in the South voted. What is shocking is the idea that a politi-

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cal party can only talk about or aspire to a united Ireland if it supports it at any cost. Whether it was intended or not, the message of some of the commentators last week was that only one party in the South can talk about this. One can aspire to the peaceful unification of our Ireland by consent in the future if one is willing to support the devastation caused by force in the past and continues to glorify the division and the hurt that that continues to cause. That is wrong and we need to watch it because, in my view, supporting or pursuing a united Ireland at any cost was never true republicanism. It is a particularly bizarre position to take when there is a small group of loyalists in the North who are talking, in a similar way today, about removing the protocol at any cost. There are lots of identities, views and experiences on this island and all must be respected in this debate. Why have some commentators in the South put us in silos when a growing majority in the North is moving out of those silos? The way to build an inclusive shared island is not to exclude anybody from the process.

**Senator Regina Doherty:** I could not add anything to the very eloquent contribution made by Senator Currie and the demand that she correctly made. The island belongs to all of us and all of our identities should be respected.

I thank Senator McGreehan for the information she provided on the Sickle Cell Society Ireland and the sickle cell disease. I have learned something this morning. While I do not wish to speaking on others' behalf, people must deal with many things that most of us are not even aware of. I thank the Senator for raising the issue.

There is a need for a debate on the unseen ill effects of Covid and I will try my level best to make time for one before the end of July. It is one of the issues that we will talk about for many years to come.

Well-being is incredibly important to all of our people. We talk about mental health and its ill effects but we should talk more about people's well-being. Every Department, not just the Department of Health, should be responsible for ensuring the well-being of citizens is at the core of what it does. I will try to organise a debate in the weeks ahead.

I am very happy to accept the amendment to the Order of Business. I wish Senators Pauline O'Reilly and Martin good luck with their Bill.

*1 o'clock*

Senator Martin raised two absolute tragedies, one of which occurred recently, that of a gorgeous young girl, who was a very talented sports person. On behalf of this House, I send our condolences to her family. I will do my level best to come back to the Senator with an update on Shane O'Farrell in the next day or so, if I can. I will come back personally to Senator Martin's office.

Senator Fitzpatrick spoke about the Department's Safe Routes to School programme, as did Senator Aisling Dolan. It is a wonderful initiative. The response of 900 schools to the initiative shows how seriously schools and teaching staff take the safety of our children coming to and from school, and that they want them to walk, cycle or scoot to school. The increase in funding is something which we should all support. Senator Fitzpatrick also spoke about taxi drivers. The most appropriate place for her to raise those issues is during the climate Bill debate this week. She is absolutely right to demand special exceptions for the people who provide those services for us.

I found myself nodding in agreement with Senator Gavan. I thought “Hurrah” for that ESRI report. It galls me - it is probably because I spent three years in the Department - that some people speak about our unemployed people as if they are some foreign species. It further galled me last year when that narrative was extended to people on the PUP as if these people chose to be at home when in fact the only reason the PUP was created, and maintained for so long, was because we stopped those people from going to work. I get narked about this, and I do not mean to. Everyone who is on the PUP had a job before we closed this country down on 12 March last year and people should remember that. These are the people who we want to go back to work. If there are issues and people’s anxieties are stopping them from going back, let us address those issues as opposed to castigating them and creating another new set of people to have a black mark against. I commend the Senator on bringing that up this morning.

Senator Carrigy spoke about licensing laws, as did other colleagues, such as Senator Gallagher. The real concern we have is that while the Minister said this morning that gardaí will use their discretion, we have put our gardaí in an invidious position throughout the last 12 to 18 months. It is not fair to continue to ask them to use their discretion, because a garda in Kildare might be very different from a garda in Lusk and I do not think that is fair. A far more serious issue is that we are asking licensed premises to break the law knowingly on the basis that a wink and a nod from An Garda Síochána will see them right. I do not think their insurance will allow them to break the law knowingly and continue to enjoy the insurance cover that they need to maintain the responsibilities they have towards their patrons. This conversation needs to get much more real than it has been in recent days and we need a proper response.

Senator Ardagh spoke about the growing use of knives in criminality in this country. We are aware of the tragedy which occurred last night in Dublin, and, indeed, it happens too often. The State must be far more strict in its response and I know Senator Ardagh said that we need a holistic approach. We must get to the root cause of why these crimes are happening, in particular, involving younger men. However, if we do not have significant deterrents as well as the holistic approach, which is on the way in, it will defeat the purpose. Senator Wall also brought up insurance cover.

Senator Byrne spoke about the Presentation College Carlow. It was welcome to see a near-real-time reaction, within a relatively short period of time, since the horrendous treatment of both teachers and pupils in that college in Carlow a number of months ago on social media. Today, people believe what they read on social media, and it is important people in leadership roles are careful about what they say and the medium in which they say it. I am glad those teachers have had their reputation restored by the Ombudsman at the weekend.

Senator Ahearn spoke about Paul Reid and the maternity restrictions, as did Senators Bacik and Chambers. Three of our 19 hospitals are still refusing to let partners, who are not complementary to the procedures going on in our maternity hospitals but who are absolutely essential, from attending. It is not good enough that week in, week out we are having to raise this issue on the Order of Business. As colleagues know, I communicate with the chief executive officer of the HSE, Paul Reid, and he gets back to me with the directions that have been given. However, the discretion still exists and this just is not good enough. We must start calling out the hospitals to ensure they answer for themselves, so that Paul Reid does not have to come back to us every week to say he and the Minister for Health have given the directions but they are not being complied with.

The individual hospitals that appear on our news feeds every single weekend, because they

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keep the gentlemen outside the front doors in times of great need, need to made responsible and to answer for their own actions so that is probably the next step for us to take.

I welcome the welcome wishes of Senators Malcolm Byrne and Buttimer and all other colleagues for Pride month and week. Again, it is probably something we take for granted - that it is something we have done and that we have given equality and recognised that love is love and everybody should just get on with it - but some of the actions of people who do not quite feel the love we feel have been evident over the past week. We saw the flag burning twice in Dungan. I commend Damien Geoghegan on the speed of his response. The graffiti and the jibes this community has to put up with on a daily basis are not things the rest of us even understand or appreciate so it is incumbent on all of us to remember that we need to fly the flag with pride and say we are a community and country that recognises that love is love and we will not tolerate any bigotry in any element so I thank colleagues for raising that issue today. I do not know how they came up with the name of Wexbury Spirits but it is wonderful and I look forward to going to Wexford on my holidays this year.

Senator Keogan spoke about Women's Aid. I am surprised this has not got more attention in our media along with the 999 responses and how An Garda Síochána has not lived up to its part of the contract with regard to looking after and policing us by consent in the past 12 months. Perhaps if it was not doing all of the other things it was doing, some of these things would not have been let slide. Domestic violence, however, is something we have really shone a light on in the past 14 months - far more so than any of us would have done in debates here previously. I think it probably would have been seen as a niche problem that did not reach into many family homes. Now we know just how prevalent domestic violence is because the restrictions on movement in the past 14 months have allowed people to see just how much of an issue it is. An Garda Síochána needs to explain why it failed so dismally in this response and in the response to our children ringing 999 lines because it is not something that can be tolerated and we need to make sure we redouble our efforts in the domestic violence programme and in respect of domestic violence services on behalf of the State to make sure we look after the women and men who suffer from domestic violence.

Senator Dolan brought up the Safe Routes to School programme, while Senator Gallagher raised the issue of outdoor dining, which we need come back to. Senator Ó Donnghaile spoke about a welcome move this week. We now know that the cultural identity legislation and the forums associated with it will be dealt with in the North at some stage this year, although I am sure we all would have picked any other way to have that resolved than the one that happened this week. I recognise that it is a difficult time in Northern Ireland and we need to support all our colleagues as much as possible.

Senator Pauline O'Reilly spoke about the report by Professor John Bradley, as did Senator Chambers. I am not sure whether a full debate would be warranted in this House but I would encourage both Senators to put down a Commencement Matter on this matter and to try to get responses about the variance regarding what was originally said about the expense that would have been set out on behalf of the State and the reality. We have seen how on numerous occasions, State agencies have told us that something will cost hundreds of millions of euro and we know that it is not quite truthful so I would encourage both Senators to try to get to the bottom of this and I wish them well.

Senator Bacik and other colleagues spoke about the new national maternity hospital. I have just secured a debate, which I think will be on Friday week, on the ownership of the hospital

and will come back to the Senators. It will be a short debate so it will probably only be group spokespersons or involve the sharing of time because our programme over the next couple of weeks is so full. I think I have secured 60 minutes on Friday week but I will let the Senators know the actual date. I thank them for raising this issue.

I know that not everybody agreed when the changes were made regarding strategic housing developments, SHDs, over the past number of years but I think the anticipation and justification at the time were that we needed things built and we needed them built fast. It aimed to cut some of the red tape, which is not my term because I think our councils, planning departments and councillors do a wonderful job in looking after what is built. Most of them are doing their county development plans. However, the justification for SHDs was that they would speed things up and that the houses the country badly needs would be built much faster but it has been a unmitigated disaster. It has not worked out at all and I think Senator Boyhan laid out this morning how many judicial reviews have taken place, how much it has cost and how many judicial reviews An Bord Pleanála has lost, which means the system was flawed. It will probably come to its natural end. I do not have an answer for the Senator but I will make inquiries today and come back to him. The Senator is right. We need a debate on local government. Colleagues have asked for it before it but it has not been possible in the schedule. If I do not get to it between now and July, however, we should certainly look at it in the very beginning of September. I thank the Senator for bringing up that issue.

Senator Buttimer spoke about LGBT Pride Month. I alluded to how we should all own that very special space we have in Ireland on a daily and weekly basis. Senator Chambers began today by raising the issues of the national maternity services still excluding partners and the ownership of the National Maternity Hospital. As I said, I will come back as soon as I can with that data. I am happy to accept that amendment to the Order of Business, however.

**An Cathaoirleach:** Senator Pauline O'Reilly has proposed an amendment to the Order of Business that item No. 20 be taken before item No. 1. That has been seconded by Senator Martin. The Leader has indicated that she is willing to accept the amendment. Is the amendment agreed? Agreed.

Order of Business, as amended, agreed to.

### **Planning and Development (Solar Panels for Public Buildings, Schools, Homes and Other Premises) (Amendment) Bill 2021: First Stage**

**Senator Pauline O'Reilly:** I move:

That leave be granted to introduce a Bill entitled an Act to amend SI. No. 600/2001 of the Planning and Development Regulations, 2001, to provide for the removal of planning restrictions relating to installations of solar panels on public buildings including schools, homes, industrial buildings, light industrial buildings and agricultural holdings, and to provide for related matters.

Question put and agreed to.

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

**Senator Pauline O'Reilly:** Next Friday.

**An Cathaoirleach:** Is that agreed? Agreed.

Second Stage ordered for Friday, 25 June 2021.

### **Eleventh Report of Committee on Parliamentary Privileges and Oversight: Motion**

**Senator Regina Doherty:** I move: "That the report be adopted, laid before the House and printed."

Question put and agreed to.

*Sitting suspended at 1.11 p.m. and resumed at 1.30 p.m.*

### **Climate Action and Low Carbon Development (Amendment) Bill 2021: Second Stage**

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

**Minister for the Environment, Climate and Communications (Deputy Eamon Ryan):** I am honoured to be here to debate Second Stage of this Bill. This is hugely significant legislation that is central to our programme for Government and is one of our key legislative priorities. I am keen that we pass this Bill in a timely manner in order to allow us to play our part both within the European Union, which is looking to set higher and more ambitious climate targets, and as part of the United Nations Framework Convention on Climate Change, which will meet in Glasgow this November to commit to higher ambitions. That is what this Bill does, by building on the existing structures, the 2018 Citizens' Assembly report, the 2019 report from the Joint Committee on Climate Action and the climate action plan that came with that. It has been almost nine months since that plan was first introduced in October 2020.

I thank and commend the Senators who engaged in the pre-legislative scrutiny that the Joint Committee on Climate Action undertook on this Bill. I am very grateful for the committee's in-depth review. It was unusual in that the committee went through the draft text of the Bill line by line and word by word. It was not presented with only the heads of the Bill. Those 50 hours of discussion produced a detailed report with 78 recommendations. I was very pleased to be able to take on board the vast majority of those when further refining and developing the Bill, which took some time. That was hugely beneficial and the finalised text of the Bill was approved by the Government on 23 March.

As is right and appropriate on this Stage, I will set out the key provisions of the Bill to help shape the debate. The Bill sets out a comprehensive and strengthened institutional framework for the governance of climate action by the State in order to realise our national, EU and international climate goals and obligations. The Bill commits us in law to pursuing and achieving a

climate resilient and climate neutral economy by no later than 2050 and will drive implementation of a suite of policies to help us achieve that goal. It provides that the State must: prepare five-year carbon budgets covering all of Ireland's greenhouse gas emissions; apportion each five-year carbon budget among key emitting sectors and establish emission ceilings for those sectors; define the key Ministers who will be responsible for achieving emission reductions in those sectors and makes them accountable for doing so; require us to prepare an annual climate action plan that describes the action that every Minister will take to achieve his or her sectoral emission ceilings; and require us to develop a national long-term climate action strategy at least every five years that describes the mitigation and adaptation policies that we put in place towards meeting the next national climate objective.

Recognising the need to accelerate our domestic climate action, the Bill ensures that our efforts are front-loaded and that the first two carbon budgets will provide a 51% reduction in the annual level of greenhouse gas emissions by 2030 relative to a baseline from 2018. This commitment is one of the most ambitious of any developed country, but it is appropriate for us to set that high-level goal because there will be opportunities for our country as well as challenges. The Climate Change Advisory Council, an independent statutory body established under the 2015 Act, will have a crucial role in developing carbon budgets. It is being given additional responsibility to propose such carbon budgets to the Minister.

In everything we do, we will have to ensure effective public participation in all key steps of the process. The Bill provides for extensive consultation on the development of carbon budgets as well as future plans and strategies. The Bill also provides for a greater level of oversight and accountability. The new section 14A provides that the Minister with responsibility for climate action must give a joint committee of the Oireachtas an annual account of compliance with the carbon budget and progress under the climate action plan. Other Ministers must account for progress in their own sectors, with the context of the adopted sectoral emission ceilings ensuring enhanced individual ministerial accountability.

In order to achieve this transformation, we must ensure that there are clear obligations that compel the Government, individual Ministers and public bodies to act. To this end, the Bill imposes specific obligations on the Government as distinct from any relevant body or Minister, all of which are justiciable. It imposes a specific obligation on the State to pursue and achieve the national climate objective and, in that context, obliges the Minister to make and submit to the Government for approval a carbon budget, a sectoral emission ceiling, a climate action plan, a national long-term climate action strategy and a national adaptation framework. Under the new section 3(3), the Minister and the Government will be bound to carry out their respective functions in a manner consistent with the ultimate objectives specified in the 1992 UN Framework Convention on Climate Change, UNFCCC, and the Paris Agreement. These are specific and far more onerous obligations than were imposed on relevant bodies under section 15 of the 2015 Act.

To this end, the Bill requires Ministers and the Government to perform their functions in a manner consistent with, insofar as practical, the carbon budgets that are in effect. Each Minister is also required to comply in a similar manner with adopted sectoral emission ceilings and relevant plans and strategies. Consistent with this approach, public bodies will have a general obligation to perform their functions, insofar as practical, in a manner consistent with the requirements of the various plans and strategies under the legislation and with furthering the achievement of the national climate objective.

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The urgency of addressing climate change, but in an equitable and sustainable way that is informed by science, is at the heart of the Bill. To this end, the Bill sets out key principles that will influence and guide the development of carbon budgets, sectoral emission ceilings and the underpinning plans and strategies so that we ensure that the transition is managed in as fair and just a way as possible and is informed by climate science. As I mentioned, the new section 3(3) will provide that any function the Minister and Government undertake as part of the Bill must be consistent with the objectives of the UNFCCC and Paris climate agreement, which include the principles of climate justice taking account of more recent inventories and projections at their centre. These are treaties we have signed up to.

The new section 4(8) will provide a further extensive range of key matters to which the Minister and the Government must have regard when preparing and adopting sectoral emissions ceilings, a climate action plan, a national long-term plan of action strategy and a national adaptation framework. This includes the requirement for a just transition, maximising employment opportunities and supporting and protecting persons and communities that may be negatively impacted. It also acknowledges the need to continue to engage and support communities for a just transition.

The Bill provides for the annual update of the climate action plan, which includes measures to inform and promote dialogue with the public regarding the challenges and opportunities in the transition to a climate neutral economy. A new and enduring structure is also being established for the national dialogue on climate action, which will support implementation of these actions. It is important to outline specifically the just transition considerations in the Bill, which were a considerable focus of attention in the Dáil debate. I believe just transition is sufficiently captured in the Bill in its current form.

With regard to amendments agreed in Dáil Éireann, I paid close attention to the views of others inside and outside the Oireachtas following the Bill's publication on 23 March. In particular, I have taken on board how it could be improved to ensure its practical implementation and that it remains effectively robust.

To address concerns regarding possible ambiguity in the interpretation of section 6A(5) regarding the ambition of carbon budgets to 2030, the provision was amended to clarify that the annual emissions recorded for the end of the year 2030 should be 51% less than the annual emissions recorded for the end of the year 2018.

Section 12(1)(a) provides that the Climate Change Advisory Council will present its annual report by 30 October rather than 15 September each year. This is to ensure that reports are based on the final rather than draft version of the EPA emissions inventory for the preceding year.

I introduced amendments to the Electricity (Supply) (Amendment) Act 1954 to increase the ESB's statutory borrowing limit from its current level of €6 billion to €12 billion. This will support the ESB group's efforts to decarbonise the energy sector in Ireland and support the achievement of the climate action plan and the associated 2030 targets. I also included amendments to the Petroleum and Other Minerals Development Act to ensure a statutory ban on future oil and gas exploration. Legislation to end the issuing of new authorisations for offshore petroleum exploration and extraction in Ireland underpin the programme for Government commitments on divestment from oil and gas. These are provided in the new sections 20 and 21.

The Bill strikes the right balance between ambition on our clear climate targets and obligations and a much stronger governance structure to support its delivery. More crucially, it also ensures our transition is managed in a way that is just, fair and leaves no one behind. It is inclusive with more opportunity for public participation. There is commitment for regular dialogue and engagement with the public and a significant role for both Houses of the Oireachtas.

While I am satisfied the Bill is fully fit for purpose, I look forward to actively listening to and discussing with Members their contributions over the coming days and weeks. My officials are available to meet with Senators to discuss any provision of the Bill in advance of Committee Stage. That said, I am equally struck by the need to advance the climate work we critically need to achieve. The Bill is just a starting point to drive a systemic change of direction in our country and will cement a gateway for new opportunities for citizens and local and national government towards delivering a more sustainable healthier planet and society. It will provide new jobs and businesses and will lead to the emergence of an entirely different economy over the next three decades, positioning Ireland to become a leader, rather than the laggard we have been, in the climate change story. Critical to this is recognition that every place and person matters. We should not, and I hope we will not, divide on this issue. It is one that could unite us and give us real strength.

**Senator Pauline O'Reilly:** I welcome the Minister and I also welcome the Bill to the Seanad, finally. Once this Bill passes all Stages the work truly begins to transform Ireland into a leader on climate action. For the first time in the history of the State targets will be put into law. It is a momentous time for us not just in the Green Party but across government and society. I could list all of the things that I have done as an activist over many decades but the fundamental point comes down to this because it is a point that unites us all. When I was in primary school we learned about greenhouse gas emissions and what products we should or should not buy to fix the problem, which even then seemed insurmountable. That is decades ago now and emissions continue to rise. It is five years since the Paris Agreement and still emissions rise, with slight reductions every so often along the way, including 6% last year, albeit in the middle of a pandemic.

What has been going wrong? It seems clear that a comprehensive plan that does not rely on individuals to step up to the plate alone but forces governments to step up with them and to put in place infrastructure and supports is what is required. That is what we are doing in government, and this Bill and support across the political spectrum is crucial. For decades now the climate crisis has been seen as being about building better consumers and that we should be cajoled and persuaded to buy better products, and Ireland has not been alone in this approach. However, the topic of which food and consumer goods help and hinder climate recovery is complicated for us as individuals. It is often about balancing and diversifying land use, which must be done at a macro level. The reality is that, especially in this country, many people just do not have all of the options available to them, namely, public and active transport, support in implementing energy efficiency or indeed the money to make the switch. That is where this Bill and political leadership comes in.

When we in the Green Party went into coalition negotiations, an average reduction of 7% a year in emissions was the biggest factor in persuading me to go into government. When one looks into how to do that, which we are currently doing on the climate action committee, it is clear that there are choices but only by putting that reduction into law will we ensure everyone is serious about that ambitious target. This Bill is the key to locking that reduction in. It was a mammoth task to get this Bill to where it is today. I sit on the climate action committee, which

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carried out the work of scrutinising this legislation, chaired by my colleague, Deputy Leddin, along with Senators Dooley, Higgins, McGahon and Boylan, and I commend all 14 members of that committee. There has been some amount of rubbish spouted in the Dáil about people not being involved. It was open to everyone to come to the committee to question witnesses and many of those who tabled amendments on Committee Stage in the Lower House did not even show up to speak to them.

There were times in this process when I was worried we would be out of government before we got it over the line. Many people, including politicians, underestimate what goes into producing a Bill such as this. There are negotiations before entering into government, there are negotiations after entering into government, there are hours and weeks of work by advisers and researchers, there is legal advice and in this case there was the longest period of pre-legislative scrutiny by Deputies and Senators ever with months of scrutiny. We heard from national and international witnesses on climate law and we spent week after week, day after day drafting and redrafting a report with our recommendations. I put in many myself and stuck to my guns but we also needed to compromise. Then the Bill had to be redrafted based on those 78 recommendations, the majority of which are in the Bill before the House. Again, legal advice was sought and the Bill went to the Dáil and back to the climate committee and now on to us here in the Upper House, and it will be another couple of weeks before it comes out of the Seanad. We thought it would be done and dusted by Christmas. However, this careful scrutiny worked well for this Bill because we must bring everybody with us. It is important for a sustainable, climate-neutral future to allay fears, to put in place supports and to consider action from everyone's perspective.

We need climate and intergenerational justice and I believe the strength of this Government but more particularly of this legislation is that it is one of the most ambitious climate Bills in the world and yet it was overwhelmingly supported by public representatives who represent diverse interests across the State. We must bring people with us into this green future and that is what this Bill does. The actions we can take for climate change are the actions that will make all our lives better. We need to prepare rural Ireland for a future based on climate action. Small farmers in the west have been let down by the actions that have been taken but they can benefit from the supports we put in place. It was announced today that some 170 schools will be given funding to ensure that they have active transport at their doorstep. These actions are what will make the difference and they will build on this Bill.

**Senator Róisín Garvey:** Cuirim fáilte roimh an Aire. Is fear gnóthach é lena lán rudaí le déanamh, go háirithe leis an by-election, agus aviation agus gach rud eile. Níl mé ag cur moille air.

This Bill is something I have dreamt of for 30 years. It is a time to thank people. The people I want to thank most are the children. It is the children who inspire us. When I hold babies I say to myself that we should keep going. They give us conviction and remind us of what we must do. We know most of us will not live to see the real repercussions of climate change. I first and foremost want to thank all the children who have taken part in the Green Schools committees, which have been in place for more than 20 years, and who have gone home and pestered their parents about turning off lights, recycling and walking to school. We owe them a massive debt of gratitude. Those committees normalised and spread environmental education. Such education was not in place when we were young. The NGOs also have done great work in educating people. Much of it has been done through the schools but we must acknowledge and be grateful the ripple effect the children have had. They have vision and focus and believe that if there is a

problem, we simply should be solving it. Many children have asked me down the years why are we doing that and not doing this? The solutions are all there. This planet Bill, when it finally gets enacted, will see a much better country and more positive, hopeful children. Currently, they are not hopeful but this Bill can give children hope. When we get this Bill passed, every Department will have to take climate change seriously.

This debate takes me back about 25 years ago when I met a lad from Longford called John Crossan who decided he would recycle hundreds of thousands of cans and use the money from recycling aluminium to buy native Irish trees. We would walk around Ireland planting trees with schoolchildren. He had that vision long before anybody else had it. At the time we felt like outliers or misfits. This Bill normalises and brings into the centre all those environmental issues we have been harking on about in the Green Party and in the NGOs for many years. Now every party has policies around biodiversity and climate change. It is a day of hope for me, as a person who has been a worrier and has lost sleep over climate issues for many years. We have all seen the documentaries. Now everybody wants to do the right thing but we cannot leave it to the individuals any more. We need to govern. We are the State and we need to make the choices easier. We need to make it really easy for people. Every civil servant at every level of every Department and local authority has to take this seriously. We have clear targets that will be in place for the next three Governments. It will not make any difference who is in or is not in government. Everybody will have to play ball and finally take climate change seriously.

The Bill will normalise climate change. For too long the approach was to give a pat on the head to the green people and the ecowarriors and to say it is lovely what they were doing that little green project over there somewhere on the left field. It is great now that every party has caught up. The NGOs worked very hard for years. Then we had the Citizens' Assembly on climate change involving 99 randomly picked people, which was amazing. One cannot say they were biased in any way but they came up much of the basis and roots of this Bill. That is important, as this Bill represents everybody. It is not just a green issue that we made up. This is something that needed to happen for many years. It is important we acknowledge the work of that assembly. The climate committee, as my colleague Senator Pauline O'Reilly said, brought members of all parties and none together and heard from experts and NGOs. There has been much listening, debate and involvement in this Bill. It is probably the Bill that has involved the most people in any Bill in my lifetime. It was not rushed. It has taken years. The assembly was established in 2016. It is a great day now that we are moving on to the next stage. I want to thank the Green Party and in particular the Minister, Deputy Eamon Ryan, for staying focused and having this vision for so long, which is what inspired environmental activists like myself to get involved in politics to see what I could do to ensure this issue was taken seriously.

**An Cathaoirleach:** I call the father of the House, Senator Norris.

**Senator David Norris:** I thank an Cathaoirleach. I will be sharing time with my friend and colleague, Senator McDowell.

I will first turn to South America, to Brazil under the thug Bolsonaro. There are 200,000 acres of Brazilian rainforest burned each day. This is 150 acres lost every minute of every day, which is 78 million acres destroyed every year. Why is the European Union still buying this Brazilian beef? We have farmers and beef producers in this country. We are told it is not our business and that it is in Brazil. It is our business. We are all part of the same planet. We are told Europe did this in the old days. Yes they did, but they did not know or understand the implications of it. This is our planet, we are all involved in it and we are all in it together.

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Nobody is immune. Is a burger worth bugging up the environment for? I do not believe for one second that it is. There is also the threat to biodiversity, which is very important. We are destroying species of plants and insects throughout the rainforest, including unknown species that have yet to be discovered that may very well have medical applications. Is it worth bugging up our environment for the sake of a burger?

**Senator Timmy Dooley:** Hear, hear. Follow that.

**Senator Michael McDowell:** It is welcome that a Bill of this kind has come before the House. I recognise the uncontrolled joy of some of the Green Party members of this House and the other House, that they have had the patience to implement a central plank of their party's policy. I admire their tenacity in doing that. I will say a few things, if I may, about some of the language that is being used about Ireland and Ireland's role in the whole question of environmental sustainability.

The Minister, Deputy Ryan, and his colleagues have spoken in this House about Ireland having a leadership role and about Ireland having the most ambitious legislation on this. I want to temper this with realism. What Ireland does one way or the other, apart from moral example, is probably infinitesimally insignificant. We must temper our ambitions in climate change with the actual economic consequences for our society. It is not just a matter of a purist ideological approach; we must be pragmatic. We must look at every single step and ask ourselves, "Is this step one that we can sustain?", bearing in mind that in one afternoon China would do more to affect CO2 emissions with its coal-fired power stations than we would do in five years. We have to be practical in not making ourselves the sacrificial victims for other people's failure to face up to the international climate challenge. Whereas I agree with the Minister's enthusiasm and I share the Minister's pride, I do not want it to be an overweening pride. It must be remembered that Ireland has to survive also.

The Minister has made the point that complying with climate change targets can be a positive rather than a negative, a point which I accept in many respects, but it cannot become an absolute religion. We cannot turn ourselves into some kind of green equivalent of an Islamic republic in pursuit of some purist ideal. I will instance one example. In the previous Seanad I was a member of the climate committee. We spent a lot of time talking about the roll-out of Internet access across the State. One of the things I raised constantly over the three years was the whole question of data centres. I constantly got the same message back from the Department there represented, which was, in effect, flannel. It never actually faced up to the proposition that the Irish State's industrial policy was to attract into Ireland data centres that were going to gobble up 30% or 35% of our electricity output.

*2 o'clock*

It is in that context I make the following point. There is a lack of reality in regard to our energy policies. I do not want to comment on any individual case, but the wind farms are being knocked this way and that in the Four Courts. I do not see how we are going to comply with a policy that is designed to electrify the whole country. If all power depends on electricity and transport is, in the major part in urban areas at the very least, electric I do not see how we are pursuing a strategy in regard to electric power that will keep us functioning as an economy. I want that on the record. We are speaking with forked tongue in some respects in saying that we want sustainable energy generation. I welcome offshore wind farms, but God only knows what group will emerge to try to stop them. It will not be the fishermen, but some other group that

will take the view they are dangerous to sea birds, swans or migrating birds and so on. I would like to see some reality in that regard.

My second point is in regard to infrastructure, on which I have previously had a discussed with the Minister, Deputy Eamon Ryan. The proposed electrification of our road transport is not an excuse to stop building roads. The Green Party needs to take on board the point that roads are important. Improving our road infrastructure is important. People give out about the Government of which I was a member. It made mistakes; I have no doubt about that, but there is one thing it stuck at. Prior to my membership of that Government, I was the Attorney General. The then Taoiseach, Bertie Ahern, set up a Cabinet committee on road transport and the motorways were built in a way that they had not been built before. The five-mile stretches that were being built by local authorities were suddenly converted into a real motorway network. We need to connect Sligo to Dublin by motorway and the Derry-Downal road must be built. People may speak, as the Minister does on occasion, about a preference for rail transport. I understand the Minister's preference for rail transport in certain circumstances, but, again, let us be real. We can build a fair few hundred kilometres of railway in Ireland, but it will not have a significant affect on the demands for road transport. I want that on the record. It is sometimes easy for people to say, "We aren't in favour of road transport; we prefer rail transport." It is possible to build the light railway system in Galway but will it significantly affect the transport needs of the north-western region getting to Dublin or the Cork-Limerick motorway and so on? These projects must go ahead.

If trucks and cars are powered by hydrogen so be it; they have to travel some way. The journey to Donegal, Derry or Letterkenny should not take five or six hours. It should be possible to do it in four hours. That is the type of progress that makes Ireland a better place in which to do business and it brings regional balance in this country as well. I ask the enthusiastic Green Party members here today to bear in mind that road infrastructure is important and that rail infrastructure is not the answer to everything. In fact, it is an odds-against answer for most purposes. It may be good for commuting into the city of Dublin and for particular main trunk routes, and the Dublin-Belfast rail route might benefit from further investment, but we must proceed with our road infrastructure too.

I believe in the afforestation process. We have had a pretty unfortunate last couple of years in regard to afforestation in terms of the delays in licensing and so on. It has been pretty shameful that the Irish State has collapsed on this issue. The sooner it gets back up and running on it the better. Having spent a few weekends in Roscommon, I can see all of this.

Reafforestation in places like the Wicklow Mountains will mean that a lot of the beautiful scenery there will be less visible to those on bicycles and in cars travelling through. I am in favour of reafforestation but as a society, we must face up to what it will mean. It is necessary and a good thing but it cannot be all about conifers for timber. I accept all of that but in the last analysis, I do not think this Government is taking afforestation sufficiently seriously.

**Senator Timmy Dooley:** I welcome the opportunity to contribute to this debate and thank the Minister for coming to the House today. I have had an input into this debate over the last five or six years. Senator Garvey spoke earlier about the work of the Citizens' Assembly in July 2018 and the establishment of the Oireachtas Joint Committee on Climate Action. That committee was chaired by the current Minister of State at the Departments of the Environment, Climate and Communications and Transport, Deputy Hildegard Naughton, who did an immense amount of work across both Houses of the Oireachtas to bring together the diverse

views, opinions and ideas of Members. Under her stewardship, a lot of good work was done that acted as a precursor to the Bill before us today and that work continued at committee over the last number of months, as the Minister said.

We are now at a point where we have moved the debate on. Back in 2016, prior to the Citizens' Assembly, quite a few members of these Houses would have taken a more negative view and might have accepted the label of climate change denier. There is less of that around now but while people may begin their speeches in the House by saying they accept the reality of climate change, I am not so convinced they are prepared to accept the actions that are required to meet our climate change commitments. I have seen that, to some extent, at some of the committees I have served on over the years. We have tried to move the debate along so that it is no longer just the preserve of academics or environmentalists who might have been referred to affectionately a decade or two ago as tree huggers. The reality is that the debate is now accepted by all in society as being important. However, we cannot sit on our laurels in the belief that because people now accept the principle of climate change and are saying they want to embrace all that is involved, we can take it for granted that they are prepared to accept the actions required. No matter what group or sector in society one talks about, the one thing they all have in common is that they believe the burden of responsibility lies somewhere else and at somebody else's door. That is the challenge as we try to build on the framework that this legislation provides. There will be very difficult debates in the years ahead when sectoral caps are put on the amount of carbon dioxide that can be emitted through the carbon budgeting process. There will be some very difficult conversations and debates in the process of reaching agreement on them.

Of course, people respect and recognise that there is potential for real improvements in quality of life and for job creation. The Minister has grasped for quite some time the potential for job creation and for a different way of life but we are not seeing the kind of action we need to see. I agree with a lot of what Senator McDowell said with regard to caution. That should not restrain us but should spur us on to identify the weaknesses that exist. I share his real concern about the electricity grid and our capacity to provide the level of electricity that will be required to meet our energy needs over the next ten to 15 years. I have great regard for the ESB as a company. It employs some of the finest engineers in the world and that has been the case for many generations, with ESB International leading the way. However, I have some reservations about the rate at which the ESB has moved. It has been somewhat slow in embracing offshore technology, for example. In recent weeks and months it has set out a very ambitious plan for the Moneypoint plant and for the capture of wind on the Atlantic, but it is at the back end of the next ten years. It is eight to ten years away. I realise there are impediments, but both the Government and the ESB should work together to come forward with an action plan that is far more aggressive about capturing wind energy offshore.

I meet groups every weekend who are dead set against the presence of wind turbines in their communities. As somebody who believes very much in the necessity to address climate change, it is hard to not agree with their position. Up to now, many of the areas that have been developed had wind turbines a very good distance from homes, but all those sites are now developed. What we are left with are sites that are quite contentious and, as Senator McDowell and others have said, they are finding their way into the courts. Those communities are finding it hard to accept. Senator Garvey and I are aware of a particular one not far from where the Senator lives. The community in Cahermurphy is very annoyed about the next imposition, as it sees it, of Cahermurphy II Wind Farm, as the project is known, at a time when everybody is talking about putting wind turbines offshore. I wish to harness the ambition here today and ask

for a far more aggressive approach to developing the offshore potential that will generate jobs in County Clare and renew much of west Clare in terms of job creation and employment, as well as the benefit that will have for schools, GAA clubs and so forth. However, it must be done much more quickly, so we need not have the other onshore developments that are now coming to fruition. We have to advance the potential offshore to a much greater degree.

Others have talked about the necessity to continue the roads programme. I support that because bottlenecks continue to exist. I recognise the efforts the Minister has made in his short time in office in terms of investment in public transport. That is very good, and we must maintain it. However, we must examine the methods to power those buses. I believe there is real potential with green hydrogen. It ties in with the potential for offshore wind development off the west coast of Ireland, so let us see movement in those areas.

Undoubtedly, there are concerns in the agriculture sector. It is no harm to have that debate on an ongoing basis to give some level of comfort to the effect that it is not about cutting the national herd. There are some, perhaps in the cities and urban areas, who believe that because agriculture is such a significant emitter of CO<sub>2</sub> equivalent, that is where city folk will see the problems resolved. It is outside their bailiwick, as it were. They forget that the quality food produced in rural areas is produced by farmers who have a far lower carbon intensity, if one looks at carbon equivalent intensity, than those anywhere else in the world. That is where we must be strong in identifying long-term solutions, without reducing the capacity of people who live and work in rural Ireland to continue to do so.

Every sector must accept that it has to change. It is not just transport, energy generation or agriculture. I have spoken to the various farming bodies and organisations, as well as farmers I know. They understand it better than most. They see the impact of climate change on their day-to-day lives. They see the issues with flooding and the changed seasons, and the impact they are having on the collection of fodder for feeding their cattle. They understand it better, quite frankly, than some who live in a city, drive very large vehicles and who do not need a 3 l or 4 l engine to potter around from school to school.

Collectively, we should not be trying to divide society. We must stand by each other. All of us must do our bit within our own area of responsibility. If we achieve anything as politicians, it should not be blaming one side more than another. There has been quite robust debate both in the committee and in the Dáil. I do not believe that helps at all. We must all accept, from our vantage point or the point of view of the panel from which we are elected, that this is a shared responsibility and challenge that we face, and that if we do it collectively that this generation and future generations will benefit. This does not have to be at a loss to the economy immediately. Over the past ten years I have worked on these committees and seen real potential. For some time the Minister, when he was both a Deputy and an unelected advocate, has always talked about the potential for the green economy. It is now within his grasp to drive that really hard and he needs to start with the ESB. He must demand more from the company in regard to what can be done with the capture of offshore wind more quickly and effectively.

**Senator John McGahon:** As many speakers have said, and it is quite clear that this legislation is one of the most transformative climate action Bills. It is important to recognise that this is also probably one of the most transformative Bills to that has gone through the Oireachtas in the past couple of years as well.

I wish to pay tribute to the Chairperson of the Oireachtas Joint Committee on Climate Ac-

tion, Deputy Brian Leddin. He has done a very important job in steering the legislation through the committee over the past couple of months to get it to where it is today. I also pay tribute to my colleague, Senator Pauline O'Reilly. She has been extremely helpful in assisting Deputy Leddin with that, and assisting other Government members of the committee. She made sure that members were present for votes when people, like myself, arrived late.

The introduction of this legislation today is a great day for the Green Party and its involvement in the Government. It shows how important it is that every politician in any functioning democracy should strive to get into government because it is an opportunity to implement and advocate for the policies, and manifestos, on which people have campaigned for decades. We have seen that come from this Government in recent months and there are not just green fingerprints on legislation. The Government has issued green policies left, right and centre because of the involvement of the Green Party and we have seen that today with the announcement of safe cycle routes to schools.

I have been a member of the Oireachtas committee for the past year. It has been quite a steep learning curve because I joined as a first-time member of the Oireachtas and worked with people on the committee who have spent a lifetime of work dedicated to climate action. These are people who were talking about the process of climate change long before I was born. As a new member of the Oireachtas, participation on the committee has been a challenge but it has also been a great learning curve and a joy.

Today's legislation is similar to the Scottish legislation, which the committee discussed in detail. I believe that this legislation can be the gold standard of climate action legislation and that other countries will be able to look to Ireland as a shining example of the type of legislation they need to introduce.

I accept the point that Senator McDowell made earlier but just because other countries are not pulling their weight is not a good enough excuse for Ireland not to have some of the most ambitious climate action legislation. Let us be a shining example and guilt trip or bring other democracies along with us, which is why this statutory framework is so important.

Perhaps one of the best examples of an amendment was the one asking for the language in the legislation to be much more specific. It is key that accountability runs through every sentence and every paragraph of this legislation. I want to take the opportunity to outline a couple of points on accountability that are important.

First, there is the introduction of the legal requirement for the Government to adopt a series of three successive economy-wide five-year plans for each sector, which is a whole-of-government and whole-of-society approach. We are setting very clear and achievable targets and we are showing people how to achieve them.

Second, the Climate Action Advisory Council will be strengthened by increasing the number of members from 11 to 14, thus getting a wider range of experience. The fact that the council will be able to propose budgets to the Minister is another good example of how we are putting accountability into the legislation.

Third is the accountability that we are going to give to local authorities, which is important. Within 18 months of the enactment of this Bill, every local authority in the country will have to produce a climate action plan. It is wonderful that in a year or two, or in four years' time, county councillors - who have always had directors of services for housing, transport and plan-

ning - will sit on council meetings with directors of services for climate action, who will be directly accountable to councillors in local authorities. That will be very impressive.

In my last year as chair of the special policy committee on planning, we introduced a climate action plan for Louth County Council, including a whole approach towards the local authority. The Minister's colleague in Dundalk, Councillor Marianne Butler, now chairs a dedicated special policy committee on climate action in Louth County Council. Local authorities should be going forward in this way. We are introducing accountability in this area.

The final aspect of our approach is the provision that ensures all Ministers will be held accountable before Oireachtas committees each year. They will be dragged in front of an Oireachtas committee, held to account and required to answer questions about their performance on targets that have been set. That level of accountability is good because it puts pressure on a Minister to achieve targets and ensures those targets will not be put on the long finger or left to sit by the wayside. I have given four good examples of how accountability is a cornerstone of this Bill.

Another key cornerstone of this Bill is in the realm of climate justice and just transition. The urgency to address climate change in a sustainable, equitable and fair way is a very important part of this Bill. It is informed and, most importantly, guided by science and it goes to the core of this Bill. The definition of climate justice in this Bill mirrors closely the definition provided by Mary Robinson. The idea of a just transition also runs throughout this Bill. It is of critical importance that we make it as easy as possible for sectors that need to make the required system changes. We must support the communities where there may be a perceived negative impact to make the changes that are required.

There are new employment opportunities in this Bill as well, coupled with an acknowledgement that there must be continuous engagement with communities to support the system changes that I refer to. That ongoing communication is a key part of the legislation. Many Senators have spoken about how we will have to bring people along with us to ensure they are not divided. Over the next 30 years, as we head towards 2030 and 2050, the ongoing communication that is part of this Bill will go a long way in combating misinformation, and politicians who may want to kick up a fuss about anything for their political gain. Ongoing communication will reduce the occurrences of that happening. It is greatly important that we communicate our policies and that we bring people along with us. Once the way we are going to do this is explained in a simple manner, people will want to buy into this and will do so.

The agricultural community is a good example of the communities we talk about that will be negatively impacted, or where there is the perception of being negatively impacted. I will be clear; I believe those communities have nothing to fear from this Bill. They will be at the forefront of this legislation, if I am being honest. We will all need their advice, guidance and expertise in making this just transition work. I have had good engagement from members of the Louth IFA during the year about this Bill and climate action in general. Senator Dooley mentioned that people involved in agriculture have a far better understanding of the task that we face, because every day they are on their land where they see erosion and flooding happening. They realise what is happening and they want to play a substantial role in this effort. They want to be at the forefront, with the rest of us, in trying to make changes. They are committed to achieving climate improvement by reducing emissions and contributing to carbon removal, which can be done through forestry and the management of soils, etc. The distinct characteristics of biogenic methane need to be fully considered by the climate advisory council. The pace

of the reduction in the agricultural sector needs to be balanced and underpinned by emerging scientific options and views with regard to methane. It must follow the same reduction trajectory as carbon dioxide.

The point has been made clearly that this Bill is transformative. It is really ambitious and sets an example that other countries need to follow. The most important feature running through it is accountability. There is no point in having all these really great ideas if we do not make people accountable. Accountability seeps through this legislation in the same way as climate justice and moving towards a just transition. We are making sure we are bringing people with us and not leaving anybody behind. I am convinced that in years to come, future generations will look back to this Government and this legislation and say it got it right on climate action. They will say it stepped up to the plate and did what needed to be done and they will be reaping the benefits of this legislation 20, 30, 40, 50 and 60 years into the future.

**Senator Ivana Bacik:** I welcome this Bill and the opportunity to speak on this important topic. As we know, a climate emergency was declared by the Dáil in 2019 so all of us are very aware of the pressing urgency of tackling the climate emergency at national and international level. We have all seen the impact of the increasing number of extreme weather events on people across the world, including our own communities. We know we need to act in solidarity with other countries and communities but also to be mindful of the impact on our doorstep. Dublin City Council has calculated that over the past 15 years, the average annual sea level has risen by 6 or 7 mm per year compared with a projected rise of between 3 or 4 mm. This means that our own coastal communities in places like Ringsend, which is right on our doorstep, will face increased vulnerability if we do not act.

Aside from mitigating the significant risk of climate change, as others have said, taking positive climate action also means there will be positive benefits for us in terms of an upskilled workforce and climate-related funding from elsewhere, for example, the EU. Most importantly, we need to preserve our temperate climate and biodiversity and help our population live safer and healthier lives. The commitments in the Bill, particularly those relating to just transition and climate justice, are hugely important for all of us on many levels, including on environmental, social and economic levels. However, we are nowhere near there yet.

While the Labour Party welcomes this Bill, we must be mindful that Ireland is ranked very poorly in global terms. I am looking at the climate change performance index, which ranked us 39th out of 60 states this year and described us as a laggard. I know the Minister said he could not disagree with that ranking or our EU ranking of 19th position, which, again, is a very poor level. Major deficiencies have been identified, particularly in the way in which we are tackling emissions reduction. We are all mindful that our performance has not been strong despite previous legislation in this area. This Bill is not the principal legislation. The principal Act, as referred to in the Bill, is the Climate Action and Low Carbon Development Act 2015, a Labour Party initiative in government that was ground-breaking in its time and in respect of which this Bill will bring in important amendments and clearly strengthen. I very much welcome that.

I also welcome the cross-party process that has brought about the provisions in this Bill, namely, the 2019 recommendations of the Joint Committee on Climate Action, to which others have referred. It is unfortunate that we have seen debate curtailed in the other House and a Government approach to amendments that was not welcoming. I know that, as with any coalition Government, the provisions in the Bill are undoubtedly the result of a detailed series of compromises but it would be good to see a more open approach to amendments taken in this House.

I should say that I have a long track record of working on climate legislation. In 2007, when I was first elected to the Seanad having been a founding member of Friends of the Earth Ireland and a member of its first board, I brought forward a climate protection Bill drafted in conjunction with that very proactive NGO that would have imposed legally binding targets to reduce greenhouse gas emissions. That was at a time when we could say that climate action was not seen as such a mainstream concern. It was long before the school climate strikes took place.

I was amused to hear Senator Dooley refer to “tree huggers” as an affectionate term. Even as recently as the early noughties, the term “tree hugger” was not used in an affectionate way and climate action was not seen as a pressing concern for legislators or all political parties. I commend the Minister and his colleagues in the Green Party, and others on a cross-party basis, who really pushed to change that perception of climate action and climate justice. Senator Pauline O’Reilly has been such a champion of climate action in this House.

I am of the view that an ideal Government is one that is able to combine what we might call red and green environmental protection values alongside social solidarity values from the political left. We need to see more of that in our legislation. In that regard, I very much welcome some of the core elements in this Bill that will put our long-term 2050 target into law by providing for regular targets requiring the Minister to produce an action plan, and providing for more robust accountability mechanisms. All of us are conscious that accountability is a key issue. As we know from our experience with the 2015 Act, it is not enough simply to bring in legislation. It is also essential we see robust accountability and effective targets being set and met.

We will table amendments in respect of the definitions in the Bill, particularly those relating to climate justice. I want to refer to that aspect and to section 3. If there is one aspect of the Bill we can change and improve upon, then this is it. The definition of climate justice refers to “the requirement that decisions and actions taken to reduce ... emissions ... shall, in so far as it is practicable to do so, safeguard the rights of the most vulnerable persons”. For many of us, that definition may weaken obligations in practice, in particular, by omitting reference to the need for global climate justice and having regard to matters of global solidarity. It is a concept made salient by Mary Robinson’s recent book on climate justice and by her Mothers of Invention podcast. At one of the last events I attended before Covid-19 hit and we had the first lockdown, there was an absolutely inspiring speech by Mary Robinson on the global aspects and considerations for climate justice. That speech took place in Trinity College Dublin in March 2020.

We need to ensure that any definition of climate justice is strong enough that it shores up the commitments contained in the Bill. There remains a question as to whether the definition being too weak may undermine other provisions in the Bill. I know that there was discussion in the Lower House as to whether we should delete the definition if it has a weakening effect. We will need to take time on Committee Stage to consider that aspect.

In terms of other areas in respect of we should constructively work to improve the Bill, many of us would be mindful of concerns, following the recent High Court judgment in a case taken by Friends of the Irish Environment, as to the Government’s status. The court found that the Government is not a relevant body under the 2015 Act. As a result, we need to look at whether an amendment is necessary to rectify the position in that regard. I know Friends of the Irish Environment and Friends of the Earth have both pushed on this issue.

Just transition is a concept that is absolutely central to a Labour and social solidarity understanding of climate protection measures. On just transition, we need to look how we can

strengthen the commitments in the Bill. We need to ensure that investment to address our climate emissions and meet our targets also takes account of the need to bring people with us and to protect employment and communities. We need a flexible and accessible skills and education system to meet the needs of a net-zero economy and address inequalities where transitions are occurring. Improving energy efficiency of the housing stock is an opportunity to do this. We are all aware of that. Investment to restore peatlands, fund urban tree planting and for woodland management are all ways in which we can enjoy just transit transition and ensure that communities are not hit in terms of employment opportunities for all.

I want to finish by again welcoming the commitments within the Bill and the manner in which it strengthens and builds upon the principal Act of 2015. We need to strengthen the language in the Bill around global climate measures. We must ensure that bodies like the Climate Change Advisory Council are resourced and empowered to take meaningful action and that the Bill will be effective in delivering emissions reductions and an improvement in our record as a country on tackling climate. The goals in this Bill should also not be seen as a ceiling on or an upper limit to our aspirations. There is always a tendency when there are targets in a Bill on any subject for them to become the height of our aspiration, which reduce or lower our aspirations and ambitions. We must ensure that is not the case with this important Bill.

I commend all those who attended the school strikes for climate. I was delighted to bring my daughter out on them before Covid hit. Those strikes, along with the actions of many people and the work of many activists over many years, helped to bring us to a position where this Bill is now seen as an urgent matter for all legislators and policymakers, whatever our political views and parties. I look forward to working with the Minister and his colleagues, as well as colleagues across the House, on a constructive basis to ensure meaningful and effective climate action legislation is brought into effect and that, going into the future, action is taken on foot of the legislation to meet our climate targets.

**Senator Lynn Boylan:** Cuirim fáilte roimh an Aire. Everyone would admit that this is incredibly important legislation and is probably one of the most important Bills we will pass this year. It is long overdue and successive governments have been rightfully referred to as laggards. I take exception to Senator McDowell's point that Ireland's actions would be minuscule. He did not acknowledge that Ireland's climate emissions are 50% higher than the EU average and yet other EU countries have managed to successfully transition. The absence of concrete targets and a framework to achieve them is what has landed us in the situation we are in today, where we are going to have to climb a much steeper mountain than we would have if previous governments had done what was necessary.

I have become very familiar with this Bill since it underwent pre-legislative scrutiny by the Joint Committee on Climate Action last autumn. The Bill was presented to us just after 100 days of government and it was in a sorry state. It did not compare well internationally. Professor John Sweeney referred to its weasel words and summed it up in football terms, stating that if the Bill were a team in the Premier League it would have been in the relegation zone. It is worth remembering that despite it being an incredibly weak Bill, the Minister himself still wanted to fast-track it and try to get it passed before Christmas. I commend my committee colleagues, who collectively worked very hard to halt that rush to pass the Bill. We are all beneficiaries of that.

I also commend my colleagues on the committee for the cross-party basis on which we approached that pre-legislative scrutiny. With that spirit in mind, it is all the more disappointing

that the Minister has undermined that broad support by failing to accept even a single amendment from the Opposition as this Bill passed through the Dáil. I hope he will reconsider his approach and keep an open mind about the amendments from those of us in the Opposition who are genuinely seeking to improve the Bill and have engaged in this process over the last number of months.

Sinn Féin will be tabling amendments on several areas that need improving, especially with regard to just transition. Just transition has to be at the heart of climate action. The challenge we face to turn the tide on climate change nationally and internationally is enormous. We must leave no community behind but instead bring people with us on this transition to a decarbonised future. As it stands, the Bill leaves a lot to be desired in terms of a just transition. The first version of the Bill did not have any mention of it and the Bill before us now refers to it only once. Where it does mention the just transition, that is all it is – a mention. The words will not have any legal effect. That is a big red flag in the Government's planned approach to climate action.

The Government needs to reassure communities that it has learned from its first attempts at a just transition. Workers deserve good quality, decent paying work to transition into. The Minister has promised stand-alone just transition legislation but I am afraid that is putting the cart before the horse. The just transition cannot just be an add-on; it has to be fundamental to tackling climate action. We will seek to introduce amendments based on the example of the Scottish Climate Act, which has a chapter of just transition principles and calls for impact assessments of the climate action plans. That would be a reasonable, practical, constructive and just approach to this Bill.

Several groups and individuals have concerns about this legislation, including the Climate Change Advisory Council. I understand that it has sought independent legal advice and clarifications from the Department. It is concerning to the legislators in the Oireachtas that the council's concerns have not been made public in advance of the Bill's passage. We need to have all of the information before us when we consider the legislation.

The pandemic has given us as a society the opportunity to learn important lessons. Things that we were previously told were impossible are suddenly possible. More people were able to work from home, more cycle lanes and public spaces opened up, and we are spending less time in cars commuting and more time enjoying the outdoors. As we begin to reopen, it cannot be an opportunity to fall back into old habits. We need to redouble our efforts to make our cities more sustainable and more livable for everyone. That would be good for our health, our communities and the planet. We need more pedestrian spaces, good-quality cycle lanes and a public transport system that works for all communities, including those with disabilities and mobility issues. A number of disability organisations have raised concerns about the pedestrianisation of certain parts of our city as well as issues about BusConnects, which the National Transport Authority is working to address.

Housing policy must become climate policy as well. How can we ensure that people are less dependent on cars, particularly in our cities, if they are forced to live far away from where they work, play and send their children to school? Housing affordability, particularly in our city centres, is vital. The key to delivering affordable homes is tackling the large number of vacant homes, which are artificially reducing supply and inflating costs. Hundreds of luxury apartments owned by US vulture funds lie empty and many spaces above shops lie underutilised. To any right-thinking person, that is unconscionable during a housing crisis. We need to see these developments coming on stream and we need to free up those empty apartments.

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We need to tackle the embedded carbon in our building products and embrace new technologies and new ways of developing construction, particularly residential construction, so that we do not just take into account the energy usage of new homes, but also all of the carbon involved in building them.

The transition is about more than just reducing greenhouse gases. It is about transforming our society and economy for a better life for everyone. This means leaving no people, communities or sectors behind as we transition away from fossil fuels. We need a new approach to climate issues. For too long, people have seen climate action as a form of punishment, as something being taken away from them or as an additional cost. We need to give people the opportunity to make sustainable choices. This means investing in a public transport system that is fit for purpose, providing affordable and efficient homes, and developing our natural resources for the benefit of our people. We need a Government that will take on the interests that benefit from the *status quo*.

The Tánaiste's strategy for more data centres is at odds with the State's climate strategy. At a time when we are supposed to be reducing emissions, the data centres of tech giants will add at least 1.5 million tonnes of CO<sub>2</sub> to our carbon emissions in the coming decade. According to EirGrid, all of the new demand for electricity over the next ten years will come from data centres, not electric cars or increases in population. As usual, Fine Gael is thwarting real climate action to support its friends in industry. However, it will be the public that picks up the fines if we miss our EU targets and it will be the public dealing with ever-increasing energy costs. When Deputy Varadkar was Taoiseach, Ireland earned the mantle of "climate laggard". Now that he is Tánaiste and Minister for Enterprise, Trade and Employment with responsibility for data centres, he is doing everything in his power to ensure we keep that title. We need a new strategy that develops renewable energy for the benefit of the population.

It is essential that our biodiversity does not become the sacrificial lamb to renewable energy or climate action. Climate change impacts on our biodiversity, but so does climate action. We need to get the balance right. We must have marine protected zones in parallel with the workings of the development of offshore wind energy. Likewise, it makes no sense to put wind farms on our peatland bogs, as is happening in the Mid-Shannon Wilderness Park. I wrote to the Minister about this matter last year, so I might get a response at some stage.

If the Government is serious about its climate commitments, it must call a halt to investor chapters in trade deals. We know the energy charter treaty is causing huge problems for countries as they try to transition to a decarbonised future. We know we are trying to railroad through CETA, which facilitates multinationals suing the Government and the Irish public for billions of euro in compensation if they do not like the regulations we introduced to deal with environmental problems. It allows them to bypass national courts in favour of a system in which the multinationals are five times more likely to win. CETA investor chapters must be rejected. We must make investor chapters a thing of the past if we truly want to tackle climate change on an international scale. It means taking on big business. The Irish public cannot be left on the hook for the stranded assets of multinationals, which lied and sowed doubt on the scale of climate change. I look forward to engaging on Committee and Report Stages to offer constructive solutions to improve the Bill. I hope the Minister will reconsider and work with Members of the Opposition in the House who are genuinely trying to improve the Bill.

**Senator Alice-Mary Higgins:** I welcome the Minister to the House. I welcome the Bill. It is something for which campaigners of all ages have been waiting for many years and we are

excited to see things moving forward. In being very positive about the Bill, it is also important that we temper what we say with a suitably sombre and humble note in recognising where Ireland is right now. As of last year, Ireland was the last of 15 EU countries on the environmental and climate aspects of the sustainable and development goals, which are not mentioned in the Bill, unfortunately.

With respect to my colleague who spoke earlier, it is important to recognise when we look at global emissions that China is well above the average per capita at 7.38 tonnes per person but Ireland is at 8.32 tonnes per person, which is more per capita. To put this in perspective, Malawi, which is a country I visited in 2008 with Trócaire to see the devastating impact climate change was already having then, a decade ago, has 0.11 tonnes per person versus 8.32 tonnes per person in Ireland. It is important, in response to the idea that we are small and cannot make a difference, to state we have a huge responsibility and relevance and we certainly need to do more.

It is also important to emphasise there is no *status quo*. For those who wonder about taking action and how fast we should take it, there is no *status quo*. We are facing a climate crisis where the situation is worsening. The ground is literally disappearing beneath the feet of people around the world. There is not an option to not do things. There is not an option to go slowly and keep what we like about how things are now because how things are now will change. Our only question is whether we take positive action to ensure we shape how things change and make sure they change in a way that is equitable, that is environmentally sustainable and that can actually lead to a decent quality of life for people throughout the world. This is the choice. The choice is not one of inaction or staying the same.

Ireland is very late to starting the transition needed but the fact we are late does not give us any excuse to lower our ambition. We need greater ambition and we need to move faster. This is why we cannot afford to have any more delays, loopholes or caveats that could stop us taking the action we need.

As a member of the Oireachtas Joint Committee on Environment and Climate Action, I was glad to engage with experts who contributed extraordinary insight and important information, and to engage in the very long process of pre-legislative scrutiny addressing many of the crucial issues in the Bill. However, let us be very clear. Pre-legislative scrutiny is not a substitute for legislative scrutiny. It is there as an enhancement of our democratic process and not as a substitute for it. It is now, in the legislative process, that we need to fine tune the Bill so that it works. At present, the Bill lacks accountability, legal clarity and justice. The good news is that many of the changes that would address these concerns are small changes in the text of the Bill that could and I hope will be made on Committee and Report Stages in the Seanad. I will be looking to the Minister to address these issues with us and make the necessary changes that ensure this Bill is fit for purpose. That is what is owed to all climate activists across the world and the people of the world.

On accountability, there is a concern in respect of the language which the Department used in a recent High Court case to argue that the Government was not a “relevant body” and did not have responsibilities. The language used in the 2015 Bill is still in this Bill, in section 15, specifically in relation to the duties of relevant bodies. The Government of Ireland is not listed in the section. I know the Government is mentioned in sections 3 and 5 but those references are simply to such duties as the Government has having regard to the UN climate targets. However, if the Government is not mentioned as a relevant body in section 15, I worry we will continue

with a legal ambiguity that a future Government could exploit in a legal case, as this Government is doing. I hope we can address that issue and we must address it.

The Minister spoke repeatedly about complying but throughout this Bill compliance is often subject to the caveat, “so far as practicable”. That phrase is wide open to interpretation and to dilution of action. In *McEvoy v. Meath County Council*, the court found that “have regard to” is not a form of language which creates legal obligations. It still features in many areas of this Bill. The Minister and I disagree on the number of recommendations made by the climate change committee that were taken on board and the extent to which they were taken on board. To be clear, the committee’s recommendation on the interim targets was not taken on board because the committee looked for a target in the Bill for the Government, in line with Scottish legislation. Crucially, it was to be a minimum target. Concerns about the target, as suggested, have been raised by Dr. Andrew Jackson and others, including Climate Case Ireland. I am sure we will discuss them at length on Committee Stage. I am still not entirely satisfied with the language that came through in the Dáil from the Government. A crucial point for me is that this is not a minimum target. Why are we tying the hands of the next Government, in terms of increasing the ambition, by putting in legislation a target that is not minimum? It should be the minimum and should allow for greater ambition over the next ten years, as we see the urgency increase.

The limitation of liability is one of the most troubling clauses in the entire Bill. It is one the public will be very concerned about because it effectively washes the hands of the Government from the point of view of accountability in respect of financial or other compensation, supports or recompense to individuals or communities impacted by climate change if the Government chooses not to take action under any of the provisions of this Bill. We are limiting that liability at the same time as we are adding new liabilities. The Government wants to add a new liability that did not exist before for compensation to investors who may be affected by our climate action. We are creating a greater financial risk with these investors, which we do not need to create, while diminishing our compensation to individuals. That, too, may be in breach of the European Convention on Human Rights.

I have two minutes left and there are many more issues to discuss, including data centres, biodiversity and liquefied natural gas, LNG. I am sure we will discuss them on Committee Stage. I will focus on the definition of “climate justice”, which we spent hours discussing at the climate action committee, because it is possibly the most important issue to me. The definition in this Bill adds insult to injury for people in the developing world, including the people in Malawi I spoke about who have produced 0.11 tonnes per person. It simply suggests, in so far as it is practicable to do so, we might safeguard their rights. Rights are optional now for those most vulnerable persons. We will endeavour to share the burdens and benefits. We will share the burdens further with them. That does not match the Mary Robinson Foundation definition, which was very clear on common and differentiated responsibilities, that is that those who have done the most to cause climate change have the greatest responsibility to reduce emissions, which is core to climate justice. It does not reflect that and it does not in any way reflect the definition we, as a committee, collectively put forward. Those are important points and this is something that needs to be addressed.

It has been pointed out there is no definition of just transition in the Bill. That is missing. That stands out as an area for repair. Very strong and good definitions are available in other legislation across the world on which we should be able to draw.

Lastly, I compliment a biodiversity measure, which has got better recognition in the Bill, as drafted. It is important we follow through on that by ensuring we protect biodiversity and proper environmental measures and policies in the round in the way that we take climate action. In terms of liquefied natural gas, LNG, I would like the Minister in his response to Second Stage to clarify exactly why there is not a ban on LNG infrastructure in the Bill. That would help us as we deal with Committee Stage. I do not know what the legal arguments are and I have not read any solid legal argument. If the arguments relate to the energy charter treaty, let us hear and know that. I would like the Minister to confirm whether that is or is not the case.

**An Leas-Chathaoirleach:** Our next speaker is Senator Chambers. I understand she is sharing her time with Senator Gallagher.

**Senator Lisa Chambers:** I will share time with Senator Gallagher and we will have three minutes each.

**An Leas-Chathaoirleach:** Is that agreed by the House? Agreed.

**Senator Lisa Chambers:** I will be taking a slightly a different tone from that taken by the previous speaker in that I am excited to be in the Seanad as a member of the Oireachtas and of a Government party that is bringing through the climate Bill. It is an exciting moment. It is a game changer and a pivotal point for Ireland as we continue on our climate action journey. I listened with intent in particular to Senators Pauline O'Reilly and Garvey. What Senator Garvey said really struck me. She referred to the green schools programme. In recent years I have certainly been very much educated by younger people on this issue, having visited schools and seen their enthusiasm and the effort they put in to reusing, recycling, educating themselves and having a biodiversity garden and spaces. It has been phenomenal to see the impact on the younger generation. When they get to our age and older, that will be the norm. It will not be a big change or ask; it will be what they will do. We will be protecting the environment and the planet for the generations coming after us and, as Senator Higgins said, the most vulnerable in other parts of the world who are already very much feeling the impact of climate change.

I want to specifically address a few aspects of the Bill. I am happy the Climate Change Advisory Council will be strengthened. We need only consider the Irish Fiscal Advisory Council and the strength and influence its reporting has particularly for Opposition parties which hold the Government to account, as I can certainly attest to in the previous Dáil term. The Climate Change Advisory Council having greater powers and a greater diversity of membership will help to hold not only this Governments but future Governments to account. That is important. It is also important to have that independent body doing that significant work.

We must acknowledge the emissions reductions we are aiming for are substantial. They will be challenging. Speaking as somebody from a rural community, I know they will be difficult for rural communities. That is why it is important we have a just transition and support communities in making those changes. We must have an adequately and fully funded home retrofit programme and support farming communities to do what they are already doing in protecting the land, and at the core of it they are producing food. They are part of our agricultural sector, which is our largest sector. It is important they will be supported financially to make those changes, that nobody will be left poorer as a result of it and that nobody will be left behind.

We focus a good deal on agriculture but I would also mention transport. This Minister might have seen a good and conflicting report in *The Irish Times* on the western rail corridor

that directly contradicts the work carried by Ernst and Young-DKM on that corridor.

*3 o'clock*

I ask the Minister to consider seriously the findings of the new report, which really show that the cost of the project and the travel time is very different to that suggested by EY-DKM. With climate change and wanting to provide people with the opportunity to get out of their cars and use public transport, I ask the Minister not to leave the west of Ireland behind. There is already a massive deficit in public transport in the west and north west. I suggest that there might be a slight bias on the part of the Department in providing that infrastructure. I have run out of time and will now hand over to Senator Gallagher.

**Senator Robbie Gallagher:** The Minister, Deputy Eamon Ryan, is very welcome to the House this afternoon. I thank Senator Chambers for sharing time.

There is no doubt but that the Bill has the potential to tackle climate change, which is one of the greatest challenges of our lifetime. This is a global crisis that I believe needs a global response if we are to save our climate. Climate policy on climate change needs to be foreign policy. I came across some quite startling statistics recently that show China's daily emissions are equivalent to a full year of emissions by Ireland, and that the US, China and the EU make up 55% of the world's emissions. This clearly shows that unless we get a global response to this emergency we will be, unfortunately, in trouble.

Change is never easy but we must listen and be sensitive. The burden needs to be fair across all sectors, be they urban or rural. Farmers have legitimate concerns. Farmers have always responded and have always done their bit. They will always do what needs to be done. It is not that long ago, and I remember it well, when good farming practice was to remove hedgerows, to drain wetlands, and to get rid of weeds from the land. Now we want to preserve and recreate hedgerows, we want to save wetlands, and we want to protect wildflowers, and rightly so. This indicates how policy has changed in a short period of time. Farmers will always do their bit, but if this legislation is going to be successful we need the farming community 100% behind it. To do that, the farmers need the financial supports, and without them we are going nowhere.

**Senator Seán Kyne:** The Minister is very welcome. I congratulate him on progressing the Bill. I congratulate also my colleague Senator Pauline O'Reilly, and others who have led on this ambitious Bill, as well as all involved in the climate change committee.

The Minister will be aware that I too have served in his Department, on the natural resources side of things, and we have had back and forth debates on a number of things, including fracking and oil licensing. I will have to change my views, to a degree, in support of the Bill but that is important too. I have used the mantra that as we transition to a low-carbon society, we will still need to use oil, gas and, to a lesser extent, coal for a number of years or a number of decades. As we have seen in the case of peat being discontinued as a fuel for electricity generation, and the plans to transition from Moneypoint to pivot away to cleaner and more sustainable types of electricity generation, there are challenges. One of the challenges is security of supply. Plans for the Celtic interconnector project were progressing when I was in the Department, which is positive, albeit we would be importing nuclear generated fuel. While there may be a certain hypocrisy in that, it is part of the interconnection and security of supply.

In the context of wind generation in particular, there is an issue around planning. This area encompasses everything that I can see in this society at the moment, whereby there are concerns

around planning whether it is in trying to build a greenway, a road, or houses. I note the ruling by the High Court last week that could impact on the development of new wind farms. I have been at a number of meetings over the years and have engaged with residents who have serious concerns about the development of wind farms. I have supported the need for them. I have said on numerous occasions that all political parties, in particular the Green Party, have advocated for wind farms in their election manifestos dating back over many of years, but the objections to them continue. People's concerns in regard to noise and shadow flicker have to be taken on board. There have been constant delays in regard to the updated guidelines on setback distances from homes. I am concerned that the same issues will arise when we move to offshore development. I support such development but if the delays in regard to offshore are the same as we have seen in many cases with onshore development, then we face challenges in terms of meeting demands. When one considers that some of the more exclusive properties in the country are set on our coastlines, I can foresee challenges ahead.

I previously mentioned the meeting with I had with residents in Indreabhán, Connemara, County Galway, regarding proposals for the upgrade of an existing wind project involving pushing back a little from the homes into commonage land, which would invariably be a national heritage area, NHA, or special areas of conservation, SAC, land. I know that is totally anathema to policy but is there merit in looking at that proposal, considering there is so much of my area in Connemara that is designated? Would impacting on a small section of that area be beneficial in terms of gaining acceptance from a community in that case?

On agriculture, will farmers be credited for carbon sequestration in respect of their hedgerows, hedgerow trees and groves of trees? When driving or travelling by train or by bus along the countryside, one will see the quantity of such hedgerows, which do not form part of the State recognition with regard to carbon sequestration. Will the State be granted those carbon credits or will individual farmers be credited with them? How will that operate?

On biodiversity, which Senator Gallagher touched on, state aid was provided in the 1960s and 1970s to remove hedgerows, walls and ditches and install electric fencing, particularly for dairy farms and larger fields for tillage as well. That was a sign of the times. The State agency, Teagasc or rather, its predecessors, advocated for that. There has been a sea change for the past 20 years or more in terms of the rural environmental protection scheme, REPS, and its successor programmes in reversing that and in understanding the importance of landscape features of walls and hedgerows and trying to promote and grow them to recognise the benefit in terms of biodiversity. All of that is welcome.

Senator Boylan referenced data centres. We know Sinn Féin would prefer to keep its information and data stored in rather dubious circumstances abroad and operated from Serbia, but data centres are hugely important. We are living in an age where data and information has transformed our lives from education to health to transport and business. Those data must be stored and managed. Our climate is suited to that task and we have massive potential for growing our renewable energy resources. Data centres are required to store data created by all of us and must happen within the EU. All major IT companies that are based here have to store data as well. There are issues with regard to the energy supply. That is one of the main concerns with regard to data centres, but I know that interconnection and renewables will be important in that regard.

I could speak for a lot longer on this topic. It is important and the plan is ambitious. There is an old saying about buying a pig in a poke and I have concerns in regard to the specifics around

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sectoral targets. I know that is a concern for many people, particularly in regard to agriculture. We will see over the coming years how that is achieved.

**Senator Paul Daly:** I welcome the Minister, Deputy Eamon Ryan, to the House for this Second Stage debate on the Climate Action and Low Carbon Development (Amendment) Bill 2021. I do not like having to do speak to people from behind and I would not like it to appear that I am speaking down on anybody because I am certainly not doing that. I am unable to change the lay-out of the Chamber or my allocated seat.

For obvious reasons, I will concentrate more on the agriculture aspects of this Bill than on the vast number of other areas it covers. While I welcome the extended role of the Climate Change Advisory Council, CCAC, and the additional numbers on the council, I would question its make-up from an agricultural perspective. It is well known that we did not have an industrial revolution and hence the agricultural sector, which is our largest indigenous industry, is our biggest emitter of greenhouse gases in percentage terms. The sector is very poorly represented on the CCAC and I urge the Minister to balance its representation if at all possible so that we can meet the targets that are to be set.

The previous speaker referred to his concerns about carbon budgets and sectoral emission ceilings, and I also have reservations. While I accept the necessity, importance and strength of this Bill in formulating a structure going forward, I am very much aware it will be the carbon budgets, the sectoral emissions ceilings and the climate change targets within each Department that will be the game changers in terms of enabling us to reach our targets. I am worried about how much input this Parliament will have into those targets and ceilings and I ask the Minister to elaborate on that. Will Ministers be answerable to the relevant Oireachtas joint committees? Will they put the recommendations from the CCAC on budgets and ceilings before the Parliament? I would like to hear a little more on that and would be a little fearful of Departments being given too much freedom in setting their targets and ambitions.

The Minister referred in his opening statement to front-loading some of the changes we are going to have to make, but I would strongly plead with him to consider back-ending a lot of what is needed in the agriculture sector. The development of technologies in agriculture and the scientific developments in that sector are way behind the curve in comparison with transport and energy production. I am a member of the Joint Committee on Agriculture, Food and the Marine and when we have climate-related debates, all of the witnesses who come before us tell us they are now commencing the search for alternatives and are beginning to embrace the technologies in which there is great potential. They do not have the technological alternatives or the scientific solutions to hand at the moment and I am very fearful that we are putting the cart before the horse. We must maintain food security. While a lot of the discussion today has been about Ireland becoming a leader rather than a laggard *vis-à-vis* climate change, we are already a world leader in food production and we must be careful not to bite off our nose to spite our face. We have to get this right. The population is growing and food production will have to increase. If we dramatically reduce our food production and get it wrong because we did not wait for the science or did not embrace the evolving science, we will regret it.

I attended a forum recently where a member of the Irish Cattle Breeding Federation, ICBF, made a very valid point. He said that if we could reduce the average age of slaughter of our cattle by one month, it would be the equivalent of reducing the overall herd by 100,000. That is something that needs to be embraced before we make any knee-jerk decisions. If food additives, different systems, genomics and better breeding are taken into account, it should be very

achievable to reduce the average age of slaughter by one month, from 26 to 25 months or from 24 to 23 months. I would hate to see a decision being made that would not give us the opportunity to explore that possibility.

I would also like to agree with previous speakers who said the agriculture sector is meeting the challenges with open arms. We have seen the buy-in to the results-based environmental agri pilot, REAP, scheme. There were 10,000 applicants for a scheme designed for 2,000 participants. The agriculture sector is only too willing to meet the challenges and it has the solutions. Farmers are the custodians of the land. With our grass-fed system, some scientists will say we are storing 90 times our annual output in our soil, but we are not getting recognition for that. We do not get recognition for our hedgerows.

The two other matters I will mention in concluding are climate justice and just transition. If we are to bring the agriculture sector with us, and it will come with us, we must stop farmer bashing and do what climate justice and just transition say. We must give the sector recognition. One example of where we have not done that is carbon tax. It has been loaded onto farm contractors. Carbon tax is an incentive to make people change their habits. If one drives a diesel car, one will buy an electric car. However, the farm contractor drives a diesel tractor as there is no alternative, and is now being crippled by carbon tax. That is just sullyng and souring the people. It is making it harder to bring them with us. They are becoming regressive rather than progressive.

**Senator Tim Lombard:** I welcome the Minister. I had the pleasure of sitting beside him for nearly four years on the committee we worked on with regard to climate change. From my point of view, it was very informative. That work we began many years ago in 2016 has now come through. The Minister has a great knowledge of the issues at hand and I am sure he will do a very capable job. We see that in the legislation before us today. It is a significant legislative measure and one that society has been asking for and talking about for a long time. We have to deliver on this action plan to ensure we meet our targets up to 2030, if not all the way to 2050.

However, there are issues along the way. The Minister knows my form and where I am coming from, which is the agriculture base. It is about bringing the agricultural community with us. That will probably be one of the very significant challenges we will have with this legislation. There is great unrest in the agricultural community at present. People in that community believe there has been a lack of engagement so far. They fundamentally believe they have not been engaged with on the key issues in this climate action proposal, which is a significant legislative measure. They know this must happen, but they want to be involved in the process. That lack of involvement is a key issue for us. How we can now re-engage the agricultural community is a challenge for the Oireachtas and the Joint Committee on Climate Action. That committee has to invite members of the agricultural community in at some stage. They need to be a part of the process and involved in the system. It will also be an issue for the Minister and his Department to ensure that the agricultural organisations and community will be involved in this process.

I am 44 years old and when I trained to be a farmer it required 500 hours over three years or attendance at an agricultural college for a year. If one is training to be a farmer today, one does four and a half years in Cork Institute of Technology, CIT, or in a college setting and then one goes to agricultural college for another year. One spends five and a half years in college. We have the most educated farming students in the world coming through that process. No other

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place in the world produces a farming graduate like this country. These farmers are a resource which we must get on board. The younger generation of farmers, in particular, are far advanced regarding what is involved and what is needed. They know it themselves. Ten years ago one sold one's product on the basis of traceability. One had to have a traceable product. That is done and dusted now; we know we have a traceable product. Now, it is about sustainability. Farmers know that if they are going to compete in world markets, their product must be sustainable. That is the space in which they are at present.

Consider the announcement today of €2 million from Science Foundation Ireland for a project in Bandon, in my part of the world, to ensure that a farm, which is owned by four local co-operatives in west Cork, can become carbon neutral within five years. That is the type of technology, input and involvement the agricultural community is capable of delivering when it comes to this important process. We need to engage that community and ensure that it is involved, and that it is not outside the gate but inside the room. That will be a major cohort of work for us in the next few months, in particular, and into the future as we push forward with this plan.

The plan sets carbon targets and gives real power to the Climate Change Advisory Council. It requires many sectors to reach their targets. Agriculture has issues. It accounts for 35.3% of the emissions. Farmers know they have issues in making sure they can become more carbon efficient and projects like the one announced in Bandon this morning will be part of the solution. That will be the body of work, in particular over a short space of time. If we have large protests outside Leinster House in the next few months then we will have started on the wrong foot in many ways. As we would be starting on the back foot, now is the time for us to engage with farming organisations, as well as the farming community itself because if we do that, we then can move forward together.

Many speakers have spoken about the real challenges. While there are challenges in delivering these targets, there is a great willingness to do so within urban and rural communities whether people are young or old. It is an issue that affects my mother down to my children and goes through the entire family dynamic, which is why we need to ensure this legislation is passed. We then need to deliver on the legislation and we can do so by informing society about the necessary changes and by bringing society with us. I will do my best to ensure that happens. I say to the Minister that in many ways, we are on the back foot when it comes to a third of emissions and we need to make sure that we bring everyone along this process.

**Senator Malcolm Byrne:** I thank the Minister for coming to the House and praise him personally. He is quite modest but he has fought for this legislation for a long time and deserves our congratulations for that. Like others have said, the Joint Committee on Climate Action has done enormous work. I also wish to praise the climate strikers over the years. Those young people drew all of our attention to the importance of being able to address climate action and shows that young people can make a meaningful impact on political life.

I welcome the fact that the Minister will take this legislation to UN Climate Change Conference of the Parties, COP26, in Glasgow and it is important that Ireland can be a leader in this regard. I suggest that Ireland offers to hold a UN Climate Change Conference of the Parties meeting at some stage in the future.

Climate change needs a whole-of-government approach and tackling climate change must influence every single aspect of everything that we do. For example, as we seek to meet UN tar-

gets, sustainability elements must be built into our overseas aid. We should reward and encourage higher education institutions for investing in areas of research that will contribute towards sustainability within our communities and, indeed, towards tackling global climate change.

It is important in any discussion of carbon budgets, which colleagues have mentioned, that there is communication about what is going on and there is engagement of all of our citizens. It is essential that there is an effective communications campaign in operation as we go through the negotiation of the budgets. I emphasise to the Minister that it is important that we bring people with us.

Many colleagues have talked about the impact on the agricultural sector. Farmers are going to be our front-line workers in the battle against climate change and want to play their part. If we think about the fact that this planet will have a population of 11 billion people by 2100, then we must ensure that we have food for all, guaranteed food security and have a planet on which we can all live.

We must recognise the fact that farmers seek environmental and financial sustainability. Those who criticise the farming community need to understand the financial pressures that farmers are under. If supports are provided to farming communities then farmers will be climate change warriors and will address some of the challenges.

Earlier Senator Kyne talked about the planting of forestry. Why do we not allow farmers and landowners to own the carbon credits? Let farmers be able to trade the carbon credits that they can generate from their land and allow them to offset it against their other activities or, indeed, within the wider economy. We must roll out technology and use big data, such as soil maps, to ensure the most effective yield from agriculture is achieved. We must use blockchain for the transparency of our supply chains. We must use technology in a very innovative way. We must have farming that is less resource intensive but more sustainable. I agree with everything my colleague, Senator Paul Daly, has said. We must ensure we bring farming communities with us. As Senator Lombard said, we should utilise the great experience young farmers have to tackle the largest existential problem we face.

**Acting Chairperson (Senator O'Loughlin):** As we are running short on time, I will not contribute, as I had intended. We final two speakers, Senators Paddy Burke and Aisling Dolan, have two minutes each.

**Senator Paddy Burke:** Two minutes is a short time to speak on anything.

**Acting Chairperson (Senator O'Loughlin):** I agree. I am not taking my speaking time.

**Senator Paddy Burke:** The Minister stated that every place and person matters. If he takes that sentiment with him, it will be a great place to start from with this Bill. If he meets the farming organisations, I have no doubt he will bring them with him and win the day. They know there is going to be change.

It is ironic that we are debating this on a day when two important reports came out. One is a report by Dr. John Bradley on the Atlantic rail corridor from Galway to Mayo, which is 50 km in length and would cost €154 million, including a 20% contingency. When I asked the Minister about the corridor from Athenry to Claremorris some months ago, he responded very positively. I hope he will look at this report.

The second report is about a farm in Bandon, west Cork, that has received a Science Foundation Ireland award. The ambition is to create a carbon neutral dairy farm by 2027. This is an example of the way forward. The Minister can bring it to the attention of the farming organisations and they can provide their input as to how this will play out going forward and we can become a carbon neutral community.

I have much to say about offshore renewable energy in the west, where there is no offshore plan. There are 5 GW proposed on the east coast but there is nothing provided for on the west coast. That requires a significant debate in this Chamber and the Minister should come back at the earliest opportunity to consider where we can go and how we can put a planning framework in place. There are many substantial investors who would like to get involved in this sector along the west coast. I am out of time. Hydrogen power could come into play with regard to those activities.

**Acting Chairperson (Senator O'Loughlin):** Senator Burke did very well with his time.

**Senator Aisling Dolan:** We know that climate action and low carbon development are urgently required at a national and international level. I appreciate that the Minister has considered at least 78 amendments and I welcome this approach. He has a target of climate resilience and climate neutrality by 2050 with carbon budgets at five-year intervals. Ministers and Departments will be charged with sectoral emission ceilings and will report to the Oireachtas joint committee. This has to be practical. The Minister indicated there will be front-loading of more than 50% of the reductions in the first two five-year budgets, taking us to 2030. This will place severe pressure on a number of sectors over the next ten years.

The Minister has said we have to be fair and equitable, and that the voices of groups must be heard. We must live up to this element of public participation. I speak on behalf of communities in Roscommon and east Galway in the west and many of my Seanad colleagues have done the same. Just transition has had a major impact on Shannonbridge and Lanesborough in my area, with job losses in Bord na Móna and the ESB. We need job creation. The just transition fund is welcome in the area but we must get these projects off the ground and up and running. They are still in preparation and some are still not across the line.

The Sustainable Energy Authority of Ireland report on emissions for 2018 showed that transport accounted for 40% of the energy-related CO<sub>2</sub> emissions. We also need to look at housing and retrofitting. We need to look at all of these areas, not solely agriculture. The Minister has set a major target for creating energy sustainable communities. My town, Ballinasloe, is part of this plan.

The IFA has raised concerns about why we are not counting hedgerows for carbon sequestration and referred to the value of our peatlands and callows areas. We have some excellent peatlands, particularly in the west, such as Carrownagappul bog in Mountbellew, and pristine lands, some owned by Bord na Móna, that have never been used. Our regional areas are delivering for the country in terms of sequestration.

As Fine Gael spokesperson on research and innovation, I would like to see a significant focus in this area. What funding will be allocated by the Department to support research by Teagasc or the putting in place of agricultural measures by Science Foundation Ireland, SFI, in the areas of agrifood and climate action? MaREI is a fantastic SFI research centre in UCC that works with those in many other areas.

Our farmers are also taking the lead in the context of carbon emissions.

Debate adjourned.

*Sitting suspended at 3.31 p.m. and resumed at 4 p.m.*

### **Aviation Sector: Statements**

**An Cathaoirleach:** I welcome the Minister of State to the House and thank her for taking the time today to address this important issue.

**Minister of State at the Department of Transport (Deputy Hildegarde Naughton):** I am pleased to update the House on aviation matters. This is clearly an exceptionally challenging time for the aviation sector, and particularly for those whose livelihoods depend on the travel, tourism and hospitality sectors. The global pandemic has had a devastating impact on international travel throughout the world. The Government is conscious of the need to continue to support the domestic aviation industry to restore vital air connectivity as soon as possible, and to assist the aviation sector to rebuild and recover when the Covid crisis eases, which we hope for, and expect, in coming months.

The sector is a major contributor to the economy. Government policies have recognised and supported this contribution. Aviation supports jobs within its own sector and across the economy. It is vital for foreign direct investment, the multinational corporate sector and international tourism. Aviation underpins Ireland's status as a great place to do business and it is essential to Ireland's competitive position internationally. Our national aviation strategy over the years has sought to enhance Ireland's connectivity by ensuring safe, secure and competitive access that is responsive to the needs of business, tourism and consumers.

Prior to Covid-19, the air transport industry in Ireland, including airlines and its supply chain, was estimated to support €8.9 billion of GDP. Spending by foreign tourists supported a further €8.7 billion of GDP. In total, approximately 6.8% of GDP was supported by air transport and foreign tourists arriving by air.

Aviation is also vital for regions. Government policy has sought to optimise conditions for regional development and connectivity for both social and economic benefits. Aviation employers make a significant contribution to the regions, providing high-quality jobs within the sector as well as through the various ancillary services provided to airports, airlines and in local economies.

Aviation is a particularly cyclical industry and, historically, it has always been susceptible to external shocks. In that context, the Covid pandemic is the most serious crisis the international aviation sector has ever faced and the industry is one of the most affected by the global pandemic. At the height of the crisis, traffic movements in Europe were more than 90% below 2019 levels and passenger numbers were estimated at just 1% of pre-Covid numbers. Recent analysis by the International Air Transport Association, IATA, shows that while domestic air travel demand has begun to recover globally, international passenger travel remains stalled in the face of ongoing travel restrictions. For Ireland, EUROCONTROL data show that traffic is still 84% below 2019 levels. A range of forecasts across the airline sector do not anticipate

global capacity returning to pre-Covid levels before 2023 or 2024. The question of when aviation business might be able to resume in a meaningful way is clearly linked to the roll-out of vaccinations globally, the evolution of the virus and variants of concern and the ongoing need for testing related to travel, as well as the more general economic outlook. All of these factors have been carefully considered by the Government and the roadmap for reopening international travel announced on 28 May provides a framework for that recovery.

Faced with the challenge of Covid, all parts of the aviation sector, except those substantially or exclusively dedicated to air cargo, have had no option but to radically address their cost base and protect liquidity. Alongside rationalisation measures, companies are shoring up their finances through increased borrowings and raising new capital. Regrettably, Stobart Air's plans to secure a new buyer failed and this resulted in it ceasing trading. This is a devastating development for the 480 Stobart Air workers who have been directly affected by this decision. Job cuts have also unfortunately been a feature for other European airlines as a direct consequence of the Covid-19 crisis. Ireland's temporary wage subsidy scheme, TWSS, and employment wage subsidy scheme, EWSS, have been generally successful in maintaining the link between airlines and their employees during the Covid crisis in Ireland. For Stobart Air, however, the loss of its franchise contract for the operation of regional UK routes, along with other factors, made its position untenable. The restoration of regional connectivity is of critical importance for the Government and work is under way to secure a new operator for these vital regional routes as soon as possible.

The Government is fully aware of the ongoing impact of the pandemic on the aviation sector. From early in the crisis we put in place a range of supports for businesses, including the aviation sector. These included the TWSS and EWSS, the waiving of commercial rates, the deferral of tax liabilities, the Covid restrictions support scheme, CRSS, the credit guarantee scheme and the Strategic Banking Corporation of Ireland's working capital scheme. It is estimated that by the end of this year our airlines and airports will have received over €500 million in Covid supports from the various programmes available. This includes liquidity support already provided by the Ireland Strategic Investment Fund, ISIF, which is part of the National Treasury Management Agency, NTMA. It has invested €150 million in debt funding in Aer Lingus and €40 million in the Dublin Airport Authority, DAA, from the €2 billion pandemic stabilisation and recovery fund. This fund was established last year as a key support for Irish employers whose businesses had been affected by Covid-19.

The debt funding for Aer Lingus is a three-year debt facility that will strengthen the airline's liquidity position. ISIF and Aer Lingus have agreed commercial terms on the structure, pricing and repayment of the loan that are consistent with ISIF's statutory double bottom line mandate to invest for a commercial return in business and projects that support economic activity and employment in Ireland. ISIF's investment is designed to complement ongoing investment into Aer Lingus by its parent company, International Airlines Group, IAG. The investment is an excellent example of the effectiveness of ISIF's pandemic stabilisation and recovery fund, which the Government established in May last year. It matches ISIF's investment capacity with a strong business that can use ISIF capital as a platform for rebuilding post Covid-19, supporting jobs in Ireland and contributing to the resumption of normalised economic activity.

The Government has allocated funding for an €80 million aviation-specific support package in 2021. In addition to €21 million in funding for regional airports under the regional airports programme, a further allocation to them of up to €6 million under a state aid compliant scheme is available in 2021. This is in recognition of the impact of Covid-19 on our smallest airports.

Donegal, Kerry and Knock airports are eligible for funding under this scheme. Applications for funding are being assessed and I hope to be in a position to allocate funding in the coming weeks.

Approximately €32 million is being provided in support to Cork and Shannon airports this year. Additionally, my Department is assessing applications for funding to State airports under the €20 million Covid-19 supplementary support scheme. I expect to be able to provide funding to Cork and Shannon airports under it soon. This support will allow the airports flexibility to provide route incentives and airport charge rebates to stimulate recovery of lost connectivity this year.

The Government is allocating additional tourism supports to incentivise our international connectivity. The regional co-operative market access scheme promotes direct air and sea access to Ireland's regional experience brands and is administered by Tourism Ireland with matching funding from airlines, sea carriers, airports, ports and regional tourism stakeholders, including local authorities. The Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media has increased the funding available for the scheme from €1.25 million in 2019 to €3 million this year. With international travel into Ireland due to recommence in earnest on 19 July, Tourism Ireland is engaging with a number of air carriers to support the promotion of routes into our regional airports, which will help to stimulate inbound tourism directly into our regions.

On 28 May, the Government announced a roadmap for the gradual reopening of international travel. This plan brings together the EU digital Covid certificate, pre-departure PCR testing and, where necessary, quarantine so that international travel can operate safely. An "emergency brake" mechanism will allow us to respond to the potential emergence of variants of concern. The current advice to avoid non-essential travel and related penalties will remain in place until 18 July. From 19 July, citizens will be advised to travel safely and in accordance with public health guidance and restrictions and to avoid non-essential travel to countries to which an emergency brake has been applied.

The Minister, Deputy Eamon Ryan, and I will continue to engage at every level across the Government to ensure that all testing-related options that strike the right balance between protecting public health and protecting our economy are considered. We will continue to be guided by the Department of Health and NPHE on Covid-19 testing and how it might be used in settings, including international travel.

In December 2020, officials in my Department engaged with the Department of Health and the HSE and noted that our airports had seen an opportunity over the Christmas break to run an *in situ* assessment of antigen testing with the assistance of established testing providers. It was also highlighted that our stakeholders offered to assist in an on-site trial as regards the validation of antigen testing. Airlines have a number of outlined times their willingness to assist in any pilot programme, and my Department noted the potential for collaboration with other jurisdictions and airports on the issue.

On 11 May, I wrote to all Ministers to bring to their attention the report of the National Civil Aviation Development Forum on plans for the restarting of aviation. In that context, it was identified that one of the issues requiring urgent consideration was the role that antigen testing might play in the Government's framework for reopening. Earlier today, I wrote to my colleague, the Minister for Health, proposing that we consider piloting the use of antigen testing. The improvement in the epidemiological conditions in Ireland and in the European Union gen-

erally provides an opportunity to reconsider the potential role of antigen testing in facilitating international transport without an undue negative impact on public health. However, we will ultimately be guided by public health advice, as we have been through the pandemic.

While it may take some time for our aviation sector to regain the strong economic position that it had at the start of the pandemic, the Government has committed to ensuring that there will be no cliff edge for the Covid-19-related business supports that are currently available. On 1 June last, the Government launched its Economic Recovery Plan 2021, which is aimed at rapid job creation and kick-starting economic growth after the pandemic. The plan sets out new measures for businesses and affected sectors as the economy reopens and provides details of the various pandemic financial supports, including the CRSS, the EWSS and the pandemic unemployment payment, PUP. This gives certainty to employers, workers and those who need it. With our vaccination programme progressing, a plan in place for the resumption of non-essential international travel and significant levels of business support available, the aviation sector is now positioned to begin to recover. I will remain closely engaged with all stakeholders over the coming months in the implementation of these plans. There are reasons for optimism and better days ahead. The Government will continue to work to enable the aviation sector to resume its central role in a vibrant and connected Ireland.

**Senator Róisín Garvey:** I welcome the Minister of State to the House. I do not envy her role as Minister of State with responsibility for aviation. I can only imagine how stressful it must be. Covid hit the country and aviation went wallop. All of a sudden it became the new Government's fault entirely. I hope the Minister of State gets to sleep at night sometimes and that she is not getting too much grief over it because it is absolutely not her fault that we are where we are.

**Senator Timmy Dooley:** Hear, hear.

**Senator Róisín Garvey:** It is important that we have a united message from the Government, which is why I was surprised to hear the Tánaiste saying that perhaps young people can go abroad but with no definition of what young people are, when we had just been telling everybody that unless people can rationalise it they probably should not travel. I was surprised by this because we have to have a united message and have it figured out. People want to know and most people want to do what they are told and follow the best advice. We need the advice to be very clear and united. It is interesting and must have also left the Minister of State confused with the different messages from within her own party.

All this aside, it has been a real struggle for everybody in the aviation sector. All of the staff have been worried about their jobs. We have all had so many meetings. Elected representatives from Clare had several meetings with the aviation industry because of Shannon Airport and its importance to the region. As a west coast woman, I hope the Minister of State deeply understands the importance of Shannon Airport.

Aviation has shut and we are speaking about building back better. Part of building back better should be the introduction of regional balance in the aviation sector. For too long we have seen the vast majority of flights going in and out of Dublin. We all know now that 95% of these head off somewhere else, whereas those on flights coming into Shannon and Cork stay and spend. These are the economics that make sense to rural and regional areas. I look forward to working with the Minister of State on Shannon Airport in particular because it is in my native county.

We are an island and we need flights. Some people might say we should never fly again but this is not realistic. We will need flights and we will need them for a long time to come. I saw a good article in a Clare newspaper about a Clare man who has electric planes. They are only four-seaters but it is a start. We will need flights, we will need aviation and we will need it to be done well. When we put it back in place we really have to do it with regional balance. This is one of my main points.

The introduction of the EU digital Covid certificate will be very important and positive. I look forward to people being able to relax and know it is okay to travel again. I feel the frustration of young people so I can understand why the Tánaiste spoke as he did. I would love to have said the same thing but it was not what was being recommended by NPHET. Many young people are wondering what they can and cannot do. Everybody needs more clarity. The testing centres are going really well and many people are getting vaccinated, which is good. Those in their 30s will soon be vaccinated and I welcome this.

Before I wish the Minister of State good luck with her challenge I want to raise another issue. On the front page of *The Clare Echo* this week was a story on the threat to more than 400 jobs at Lufthansa Technik in Shannon. I do not know how many more job losses the region can take. Not only is this threat hovering over the workers but they were not fully informed. Some of them only heard about it in the press. This is wrong. No matter what is happening, people should not find out their jobs are under threat on the front page of a newspaper. I am sure the Minister of State deals with the airline companies and businesses all of the time. Lufthansa Technik must treat its workers better than that. Staff should not have found out about it on the news. For me, that would be horrendous. The company has done much great work on maintenance and repair; it is a maintenance, repair and overhaul operation and as such is very important. I heard about this before it was in the paper, luckily. It is always nice to know before the journalists, when we are trying to run the country. I was on to the Minister, Deputy Eamon Ryan, straight away. I know he has been talking to the Tánaiste, in his capacity as Minister for Enterprise, Trade and Employment, and also directly with Lufthansa. We must try to prevent the job losses. In the worst-case scenario, what is the plan B? We must move and be ahead of the game in that regard. The more we engage with industry, the more it will keep us informed. I do not know what the best tactic is but we must do all we can to save every single job we can. Aviation is under serious threat but it will come back, it will be back again. Aeroplanes will need to be maintained. Even if they are only sitting on the ground going nowhere, they must still be constantly maintained and minded. To that end, I hope there are plans to engage with Lufthansa Technik to see what exactly the story is. I hope the company is going to inform its staff properly and treat them with the respect they deserve.

**Senator Gerard P. Craughwell:** I welcome the Minister of State to the House and thank her for being here. I know she is aware that 143,000 jobs in Ireland are associated with aviation. The industry is now on its knees and the main priority is its survival. That concerns not just those who are flying; Senator Garvey just mentioned Lufthansa Technik in Shannon, which is vital as well, but I am sure there are colleagues who will have more to say on that. As we speak, over 1,200 airline pilots who are members of IALPA are living on social welfare, and the remainder are on 25% to 30% of their normal pay. It is unbelievable. I have met pilots personally outside the gate. We have this grand image of pilots earning super money and having a wonderful lifestyle. In reality they are on their knees. These are people who committed to large mortgages and all the things that go with the job they had. I state on the floor of the House that I am 100% behind IALPA and everything it is trying to do for its members. We

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are now coming into the second summer of travel restrictions. Airline staff and their families are facing continued hardship well into 2022. Members will have seen hundreds of aviation workers demonstrating outside the Department of Health last week. Before participating in this event - and I know the Minister of State mentioned antigen testing and I was glad to hear it - they were all tested with antigen testing. It shows how large groups of people can be tested in a very short space of time. The international evidence seems clear that it is a tool in the box, not the solution but a tool in the box.

Last week's appearance by NPHET before the transport committee was depressing, to say the very least. The Chief Medical Officer, CMO, seems wedded to his position at the moment and it is very hard to change that. I noticed that under constant questioning from some of my colleagues, he did tend to sort of back off a little bit and saw some merit in antigen testing and that is good. The man from Harvard, whom Senator Buttimer questioned on antigen testing at the previous week's meeting of that committee, was very interesting. I am sure the Senator will have more to say on that. As the House will know, on 21 January EU states unanimously agreed to Council recommendations setting a common framework for the use of rapid antigen testing and the mutual recognition of Covid-19 tests across Europe. The bottom line on it is that most European countries have now signed up to antigen testing. The SARS-CoV-2 variants are of concern to us and I have no doubt whatsoever that the Delta variant, as it is now being called, is one we should all be quite concerned about. However, is it reason enough to ground all our aircraft? The EU advice contains a common list of rapid antigen tests. I know it is not the Minister of State's fault but it is rather sad that as far back as a year ago, in fact at the very start of this, or as soon as antigen tests became available, colleagues from all over this House were in on a weekly basis talking about antigen testing and trying to open the economy as much as we possibly could but still, for some reason or other, Government was unwilling or unable to go against the CMO. Colleagues across this House spoke on a weekly basis about the use of antigen testing in trying to open the economy as much as we possibly could but the Government, for one reason or another, was unwilling or unable to go against the Chief Medical Officer, CMO. I understand why that might be the case. Sometimes political decisions have to be taken that countermand the medical decisions on the day. Several studies show that rapid antigen testing is very well able to detect high viral loads, correlating to the infectiousness of a person.... Mean it will be more appropriate tool in widespread application in Irish society.

I understand why that might be the case but sometimes political decisions have to be taken that countermand the medical decisions on the day. Several studies show that rapid antigen testing is very well able to detect high viral loads correlating to the infectiousness of a person, meaning it would be a more appropriate tool in widespread application in Irish society.

I spoke to a person who was planning on travelling this summer. She asked her GP about travelling for three or four hours on an aircraft. The GP maintained she was more at risk going through the airport than she would be on the plane once she was tested. That is something we have to take on board. I understand the filtration systems on aircraft are very good but I also understand anybody who gets on an aircraft will have been tested. A key factor is the speed of testing.

A number of companies operate in Dublin Airport where passengers can have a test and fly with a certain degree of confidence. I am not sure about the position in Cork and Shannon airports, which my colleagues will address. I was rather shocked to hear a doctor state the other day that he would feel totally uncomfortable sitting beside somebody on an aircraft who had had a negative antigen test. I find that very hard to take. It is quite frightening for anybody who

is planning on travelling.

We are the most locked up country in Europe. On the one hand, the Government states how important aviation and tourism are, yet we are blocking such travel into the country. I would hope to see transatlantic traffic coming back into the country. As the Minister of State comes from the west, as do I, counties such as Galway, Kerry and Donegal all depend on US transatlantic tourists coming into the country every year. I would hope to see that happen. It is amazing to think the United States is now almost back to pre-Covid times.

Before I conclude, I will make one final point.

**Senator Jerry Buttimer:** On a point of order-----

**An Cathaoirleach:** I call Senator Buttimer on a point of order.

**Senator Jerry Buttimer:** The Senator should acknowledge in the context of American aviation being fully reopened, transatlantic travel has not been reopened by the American aviation authority.

**Senator Gerard P. Craughwell:** I appreciate that.

**Senator Jerry Buttimer:** Let us be clear. If we are going to have a debate on aviation, let us do it on the basis of the facts and not on the basis of dúirt bean liom go ndúirt bean léi.

**Senator Gerard P. Craughwell:** I thank the Senator for that. I am sure he would have corrected the record when he had a moment.

A key action we must take is to put money into the airlines. We have lost Stobart Air and a few other small airlines. We have to put money into Aer Lingus and Ryanair. We can do it one of two ways. We can either grant them money or get them back in business carrying passengers. I am sorry I offended Senator Buttimer on the matter of international travel.

**Senator Jerry Buttimer:** The Senator did not offend me but if he wants to have a debate he should have it on the basis of the facts. The American aviation authority has not opened international travel to Europe.

**An Cathaoirleach:** I thank the Senator.

**Senator Jerry Buttimer:** European passengers cannot travel to the United States of America-----

**An Cathaoirleach:** I call Senator Dooley.

**Senator Jerry Buttimer:** Let us have a debate on the facts.

**Senator Gerard P. Craughwell:** Keep calm.

**An Cathaoirleach:** Senator Buttimer, I have called Senator Dooley.

**Senator Jerry Buttimer:** We will be fair to him. The Cathaoirleach represents an area where tourism is affected and he should be supporting his area as well.

**An Cathaoirleach:** I am, indeed. Senator Dooley has six minutes.

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**Senator Timmy Dooley:** I welcome the Minister of State to the House and thank her for her presentation. I welcome the fact she wrote to the Department of Health today on conducting a pilot on antigen testing. I would like if that had been done sooner. I hope the Department of Transport will be able to take on that role in conjunction with airports and airlines and notify the Department of Health it is doing it. I do not think we can leave it all to the Department of Health, but that is another issue.

The reality is that the aviation sector is decimated across the world. That is not the making of the Government or of any Department, as others have said, but how we respond to it must be the responsibility of the wider Department of Transport. We have to give some certainty to all the players, to the airports, airlines, aircraft maintenance, repair and overhaul companies, support companies and the leasing companies, which are looking around and wondering where we are going. That is why I would like decisions made much sooner. We have a fair idea where the virus, the various variants and our vaccine roll-out are at. We are working towards 19 July for an opening up across Europe. I believe that we should be moving on 1 July. I do not see why we need to wait the protracted period of time. From talking with people within the airline sector I am aware that this 19 days will have a significant impact on activity and on the levels of financial income for airlines.

On the issue of antigen testing, there is a lot of talk to suggest that if we had antigen tests it would sort the problem. It would not, but it would certainly have a significant benefit. The PCR test was really important when the virus was out of control. With the vaccines rolled out, however, and now rolling out to the 30s age group, could those under the age of 30, the teens and those in their 20s who will not be vaccinated for the rest of the summer, at least be tested with an antigen test rather than forcing them through a PCR test, which is an expensive test? Consider those parents who have worked hard throughout this year and who have coped with everything. If they want to take their two or three kids away it is probably €200 per child for tests to leave the country and to come back. We need to look at that. If there is a difference between the Tánaiste and Dr. Tony Holohan on whether or not people should travel based on whether or not they are vaccinated, could we get some clarity around whether or not an antigen test would be enough? I believe that people would accept that, and it would certainly be helpful for the industry. We must watch that.

On the wider sector, antigen testing will not bring aviation activity back to 2019 levels anytime soon, with 2023 to 2024 having been identified as the period before we are back to pre-pandemic levels of activity, however that might play out. Some would suggest that it could be 2024 to 2025. The reality is that there will be significant job losses during that period, as the Minister of State knows well. We need to provide supports to all the airports, but particularly to Shannon Airport in the west, to try to ensure that everything is not consolidated into Dublin. There is no doubt that a lot fewer people will be travelling for the next couple of years but we do not want airlines putting all flights through Dublin just in order to survive. As airlines consolidate to try to protect cash or to try to minimise their borrowings, of course they will try to consolidate activity. This will be through the biggest airport, which will be Dublin Airport. If we allow that to happen in an unbridled way it will decimate further economic recovery on the western seaboard. For sure the Government has, in my view, an absolute requirement to provide funding to the likes of Shannon Airport with route support schemes and so on. It is not good enough to say that we will look at that in the future, that there is a bundle of money and that we will announce stuff. They are grappling with airlines now. They are trying to give some certainty to the rest of the summer and the autumn period. Other airports around

the world know what they can offer and they are jumping ahead. They are attracting airlines. We are losing that in the west. We need to see action around that to ensure we retain key connectivity. I will give Shannon Airport as an example. The key connectivity and the key routes for Shannon Airport for business and onward connectivity to the wider world are into London Heathrow, New York and Boston. Ryanair provides other services that are very important and they support the hospitality and tourism sector inbound and outbound for people who want to travel. We need to work with local airports. We need to establish what are the key routes that drive most levels of activity, and we need to provide the appropriate level of funding. This is not for further down the road. This needs to be done really quickly.

Senator Garvey spoke of effects on the wider sector. We have seen it with Stobart Air and with the removal of the crew base at Shannon, which is a horrendous blow to the morale, to the confidence and to the families of those who were affected. It is a huge blow to those communities. Now we see that Lufthansa Technik, which is a very important maintenance company there, is also reviewing its operations. That is really striking a blow to the confidence in the overall sector. The State needs to make it clear. We have a clear pathway now on where the virus is going. Of course one can never be overly confident, but the end is in sight and there is a pathway out of this. Vaccination is it. Alongside that we need very strong State support standing behind the industry, knowing that we will have to continue to borrow as a State to continue to support the sector, so that we can keep the foundations in place upon which to build that recovery. I thank the Minister of State for listening to us.

**Senator Jerry Buttimer:** I welcome the Minister of State, Deputy Naughton, to the House. Like Senator Dooley, I welcome the Minister's contribution and her decision to seek a pilot on antigen testing. I agree with other speakers that this should have been done by NPHE as part of the review of the Ferguson report. Those of us who are members of the Oireachtas Joint Committee on Transport and Communications recognise the importance of aviation and understand that a whole-of-government approach is needed. This is not just a matter for the Minister of State, although, to be fair, she gets it.

I am conscious of the debate we are having. Some of us are very passionate because we have been involved in this area since the outset and know people who are intimately affected at all levels of the aviation sector. The old Aer Lingus advertisement, "Look Up, It's Aer Lingus" is funny but not funny because there is no point looking up when there is nothing happening in the skies. As Senator Garvey rightly said, we need aviation. Connectivity is central. I do not want to be political but if we are going to have a debate, then let us have honesty in that debate. Senators who were in favour of locking up the country and hotel quarantine and saying that we did not go far enough cannot come in here today and wave the flag because there is political pressure on. Some of us have been working since last April to ensure there is a plan. A good plan was published last summer by the aviation recovery task force, of which former Senator, Pádraig Ó Céidigh, was a member. We need to see that plan activated and implemented.

The response is about a whole-of-industry approach. It is about Government, aviation, hospitality, aircraft leasing and so much more. If we want to rebuild our country, which we have to do and we are all committed to doing that, then central to that is aviation, be that in Cork, Kerry or Shannon in the case of Clare, Limerick or Galway, and Dublin as well. We must reposition our aviation sector, as otherwise the stalled position will remain. Our airports and airlines are central in that regard. The Minister of State in her contribution recognised and acknowledged the amount of money the Government has put into this sector. A recovery plan is critical, however, because the essence of where we are at as an aviation sector is that as we

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speak, airports and airlines around the world are negotiating. We are behind the eight ball. We must incentivise our airports and the Dublin Airport Authority to negotiate in order that we can attract new routes and have route development. If we do not, we will be in trouble, the 2022 to 2023 timeline will become 2025 to 2026, Killarney, Cork, Dublin, Galway, Limerick and so on will be affected and we will be back to square one.

The Government must respond. I do not know whether the Government understands that. I appreciate that the Minister of State understands that but I do not think her colleagues do. I really do not in some cases; I wish they would. I also do not think some in the Opposition understand. Those of us involved with airports and airlines in our areas do understand but some of our colleagues do not. This is about jobs. It is about people's livelihoods, connectivity for the country and getting hospitality tourism moving but it is also about foreign direct investment. To be fair, we should all acknowledge and thank the staff under the aegis of DAA for the sacrifices and job restructuring they have undergone. I regret the behaviour of some of the airlines in terms of the changing of work contracts and the termination of positions. I accept that in some cases they are losing a ton of money, but we are dealing with human beings here who have worked on behalf of the DAA, Aer Lingus, Ryanair, Lufthansa, Vueling and so on. Stobart Air has shown us the fragility of the aviation sector. Eight routes out of Cork Airport are gone. The supports must be guaranteed for 2022. Clarity is needed urgently in regard to the financial supports in order that deals can be done with other airlines and for route development. If we do not do that, we will miss the window.

Finally, I wish to raise the fact that credit card companies are treating travel agents in an absolutely appalling and unacceptable manner. Representatives from the Commission on Aviation Regulation are due to appear before the Oireachtas Joint Committee on Transport and Communications in two weeks. The Minister of State at the Department of Enterprise, Trade and Employment, Deputy English, is well aware of this issue and has been working on it. It is disappointing to hear from travel agents that credit card companies are taking a very hard line and are demanding substantial cash security deposits from them. The agents do not have cash available to them at present. I ask the Government to look at that.

I appreciate the Minister of State's commitment and support. Our aviation sector is critical to the next phase of our post-pandemic recovery. Ours is an island nation and we must have connectivity for a variety of reasons. I thank the Minister of State for being here.

**Senator Mark Wall:** I also welcome the Minister of State. The aviation industry was already on its knees when we learned, with shock, of the scale of job losses at Stobart Air last week. There can be no doubt that this announcement has sent shock waves through every other aviation operator in this State at a time when they are all desperately seeking oxygen. The announcement has effectively opened the departure gates for the industry in this country, although warnings had been signalled by many, including in this House, in recent months.

It was stated earlier that the Government is continuing with a number of capital projects, including the expansion of Dublin Airport and the building of an additional runway there. Meanwhile, aviation workers and their families all over the country are on tenterhooks, listening for the next news broadcast and hoping against hope that their jobs will not be the next ones to go. Last week, members of the Dáil asked what is happening to the Irish aviation industry and, most importantly, to the workers in it. I repeat those questions now. What are we doing to protect their jobs? We cannot continue to pour money into capital projects without securing the experience and jobs of those currently working in the industry. That simply does not make sense.

We all welcomed the EWSS. There is no doubt that it has helped. It should be a concern for all that jobs are being lost, however. Workers are losing their employment, as Aer Lingus crews at Cork and Shannon airports and Stobart Air employees are finding out. I am sure all Members are receiving emails and letters from aviation families who feel that the Government is not trying hard enough to protect their livelihoods. There is no confidence among aviation workers that their worries and their families' concerns are being taken seriously. We are now just a couple of weeks away from 19 July and we all hope aviation will take off safely again, securing existing jobs and preventing any further losses.

Notwithstanding what the Minister of State has said - and I welcome the fact that she has written to the Minister for Health - it is very important that we talk about antigen testing. As others have already stated, antigen testing is not the silver bullet for the industry but it must be part of the solution to opening up again and part of the process the Government adopts to get the industry off its knees. Many eminent professionals and medical experts are promoting antigen testing as part of a package of solutions that includes PCR tests and the continuing roll-out of the vaccination programme to the greatest extent possible. The Labour Party's transport spokesperson, Deputy Duncan Smith, called last week in the Dáil for a co-ordinated approach to testing in order to get our aviation industry back up and operational. PCR testing could be used for passengers on the way out but we should be considering antigen testing for people on the way in to this State. Simply put, antigen testing should be on top of the existing structures, making those structures a bit more flexible where possible but at no time weakening what we already have in place.

I am sure we were all delighted to hear the excellent news at the NPHEB briefing last week when the CMO, Dr. Holohan, informed us that we are now experiencing near-immolation of Covid-19 in the vaccinated population. As important and vital to our futures as that is, at the same briefing Dr. Holohan, when asked about antigen testing once again, stated that NPHEB was confident that antigen testing should be used in many situations. Indeed, we were informed that there are pilot antigen tests planned for and progressing at third level, for example. Currently, however, we do not have any indication of when and if antigen testing will be used for foreign travel and that must change. In that context, I welcome the fact that the Minister of State is writing to the Minister for Health on the matter. Of course, several European countries, including Denmark, Germany, France and Italy, are already accepting antigen testing to allow entry. There appears to be widespread use of antigen testing in many different industries in countries such as Canada, where the evidence is that such testing has identified the virus in many cases, thereby preventing the mass spread of this terrible virus in that country.

We must realise the importance of the aviation industry to Ireland. Ireland is an island on the edge of Europe. Some 143,000 lives and livelihoods are directly connected to Irish aviation and are dependent on it. There can be no doubt the industry is struggling, as is evident from the loss of so many jobs in recent weeks. In other countries such as Germany, direct state intervention coupled with the use of multiple testing options are seeing the beginning of a revival. It is time we used all the tools available to us to help this industry and, most importantly, those whose lives depend upon it. The EU digital green certificate will make a much-needed difference. We must see its further detail and it being rolled out, which seemed to begin in this House this morning. That roll-out must be accompanied by an accelerated pilot scheme on antigen testing. We must use every tool available to save the industry. It simply will not survive a second summer of grounded flights and empty airports. We must protect the greatest number of the 143,000 jobs and the families and people behind them.

**Senator Paul Gavan:** It is nice to see the Minister of State. She is always welcome here. I hope she will not take it badly when I say we were told last week that her colleague, the Minister, Deputy Ryan, would come to the House. I am conscious I have given the Minister of State a hard time on many occasions on this subject, so I would not mind giving the Minister a hard time as well. However, it cannot happen. I appreciate what the Minister of State said today and I certainly welcome the pilot programme for antigen testing. Incidentally, I do not believe antigen testing will be a big part of the solution. I was on a flight four weeks ago and everybody on the aeroplane was tested on arrival. It turned out afterwards that the flight resulted in a host of people with the Delta variant of Covid-19 from that journey, so there are no simple solutions for this. However, antigen testing has a role to play.

It will not surprise the Minister of State that I want to talk about Shannon Airport. There is massive frustration. Other Members have referred to the loss of the cabin crew base. I recall more than 12 months ago when a host of representatives from the mid-west met the Aer Lingus staff. They warned us then what was coming down the line if action was not taken. A Government had not been formed at that point, but assurances were given by public representatives, I believe in good faith, that once a Government was formed, there would be some type of strategic plan to save those jobs. Of course, it would have been much easier to do that if the last stake in Aer Lingus had not been privatised, but we could spend hours discussing the mistakes made previously in aviation policy. My point is that 12 months later nothing was done about securing those Aer Lingus jobs and we have now lost the cabin crew base and 81 jobs at Shannon Airport.

The aviation task force has been mentioned. I support the calls for the recommendations of the task force to be implemented. Recommendation No. 2 relating to the app and for it to include all relevant, up-to-date travel information for Ireland and for Irish citizens travelling abroad has not been implemented. The recommendation regarding comprehensive test, track and trace, which could have included antigen testing, is certainly not fully implemented at this point. A national code of practice for safe air travel in alignment with the European Aviation Safety Agency has not been implemented, nor has a common fixed sum per passenger for Cork, Shannon, Ireland West, Kerry and Donegal airports been implemented. I could go on. What frustrates us in the mid-west in particular is that when the Minister, Deputy Ryan, was asked last week what his response was to the ongoing crisis in Shannon Airport, he said he was going to establish another task force. He has not implemented the recommendations from this task force.

What is even more puzzling is that, last August, the Minister, Deputy Ryan, declared he was carrying out a review of the Shannon Group. We thought that was great, that finally somebody was going to take a look at this and put a strategic plan in place. That was on 9 August last, but nobody in this Chamber, with the possible exception of the Minister of State, knows what has happened to that review. Nothing has been said to us. Nearly a year later, the recommendations of the aviation task force have not been implemented and none of us knows what has become of the internal departmental review. Furthermore, there was an excellent, all-party Oireachtas committee report. I see colleagues in the Chamber who played a key role in producing that report. There were 20 recommendations and I will quote the last two, because they have a direct bearing on what we are discussing here. Recommendation No. 19 states: “That a new national aviation policy must be developed and given priority by Government, setting out a co-ordinated national approach to ensure balanced recovery and growth across the aviation sector”. As Senator Buttimer said, we must reposition the aviation sector. That key recommendation but has not

been implemented.

Recommendation No. 20 is: “Recognising the very significant shock to the aviation sector, the Committee recommends the re-establishment of a State Airports Authority, encompassing Dublin, Shannon and Cork airports, to lead the recovery in a balanced way”. That is what we could have been doing over the last 12 months and I am at a complete loss as to why those actions have not been undertaken. It is highly significant because we had a disagreement last October when I tabled a motion on setting up a new national State airport authority to encompass Shannon Airport and end the silly position of having it as a separate airport competing against Dublin Airport, which is a competition it could never win. Since then, all parties have agreed, through the transport committee on these recommendations. Now all parties, including representatives from the Minister of State’s party, have called for the re-integration of Shannon Airport into the new national State airport authority, yet nothing has been done. The people of Clare, Limerick and the mid-west are at a complete loss when they see the aviation sector in crisis that nothing strategic has been done and we are losing time. We will see a recovery but in the meantime nothing has been done to address the fact that 95% of aeroplanes leave from the east coast. We see what has happened in other countries. In the Netherlands, a cap applies to the country’s key airport to ensure regional balance takes place. In Ireland, despite a review, an excellent all-party Oireachtas committee report and an aviation task force, none of the key issues has been tackled.

What is worse is there is now a real worry about 500 jobs in Lufthansa Technik. Last week, when the Minister for Transport, Deputy Eamon Ryan, was asked whether he had been in contact with the company, his response was that he had been talking to people in the local area. What does that even mean?

Perhaps the Minister can tell us whether he or his Department has been in direct contact with Lufthansa Technik where 500 jobs are at risk. There is talk of a sale, perhaps in a month, according to a report published in *The Irish Times*. These are key, valuable jobs that we cannot afford to lose. I get the impression, and I am not talking about the Minister of State, that the Department is not up to speed in terms of taking urgent action to save jobs, protect Shannon Airport and the jobs it supports and protect the mid-west economy.

This Government will not be forgiven for failing to act on Shannon Airport. I call on the Minister to take action, implement the recommendations and provide a clear, positive answer today.

**Senator Gerry Horkan:** I thank the Minister of State. This is the first time that I, as a returning Senator, have been in the Chamber with her. I congratulate her on her appointment. Some of the first points that I made on my return were about Shannon Airport, which might surprise people. The mid-west region is well represented in the Seanad by Senators Dooley, Marie Byrne, Conway and Gavan. The Joint Committee on Transport and Communications also has a number of members from the mid-west, including Deputies Lowry, Kieran O’Donnell, Carey and Cathal Crowe, and Senator Timmy Dooley.

In Ireland’s aviation history, Shannon Airport was the last point in Europe which everybody transited in the 1950s and 1960s before aircraft travel had more capacity. The airport invented the concept of duty-free and a drink called Irish coffee. For many years, Aeroflot flew all of its aeroplanes through the airport. The Soviet Union built a fuel farm at Shannon and Aeroflot planes were the airport’s biggest customer for a long time, from the 1980s to the 2000s. Many

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Deputies have complained over the years about the use of Shannon Airport by troops but this facility provided it with substantial revenue for many years when, unfortunately, it benefited from a difficult conflict.

Aer Rianta as a concept, which combined the airports of Ireland at the time, did not just run duty-free shops in Ireland but ran them in Moscow, St. Petersburg, or Leningrad as it was then known, and Dubai. Ireland is the birthplace of aircraft fleeting, initially with Guinness Peat Aviation, GPA, and now with many different companies. Half of the world's aviation industry is leased through Ireland and 90% of our visitors arrive by air. We are the largest island in the EU country, although I acknowledge that Malta and Cyprus are also islands. People in the EU sometimes forget that while they can jump on a train from Germany to the Czech Republic, France, Spain or Portugal, and from Brussels and Paris to London, we are far more dependent on aviation than any other EU member state. As a country, our personnel diaspora have a substantial involvement with aviation and are working all over the world. Willie Walsh is the director general of the International Air Transport Association, representing 82% of the world's airlines. Alan Joyce, chief executive officer of Qantas, is Irish. Sean Doyle, chief executive officer of British Airways, is Irish. Eamonn Brennan, director general of EUROCONTROL, which controls all of the world's airlines, is Irish. Michael O'Leary of Europe's largest airline is Irish. We are dependent on aviation and sometimes the wider population does not appreciate just how much we punch above our weight in aviation. The Minister's speech was excellent in terms of how much of GDP, foreign tourism and foreign direct investment is dependent on it.

I would love to see all of our regional airports thrive and do well, but we also need some perspective. When Dublin Airport was at its peak, passenger numbers amounted to 33 million per year, Cork Airport was at a level of about 2.2 million passengers and Shannon Airport was at 1.6 million passengers. Regardless, we must do everything we can for the regions. However, the Stobart Air route to Kerry amounted to 58,000 passengers in a normal pre-pandemic year. Dublin Airport has in excess of 100,000 passengers a day. We must ensure that Dublin Airport thrives for the aviation sector, which is so important, and for all our tourists. Some 90% of tourists coming into this country do so by air. Regardless of where they land, they come in by air. We must ensure they can get here. We must also ensure our population can travel safely and freely using major routes to different countries. I have no issue with Aer Lingus expanding and having a base in Manchester, but not at the expense of airports in Dublin, Shannon, Belfast or Cork, or any other airport on this island.

We have done a significant amount as a Government and as a country to help aviation in the past. Ireland has suffered. I refer to the impact on aviation of the 1980s recession, the 2000s twin towers event, and the volcanic ash cloud. Aviation is an amazingly resilient industry. However, a number of weeks ago Willie Walsh said to us at our Oireachtas committee, of which I am a member since last month, that the airline industry is going to be smaller when it is built back up, and I am questioning this myself. We must ensure that we are not at the bottom of the queue, at the bottom of the list, when airlines look at what routes to reopen. We must ensure that all of our airports are available and that "Ireland Inc." is open for business.

I refer to antigen testing. I welcome the Minister's comments stating that he has written to the Minister for Health. I also welcome the comments from the CMO who said that people who are fully vaccinated will not require a PCR or antigen test. Unfortunately, this does not take into account people's children who have not been vaccinated. It would be incredibly expensive for families if they were getting a PCR test on the way in and on the back, per person. I think the Minister of State understands that point. We must have on the record of the House

how important aviation is, how far we punch above our weight and how much we need to do. I appreciate the work Aer Lingus pilots did in bringing personal protective equipment into the country 15 months ago, which I do not think anyone has mentioned at this stage because eaten bread is soon forgotten. No European capital city airport flies in excess of six times its population through its airport every year. Dublin Airport was punching far above most other capital city airports throughout the EU. We must get Ireland Inc. back punching above its weight in the aviation industry. We must get people flying into the country for the hospitality and tourism sectors. We must also allow our population fly again. Let us make sure, when we do it, that we attract as many visitors as we can into the country, for the sake of jobs in the aviation industry and in the wider tourism, hospitality and foreign direct investment industries.

**Acting Chairperson (Senator John McGahon):** Senators Byrne and Conway are sharing time. Is that agreed? Agreed.

**Senator Maria Byrne:** I welcome the Minister of State to the House to debate this important topic about aviation. Where I come from, in Limerick and in the mid-west region, aviation plays an important role. Airlines are very complex and need to be realistic with flexible plans in terms of reopening and getting back up and running. While passenger airlines are to the fore and will therefore be discussed a lot, I know that the leasing companies have been referred to. The Minister of State, Deputy Burke, was in Limerick this morning. We were in the Gardens International building where Nordic Aviation has its headquarters.

*5 o'clock*

That is right in the heart of Limerick city but it is only 15 km away from Shannon Airport. To survive and thrive in Covid-19, airlines will have to fundamentally rethink their fleets, the way they do things, refinancing and how they operate. I welcome, however, the Minister of State's announcement today with regard to antigen testing and also the increased funding coming down the line for both Cork and Shannon airports.

We have more than 50 years' experience in the aviation industry in terms of leasing and finance. I know there is more than \$20 million of GDP in Ireland out of that industry alone and more than 100,000 people are affected. The Recover Irish Aviation campaign had a primary objective to advocate for the safe and responsible return of international aviation in line with international best practice. When we look at Aer Lingus, Stobart Air and Lufthansa, which have affected us in the mid-west region, our first thoughts are with the staff and the families. I believe, however, that the Aer Lingus announcement, the restructuring in Shannon Airport and the airport pay cut are only the start of things to come. I believe Aer Lingus is looking at the other airports.

I have much more that I would like to say. At our recent Ard Fheis, however, a motion was passed that recognised the importance of Shannon international airport to the national economy and to international connectivity, and the importance of the aviation sector in general to Ireland's rebound and post-Covid recovery. It called on the Government to support the sector and its workers. I know from the Minister of State's announcement today that this is basically what she is doing. The Heathrow Airport slots and the connectivity are really important to the region, however. Forty of the top companies use Shannon Airport for connectivity. I am sharing my time with Senator Cummins so I will say one or two final things. Basically, we need to recognise the importance of Shannon Airport, and Cork Airport in the west, to connectivity and businesses.

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**Senator Martin Conway:** I welcome the Minister of State, Deputy Naughton, to the House. In the first instance, I welcome some of the kind comments that have been made regarding Shannon Airport. I do not agree with one comment, however. I certainly do not believe that as an airport, we should or can rely on revenue from the US military flying and refuelling its planes on their way to war zones around the world as any way supporting Shannon Airport. As a matter of fact, I believe that practice should be discontinued as a matter of urgency-----

**Senator Paul Gavan:** Well said.

**Senator Martin Conway:** -----even though it has been a Government policy of all parties for the last 20 or 30 years. The Tánaiste also made some comments over the weekend giving voice to the detail of the green certificate, which we have signed up to as a country along with our European colleagues. He also said that if he was in Tony Holohan's position as the Chief Medical Officer, he would be giving the same advice. We have, however, signed up to the digital green certificate along with our European neighbours as part of our commitment to getting the aviation industry up and running.

In terms of Shannon Airport, where I am from and near enough to where the Minister of State is from, we need figures and timelines. Shannon Airport needs to know how much it is getting and when it is getting it, simply because the aviation industry is something that does not happen overnight. It takes time to plan. It takes time to negotiate with airlines, which are also on their knees, and to secure routes. Shannon Airport needs to know, therefore, how much it is getting, when it is getting it and what the multiannual commitments will be.

I agree with other colleagues. We have seen in the Netherlands that there has been a cap on the main airport. That is something that must be look at post Covid. When there is a cap, it means that if airlines want to fly into Ireland then they have to look at other areas. That is not going back to the Shannon stopover or anything like that; it is giving a commitment to our policy of regional development.

We have motorways in this country now that we did not have before. People can commute from one part of the country to the other in a matter of three or four hours maximum. Most parts of the country can be accessed much quicker. Really and truly, when people land into our country, they have choice that perhaps they did not have before. What Shannon Airport does not need are package holiday trips to Lanzarote and that type of thing. The type of business we need going forward and into the future is commercial business and tourism into Shannon, in particular, from North America, Asia and other parts of Europe as opposed to ferrying people from Shannon to Lanzarote.

Aircraft leasing is critical to Shannon. The best brains in the world in aircraft leasing emanated from Shannon. Planes are being grounded around the world, which is impacting on jobs and Irish companies. I have asked previously about the merger between AerCap and GE Capital Aviation Services, GECAS, and how that will impact on the people in Shannon. I still have not received a response. I know the Minister of State has a difficult job, however. I acknowledge the good work she is doing.

**Senator Shane Cassells:** There has been extensive debate this afternoon-----

**Acting Chairperson (Senator John McGahon):** I am sorry, Senator Cassells. Senator Keogan is next to speak.

**Senator Sharon Keogan:** I will give way.

**Acting Chairperson (Senator John McGahon):** Senator Keogan's name was down on the list earlier. I assumed she had spoken. Senator Craughwell is next on the list but he is not here.

**Senator Sharon Keogan:** Senator Craughwell already spoke.

**Acting Chairperson (Senator John McGahon):** Is Senator Keogan taking Senator Craughwell's slot?

**Senator Sharon Keogan:** I am taking Senator Craughwell's place.

**Acting Chairperson (Senator John McGahon):** Senator Craughwell has not spoken.

**Senator Sharon Keogan:** We swapped.

**Senator Paul Gavan:** Senators Craughwell and Keogan have swapped.

**Acting Chairperson (Senator John McGahon):** The Senators have switched places. Senator Keogan has six minutes, followed by Senator Cassells.

**Senator Sharon Keogan:** The Minister of State is very welcome. I do not believe I have spoken to her before. The coronavirus pandemic has massively impacted many industries in this country and across the globe. In this country, however, aviation has been particularly affected. What has the Government done about it?

In 2018, there were 140,000 jobs in aviation and the air transport sector in Ireland. In addition to that employment, 105,000 jobs were supported and created by those 140,000 jobs. Approximately 4,000 workers have already left the industry since the outbreak of the pandemic. Only last week, the president of the Irish Air Line Pilots Association, IALPA, warned that 5,000 more will be lost before winter.

I have stated that these 4,000 jobs were butchered by this Government's inaction and a further 5,000 will soon be butchered too. Some 480 jobs went when Stobart Air closed down; 3,000 more jobs might go in Ryanair very soon if pay cuts cannot be agreed. Despite the Government's shock and dismay at Ryanair cutbacks, and all the finger-wagging that was done in this House, more jobs have gone and more will continue to go in all our airlines. So, yes; jobs have been butchered. The worst part is that is not the end. This is only the beginning of the damage to the aviation industry. This will get worse until the Government decides to help make it better. How then can we make things better?

To begin with, where is the EU digital certificate that will allow Irish people to travel? Last week, 12 countries were using the pass already. Ireland will not be using it until 19 July, which is three weeks away. The aviation industry in this country does not have three weeks. According to the EU website today, Ireland is technically ready to connect to the EU digital Covid certificate, DCC, gateway. Why, therefore, are we not connected? What is the delay?

There have been calls for a new task force and an approved restart plan. I was shocked to learn from an article in *The Irish Times* last month that this country had a restart plan for our dog parlour industry before we had a restart plan for our aviation industry. Does air travel and this sector of our economy not mean anything to us? Do we not care about the livelihoods of 245,000 Irish people?

Throughout this pandemic, we have been told to follow the data and science. This nation is unique to the hundreds of other nations across the world that allow antigen testing. On this point of antigen testing, Ireland is following no data and no science. Rather, Ireland is following the cautions of the National Public Health Emergency Team, Dr. Tony Holohan and Dr. Mary Keogan, who warned that antigen testing could be falsified. This is bad management on the part of the Government and the Minister. Does our public health body know something that nations across the globe do not know? Antigen testing directly before a flight is not foolproof; no scientific test is. However, it is a further layer of protection and a further step to opening up. It would be a further commitment to our airlines and people working in those airlines. In November, the Minister, Deputy Eamon Ryan, said that the coronavirus resulted in a sharp reduction in air travel not just in Ireland but across the globe and in Europe. That is untrue. We have had a 90% reduction in flights from 2019 to the present in this country, according to the EUROCONTROL reports. Meanwhile, Germany, for example, has only experienced a decrease of 59%. We are falling behind and we cannot afford to.

Ireland owns and operates 60% of the world's leased aircraft. We are a small island nation and 90% of our inward travel is by plane. We are a growing economy and rely on foreign direct investment that executives travelling to Ireland bring. Yet, here we are with one of the worst affected and least supported aviation industries in the world.

The German Government has pumped €10 billion into Lufthansa. What has our aviation industry received? A sum of €80 million and an old task force looking after it. We cannot just throw money at it; that is not what I suggest. We must start to support the aviation industry, however. We must start to listen to its pleas and consider a plan. The aviation industry needs the Government to show it a guiding light but right now, I dare say this Government does not have a guiding light and this is not acceptable. I urge the Government to prioritise the aviation industry before it is too late.

**Senator Shane Cassells:** I thank the Minister of State for her contribution and work in this respect. We have had a very good and extensive debate throughout this afternoon about the main players in the sector and what is required in terms of strategies and supports.

A key component of the whole sector that has not had much mention here this afternoon is the Irish travel agents, which also come under the auspices of the office of the Minister of the State as they are licensed under the Commission for Aviation Regulation.

International travel starts not at Dublin Airport or Shannon Airport but on the main street of one's home town when one goes into one's local travel agent and books a trip. Travel agents are an essential component in the whole aviation sector because without them, one is not going anywhere. Yet, in the food chain of aviation, they are being treated very much as though they are at the bottom of the pyramid, which is simply not good enough.

This morning, the headline on the front page of the *Irish Independent* read "Now granny comes too". It seems families heading on sun holidays are packing Granny along with the rest of their luggage as part of a new wider family experience. When is Granny going to be able to pack her factor 50 sun cream and swimwear? Judging by the comments in the newspaper, it will not be this year when she will be on the lilo in the paddling pool.

The former president and current board member of the Irish Travel Agents Association, Mr. Martin Skelly, was quoted in the front-page story. He stated that "95pc of enquiries we are get-

ting are for holidays next year". Mr. Skelly also owns Navan Travel, which is my local travel agency. I spoke to him before this debate and he noted that although travel agents reopened on 17 May and were treated like the rest of the non-essential retail cohort and lost their CRSS, nobody in the country is allowed to travel for leisure purposes until July. The sector employs 3,000 people, yet it has lost its support although the travel agencies are not taking in money. They are dealing with a huge amount of inquiries, must staff their offices and deal with the inquiries yet nothing is coming in and people cannot travel. It is a bit like telling publicans that they can open their doors but they cannot sell porter. This lacuna that has developed is causing severe financial stress on travel agents who are a key component in the facilitation of the aviation sector. What is clear from the comments of the industry experts in the story this morning and before the Oireachtas Joint Committee on Transport and Communications is that the tap is not going to be turned on seamlessly when travel does recommence.

As has been stated, 95% of the inquiries that travel agents receive at the moment are for travel next year. The representatives of these many agents across Ireland have submitted significant documentation to the Minister of State and the Minister in respect of the provision of additional support to overcome the time lag between bookings and profitability, and the industry returning. Travel agents have two years of losses to recoup. They worked through last year when people contacted them to cancel bookings. They had their offices manned. Almost the easiest thing would have been for them to let businesses fold and allow people to avail of the State guarantee. However, the travel agents stood by their responsibilities and acted like the responsible business people that they are. By the end of this year, they will have had two years of significant losses to be carried over.

The industry representatives have submitted significant documentation to both the Minister of State and the Minister seeking an additional cash flow to allow travel agents to survive. What they need now is ministerial engagement in order that their doors can stay open and they can get people back on planes again, and enjoying international travel. Unless they get support the key component in this whole process is not going to be there. The travel agents have not been spoken about here this afternoon and I want to put my voice to their case here as part of this debate.

**Senator Paddy Burke:** I wish to share my time with Senator Ahearn.

I welcome the Minister of State to the House and welcome this opportunity to say a few words on this important topic. There is no need for me to explain to her the impact that the pandemic has had on the aviation business. There is also no need for me to tell her how important Ireland West Airport Knock is to our region of the west. The airport is a huge addition to the west of Ireland and to the whole region of the west and the north west in terms of connectivity from the point of view of tourism and business. The fact that nearly 800,000 passengers a year travel in and out of Ireland West Airport Knock is a huge bonus for the entire region.

Last year, the Government covered the cost and gave an extra €6 million to the regional airports, which was very welcome. This year, I hope that the additional costs of the regional airports, including Ireland West Airport Knock, will be covered by the Government. The airports have substantial costs in trying to keep going, to keep staff on board and to keep facilities open in order that they are ready to go when things open up fully. Ireland West Airport Knock has opened up and there is a certain number of flights that travel between London and the airport every week, which is very welcome at this time.

A group of Fine Gael Senators met representatives of Aer Lingus not too long ago who told

us that it will take Aer Lingus ten years to get back to where it was. As I am sure it is the same for many other airlines, the quicker that the Government can get things opened up fully then the quicker normality will resume. It is unbelievable to think it will take the likes of Aer Lingus, which is attached to one of the biggest airlines in the world, ten years to get back to where it was before the arrival of the pandemic. Its representatives told us it had taken the airline ten years to reach that point and it would be terrible if it took it another ten years to return to that position.

The whole aviation industry is worth a considerable amount of money to Ireland. When one considers all the aircraft leasing, Aer Lingus, Ryanair, all the huge airlines and the duty-free enterprise, the industry is worth a great deal of money to the State and I hope that things would open up as quickly as possible.

As mentioned by previous Senators, the travel agents deserve support as well. My own travel agent in Castlebar is Robert Kilkelly Travel and its owner outlined to me the difficulties that travel agents have and I hope they will be helped as things go forward.

**Senator Garret Ahearn:** It is entertaining in some ways, but also staggering, the amount of time that Senator Keogan flip flops on issues. She moves from being for something to being against it and uses the kind of language that is wholly inappropriate. She spoke about “butchering jobs” as if the Government or the Minister of State set out to butcher jobs in the aviation industry. She is now saying that aviation should be up and running again but six weeks ago, on 1 May, the same Senator, in this Chamber, said the following:

I find it staggering that the Government has radically curtailed the rights and freedoms of citizens with Garda-enforced 5 km and, at times, 2 km travel limits, yet international travel has continued without any meaningful restriction. How is this fair? How does this make sense? Surely, the Government should be introducing a mandatory quarantine on all non-essential travel into the country. Surely, this makes more sense than a somewhat arbitrary list of countries, mostly located in sub-Saharan Africa and Latin America, to be covered by mandatory quarantine.

She also said that 90% of the cases that have been detected in this country are of the British variant but that Britain was “conspicuous in its absence” from the list of countries covered by mandatory quarantine. Six weeks ago she wanted Britain to be restricted through mandatory quarantine-----

**Senator Sharon Keogan:** That was back in December or January.

**Senator Garret Ahearn:** It was 1 May.

*(Interruptions).*

**Senator Garret Ahearn:** It was said six weeks ago. Now Senator Keogan is blaming the Government for not opening up the aviation industry quickly enough.

**Senator Sharon Keogan:** The Government has not opened it up-----

**Senator Garret Ahearn:** It is just staggering.

The aviation industry, more than any other sector, has been decimated by Covid. While we welcome the opening on 19 July and many people are hugely excited about travelling again and supporting the industry, it is going to take a long time for it to recover. It is not going to recover on 19 July and the Government must support the industry through the coming period. We have seen what has happened with regard to flights to and from Kerry and Donegal, as well as with the Aer Lingus base in Shannon Airport. Government supports are badly needed but the key focus must be support for the Heathrow slots. We have 23 Heathrow slots from Ireland which are hugely valuable. Oman Air bought one Heathrow slot in 2016 for \$75 million. We have 23 of them and they are hugely valuable. The Minister for Transport has the right to veto their disposal and to secure them for a number of years and I would urge him to do so for a further 20 years.

**Senator Aisling Dolan:** I welcome the Minister of State to the Chamber. I also welcome today's announcement regarding the Safe Routes to School programme, which is fantastic, with over €15 million being provided for active travel.

On the aviation sector, in her opening statement the Minister of State referenced the importance of regional connectivity, particularly for the west. Ireland West Airport Knock is crucial, along with Shannon Airport. It is essential that we ensure that the reopening will be both safe and sustainable. It cannot be the case that we reopen and then shut down again. It must be a certainty in order to protect existing jobs in the aviation sector. Foreign direct investment is also crucial. We are trying to fight for investment, through Enterprise Ireland and IDA Ireland, into our local areas and we need to ensure that we still have regional airlines operating.

Supports have been put in place for regional airlines and the Minister of State gave us some detail on that in her opening statement. I have spoken to a number of people working in the sector who are very concerned at the job losses. The sector has been incredibly badly impacted by the pandemic. It is very clear from those I have spoken to that it would be absolutely detrimental to open up and then to have any further closures. We are on a very positive path with our vaccination programme and are rolling it out as quickly as possible. We need to make sure we do not make ourselves vulnerable *vis-à-vis* what is happening in other countries. Some have had to delay reopening because of high numbers of cases of different and really infectious variants.

**Senator Barry Ward:** I welcome the Minister of State. I take on board what she said in her opening statement and what has been said by many contributors this evening. This is a tremendously important issue and the Government is doing everything it can, notwithstanding some of the accusations that have been made. It is really important that the digital green certificate is fast-tracked. There are certain processes that we may have to put in place but the industry here is suffering enormously. As other colleagues have said, we have met pilots, travel agents and others involved in the aviation industry who are suffering enormously. It is very frustrating for them and I understand their frustration, particularly those who work on the planes. They visit other jurisdictions and do not see the same restrictions that they face when they come to Dublin. It is very difficult to explain to them why that is the case.

The Government has been very successful in reducing the number of cases here and rolling out the vaccination programme but because we have been successful in that regard, there is a reasonable expectation that this will give rise to a greater reopening of aviation and further opportunities for people to travel, not just for business and essential reasons but also for leisure. The Tánaiste spoke at the weekend about the fact that there will be an opportunity for people to

travel for leisure, even where they have not been fully vaccinated. That is important because other countries in the European Union do not have the same restrictions as we have in terms of allowing travel, particularly on the Continent where there are no borders between countries. While taking on board what the Minister of State has said, we need to be moving towards a situation where international travel and travel by air are re-normalised. Until we do that, we will remain isolated and the aviation sector will continue to suffer.

**Senator Emer Currie:** I welcome the Minister of State and thank her for her remarks on the piloting of antigen testing. I wish to confirm my concern for those affected by the difficulties in aviation and with connectivity in general. Connectivity is so important for brand Ireland as well as for consumers and businesses.

There is still a lot of uncertainty surrounding the digital green certificate and people are asking very practical questions. Senator Doherty has called for a public information campaign which is a really good idea. I wish to pose a number of questions. If a country accepts an antigen test, is it okay for us to travel with just an antigen test? If so, do we just require a PCR test on our return? If we need PCR tests when leaving, can we use the HSE system to get those tests? The bigger question I have concerns people in the North. We have special arrangements in place for the Erasmus+ programme and the European health insurance card so why not for this? The Tánaiste spoke about how unfair it would be to stop young people travelling because they were not fully vaccinated but what about those who are resident in the North? Many would not think of themselves as living in a third country *vis-à-vis* the South. I understand that people are concerned about the Delta variant but the same safety measures would be put in place and people would travel under the same conditions. The reopening in the North has been slowed down because of the Delta variant and its vaccination roll-out is further ahead. Knowing that the date is 19 July and given the planning that would be involved in order to include the North, is there an appetite to try to come up with a solution?

**Senator Mary Seery Kearney:** I thank the Minister of State for being here. While I missed some of the debate due to meeting commitments, I echo the calls for the increased use of antigen tests. I understand the caution and the nerves. When I first saw them advertised in a supermarket I was concerned that their cavalier use could facilitate more socialising and more people being out and about. If we get instructions and public information about how to use them, however, there is no reason that the latter cannot be overcome. The benefits of their use are particularly relevant to aviation. The constituency in which I live, Dublin South-Central, contains many tourist spots. Many people coming into the country wander around Dublin city so it is not just about aviation and the people employed in the sector, although we need to move on this. They have been on the sidelines for a very long time. One of the most vocal spokespersons on behalf of this sector is a former captain, Sarah Louise Gibbons, who is a relative of mine. She has spoken very articulately about how her world has changed. In the space of 15 months, she went from literally flying high and instructing others to being made redundant. We certainly need to do something dramatic for the aviation sector to ensure that it is opened up along with all businesses that flow from it, such as small restaurants, etc. We have the Royal Hospital in Dublin South-Central and so many places people visit. That tourism keeps employment in the area.

We need to address how we will include people vaccinated in Northern Ireland under the digital green certificate programme. Some residents of Dublin who grew up in the North and went home to get their vaccination ahead of us have written to me. How will we facilitate their being allowed to travel? It would be useful for us to debate how we are going to do that.

I welcome the Minister of State's remarks, which have been very positive and hopeful. At all stages, she has acknowledged that the Government has attempted to respond as quickly as it can. We need, however, to send out a signal to the effect that aviation, in and of itself, is not dangerous. We are grappling with the virus and with potential unknowns in the context of the Delta variant. We are also looking at the numbers with Covid in our hospitals and ICUs and seeing that the picture in this regard continues to be very positive. As a result, perhaps it is time for us to be more courageous in our decision-making and to take very positive steps to encourage the return of flights and confidence in travel in order to help entire sectors and companies such as Aer Lingus that will take up to ten years to recover.

**Minister of State at the Department of Transport (Deputy Hildegarde Naughton):** I thank all the Senators who contributed to the debate. I share their concerns about the devastating impact of this global pandemic on the aviation sector and share their deep regret regarding the failure of Stobart Air and the closure of the Aer Lingus base at Shannon Airport. I am acutely aware of all the issues raised and have met with all key stakeholders on several occasions since the start of the pandemic. I am very aware of the problems facing the sector. I reiterate that the Government is committed to reopening international travel and will continue to provide supports as necessary. The number one ask in all of my engagements with airlines, airports and other stakeholders in the sector has been the reopening of international travel and this is what the Government has clearly outlined. On 28 May, we announced the roadmap relating to the aviation sector, which gives the sector certainty. That was the ask if we are looking at rebuilding the sector and ensuring that we protect as many jobs as possible. In the context of supports for the sector, we have given nearly €500 million.

I also acknowledge the devastating impact of the pandemic on the staff of our airlines in the context of job losses. Almost all aviation workers and companies continue to be impacted by the most sustained and deepest period of suppression this sector has ever faced. Job losses in their thousands have, unfortunately, been a feature of other European airlines and further job losses are likely as the industry restructures in response to Covid-19. These job losses have arisen despite the provision of substantial state supports across Europe and are indicative of the scale of the crisis in the aviation sector globally. The Government is fully aware of the extent and seriousness of the pandemic in the context of aviation.

A number of Senators alluded to certain supports. Taking all of the supports for businesses, including the aviation sector, into account, it is estimated that more than €500 million will have been availed of by the sector by the end of this year. A recent report from the Central Bank on Covid-19 and the public finances outlined that the fiscal support package introduced here was large, with the increase in primary Government spending the second highest in the euro area in the first three quarters of last year. The report found that the fiscal measures introduced have mitigated the impact of the pandemic on households, firms and the broader economy. The purpose of these horizontal financial supports was to mitigate the impact of the pandemic on the broader economy. The Government is confident that this strategy will facilitate a speedy recovery of all sectors, including aviation, as soon as restrictions are lifted.

The Government's economic recovery plan was published on 1 June. Employers in the aviation sector can rest assured that there will be no cliff edge in the horizontal State supports that have been available since the beginning of the pandemic. This was clearly stated during the announcement relating to the recovery plan. The Government will keep under review the need for any additional supports to the sector, if required. The economic recovery plan explicitly references this and recognises that additional supports may be required to support the aviation

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sector's recovery as it opens up. Additional funding might also be necessary for our regional State airports, namely, Cork and Shannon. They will also be considered in the context of the Estimates process this year regarding budget 2022.

Many Senators raised the importance of regional connectivity. I assure them that the Government is wholly committed to supporting the regions and regional connectivity. This is why we moved quickly to seek to reinstate the lost services to Donegal and Kerry and committed to renewing the public service obligation services on these routes under a new contract for up to a further four years. The funding made available to these airports in 2021 is a clear indication of the importance Government attaches to their being well positioned to weather the current crisis and for recovery and growth. It is worth noting that the capital funding of €900,000 to Donegal Airport, €2.2 million to Knock airport and €1.7 million Kerry Airport, which I announced on 19 April under the regional airports programme, represented funding of 100% of all eligible projects submitted by the airports this year. In addition, I have asked airports to give further consideration to projects with a sustainability focus, which would help expedite the airport's efforts to reduce emissions in line with the goal of moving towards carbon neutrality. These additional projects are being evaluated by my Department.

Regarding the mid-west region, I am fully aware of the devastating impact of Covid on Shannon Airport. Strategic routes from the airport to London Heathrow, European hub airports and the US are vital for the economic well-being of the region. Prior to the pandemic, Shannon Group was delivering on its commercial mandate, improving profitability and recording strong growth in its commercial property company. While the impact of Covid has left Shannon Group in a very vulnerable position, the general Covid-related supports put in place by Government and the specific supports targeted at Shannon Airport, which total some €30 million in the past year, should serve to secure the position of the group and aid its recovery. In a positive development, I can advise Senators that Ryanair resumed scheduled air services in Shannon on 1 June. Flights operating include those to the UK, Poland, Lithuania and Spain. Shannon Airport has also advised me that Ryanair services from the airport will increase from July. Regarding the restoration of other routes and the introduction of new air services, I understand that the Shannon to London Heathrow route operated by Aer Lingus is expected to be back in September. I also understand that Aer Lingus has indicated its intent to come back on transatlantic routes and that Shannon Airport is working hard to get those routes back. Again, I reassure Senators of my commitment and that of Government to continue to work with all stakeholders in the aviation industry. It is a most challenging time for that industry, not only in Ireland but globally. Government is ensuring that our infrastructure and airports, through funding and supporting our airports, are in a very strong position to be able to rebound as we open up international travel as we committed to on 28 May. As Senators have all alluded to, the date for that opening up is 19 July. Government is working extremely hard in preparing for that and, again, the number one ask from airlines and airports is to reopen international travel as safely as possible in line with public health. That is what we will continue to do in addition to looking at further supports, which may be necessary for the sector.

*Sitting suspended at 5.42 p.m. and resumed at 6 p.m.*

## **Gender Pay Gap Information Bill 2019: Committee Stage**

### **SECTION 1**

Government amendment No. 1:

In page 3, line 17, to delete “Minister for Justice and Equality” and substitute “Minister for Children, Equality, Disability, Integration and Youth”.

Amendment agreed to.

Section 1, as amended, agreed to.

## SECTION 2

**An Cathaoirleach:** Amendments Nos. 2 and 3 are related and may be discussed together by agreement. Is that agreed? Agreed.

**Senator Ivana Bacik:** I move amendment No. 2:

In page 3, line 21, to delete “as soon as is reasonably practicable” and substitute “immediately”.

This is in a similar vein to amendment No. 3 in the name of Senator Higgins. It has a clear meaning and rationale in keeping with my speech on Second Stage.

I welcome the Minister to the House. I also welcome the opportunity to debate Committee Stage of this important Bill. I am delighted to see it being expedited. As the amendment suggests, we want to see it brought into law swiftly. We want to be constructive on Committee Stage and not impede the Bill’s passage. However, as I stated on Second Stage, we are concerned about the extensive delays between the original discussion on the introduction of gender pay gap legislation and the point at which we are getting to debate this Bill on Committee Stage. The Minister agrees that the delay is most unfortunate. Most of it occurred before his time as Minister. Since there has been such a long gap between when I introduced Labour’s gender pay gap Bill some years ago and this stage, I am tabling amendment No. 2. It seeks to bring the legislation into effect swiftly. Rather than saying that the Minister shall “as soon as is reasonably practicable after the commencement” make the necessary regulations, the Bill would read “immediately after the commencement”.

On Second Stage, I was critical of the lack of specificity in the Bill as to what the regulations would provide. I would love to hear more from the Minister as to how exactly the Bill will take effect. It is a facilitative or enabling Bill. The Minister is nodding. That is the language of it and there is nothing wrong with that, but people, particularly employers and employees, need to know what the provisions will prescribe. What specific information will employers have to publish, in what format and to whom? All of this detail is still absent from the text of the Bill.

At the very least, we could have more clarity and certainty as to when the Bill will come into effect. In the years since I introduced Labour’s Bill in May 2017, I have spoken at numerous events run by employers, HR practices, trade unions and workers’ organisations at which I have been told that organisations are ready for this legislation, have been preparing for it for some time and want to see it come into effect. I do not see why we need a delay after commencement. The Bill’s commencement is dealt with in section 7 and has the usual provision that the Act will not come into operation until the Minister orders so. Inevitably, there will be a delay between the passing of the Bill and its commencement. What I do not want to see is a further delay after commencement until these crucial regulations are published. That is why I am moving this amendment. Senator Higgins is seeking to do something similar - my amendment calls

for “immediately” and hers “within three months” of commencement. Our amendments are to the same effect, in that we want to provide greater clarity and certainty and to avoid further unnecessary delays.

**Senator Mary Seery Kearney:** The wording “as soon as is reasonably practicable” has to do with the fact that this provision is about putting the regulations in place. Thus far, the Minister has always delivered anything he has committed to within a timeline. The impetus in the programme for Government and so on is to put this legislation in place as quickly as possible. While I understand and agree with the urgency, I do not believe that either amendment is necessary.

**Senator Alice-Mary Higgins:** There is no question about the Minister’s desire to put this legislation in place, but those of us who had the experience of speaking on the previous legislation quite some time ago are conscious of how delays can occur and official, bureaucratic and other processes can slow matters. It has been some time since we debated this legislation. It has been in the public realm and many businesses have been expecting and preparing for something to this effect. It gives businesses a predictability and an ability to plan if they know that, after commencement, this legislation will enter into effect. There would be a clearer timeline, which would allow everyone to plan for it and engage with it constructively.

I am supportive of the amendment, which calls for “immediately”. I was probably trying to strike a compromise through “within three months” so that, after commencement, it would be clear that the clock started ticking at that point. Businesses and others involved in the implementation would be clear that, within three months, the regulations would kick in. It is intended to give a predictability and keep momentum so that we have a timeline and there is energy to continue moving on this.

While the previous iteration of this Bill moved along, the legislation has been a long time coming. Amendment No. 3 is intended to give certainty, predictability and to ensure that those who are getting on board with this legislation, there are many, are clear on the timelines of when this will kick into effect. I hope the Minister can accept either of these amendments.

**Senator Fintan Warfield:** I welcome the Minister to the House. I wish to voice Sinn Féin’s support for amendments Nos. 2 and 3. As was said, businesses have known this has been coming for a number of years. Both amendments are better than what is currently in the Bill.

**Minister for Children, Equality, Disability, Integration and Youth (Deputy Roderic O’Gorman):** I thank the Senators and I am pleased to be able to address the House on the Third Stage of the Gender Pay Gap Information Bill. From our discussion on Second Stage, I know there is a strong desire to see this Bill implemented swiftly and this has been mentioned in the debate today. It is the Government’s belief that the Bill is robust and is proportionate in its approach as regard compliance and the timetable for implementation. On Report Stage in Dáil Éireann, I took a number of steps towards strengthening this Bill in broadening the definition of what constitutes a public body. The Bill allows for the Irish Human Rights and Equality Commission to take an employer that does not meet the provisions of the legislation to the High Court, as well as the Circuit Court, including the additional publicity and potential for fines that comes from a High Court decision of contempt. I also shortened the timeframe for review of this legislation from five to four years.

I refer to the specific amendments Nos. 2 and 3 from the Labour Party and Senator Higgins.

I thank Senators for those amendments. I give my assurance to the House, as I did in the Dáil, that it is my intention, provided the Bill is enacted during this term, to have the regulations flowing from the Bill in place by the end of 2021. That is the timeline my officials are working towards and I believe it can be done. I accept, in the context of the lifetime of this Bill, that it has been a long and drawn out process. However, since the matters contained in this Bill were moved to my Department in October last year, I have expedited it in conjunction with my officials, and this has been recognised. When we spoke to the matter with Senators Bacik and Sherlock, we made a commitment in terms of moving the Bill forward. I believe we have met those commitments.

The Government sees this legislation as being central to the equality agenda we are pushing forward. The current text “as soon as is reasonably practicable”, which is contained in the Bill, is a term of art in many pieces of legislation and it is what we are familiar with. My Department and I have shown the determination to prove that this Bill is a priority for us, and we will prioritise those regulations.

**Senator Ivana Bacik:** I thank the Minister for his clear response and for his indication that he intends to have the regulations in place by the end of 2021. That is very welcome. As I have said, there is immense concern, despite the use of the phrase “as soon as is reasonably practicable”, that there have been many delays since May 2017 when we introduced our Labour Party Bill. We want to ensure more clarity as to when the regulations will come into force. This is not just coming from Opposition Senators; it is coming from many other stakeholders as well. I refer to SIPTU. It has provided me and others with helpful briefings on its view of the Bill. One of the points SIPTU made is that despite the fact that the introduction of this legislation has been flagged for several years, there has been no concrete indication of when the law will begin to have an effect. It is simply an enabling piece of legislation and there is no urgent timeline provided. The Minister’s response and indication that regulation will be in place by the end of 2021 has answered that concern for many of us. Thus, we might anticipate seeing those regulations in force by the end of 2021. The Minister might clarify this. In other words, we will know then exactly how the legislation will have effect once the regulations are published and even before they take effect in December of this year. The Minister might clarify that point. I thank him for his full response.

**Deputy Roderic O’Gorman:** I have engaged with and have had two general meetings with the Irish Congress of Trade Unions. On both occasions, Congress’s strong desire to have this Bill passed was conveyed to me very clearly by Patricia King. It is my hope, if this process can move forward, that we can have this passed by the end of this term and that is my goal. My goal is to have the regulations in place by the end of the year and to publish the content of specific breakdowns of the various criteria and factors, many of which are listed in the Bill. The direct way in which the employer will be expected to report and engage on an annual basis will be set out clearly within the regulations.

**An Cathaoirleach:** Is the amendment being pressed?

**Senator Ivana Bacik:** I think we all know we agreed the amendment would be pressed. I do not want to catch anyone out.

**An Cathaoirleach:** Senator Bacik was being very fair.

**Senator Ivana Bacik:** I withdraw the amendment in light of the Minister’s response.

Amendment, by leave, withdrawn.

**An Cathaoirleach:** Amendment No. 3 has already been discussed with amendment No. 2.

**Senator Alice-Mary Higgins:** I move amendment No. 3:

In page 3, line 21, to delete “as soon as is reasonably practicable after” and substitute “within three months of”.

I am hopeful the Minister will publish almost exactly on the three-month deadline. It sounds like what I put forward.

Amendment put and declared lost.

**An Cathaoirleach:** Amendments Nos. 4 to 6, inclusive, are related and may be discussed together. Is that agreed? Agreed.

**Senator Fintan Warfield:** I move amendment No. 4:

In page 3, after line 29, to insert the following:

- “(i) a gender breakdown of full time employees;
- (ii) a gender breakdown of part time employees;
- (iii) a gender breakdown of employees with a flexible working hours contract;”.

This amendment looks for more detail in terms of what companies should be required to report. It is sensible and I hope it is accepted by the Government. I am seeking more detail in terms of the gender breakdown of full-time and part-time employees, and employees with flexible working hours contracts. I hope the Government can accept this amendment. It is looking for more detail in what information companies provide.

**Senator Alice-Mary Higgins:** I support the amendments from Senators Warfield and Bacik. Their amendments are coming at the same issue. This is about specifically addressing the issue of part-time employees and Senator Bacik’s amendment looks at hourly remuneration. Senator Warfield’s amendment looks at the flexible working hours contract. Having sat on the employment committee in the last Oireachtas, I am very aware of non-fixed hour contracts and the particular vulnerability and preponderance of women who tend to be on part-time or non-fixed hour contracts. All of us are coming at the issue of part-time working, and in the case of Senator Warfield, part-time and flexible working.

In the case of my amendment, I do not specifically refer to part-time working, but I do refer to those people who are contracted for services. This is another missing piece of the puzzle. It is a bit different because it is a step away from the non-fixed hour contract. It relates to those who are contracted for services, perhaps because of the forced self-employment situations. People may be contracted and this may be their sole source of employment. Take, for example, persons contracted for cleaning services by a company over a five- or ten-year period. We should look to have a gender breakdown of that. Sometimes companies do quite well on the gender pay gap

at the higher level within an organisation, but when it comes to part-time workers the difference is like the boardroom to the shop floor. When it comes to the shop floor or contracted services, that is where there are people on flexible contracts, non-fixed hour contracts and those who are part-time workers. That is often where the greatest inequity can occur, and it is important it would not end up being taken off the balance sheet or taken out of the reporting mix.

**Senator Ivana Bacik:** Our amendment No. 5 in this group seeks to do something similar, to ensure we capture the most pertinent data to form a comprehensive picture of the extent and nature of the gender pay gap. We believe the wording in amendment No. 5 is more suitable because it recognises it is not sufficient to compare just part-time men and part-time women workers. We know those working fewer hours suffer a basic earnings, bonus, career progression and, later, a pension penalty relative to full-time workers over the course of their working lives, so we want to ensure we are making true comparisons. Also, as Senator Sherlock said on Second Stage, we must be careful about that full-time and part-time comparison. The Central Statistics Office, CSO, defines part-time work as less than full-time work, typically 80% or less of the full-time week in a particular role. In 2020, 29% of all women in the labour force worked part-time compared with 11% of men, according to the CSO labour force survey. We can see straight away a big gender discrepancy in the proportions of women and men working part-time. If we only compare part-time women workers and part-time men workers, we will fail to capture the comprehensive picture and, in particular, we will fail to capture the benefit associated with being a full-time worker with regard to all the other side benefits of full-time working, including greater probability of promotion, pay progression and, later, pension earning.

**Deputy Roderic O’Gorman:** The Bill applies to all employees who meet the definition of employee under the Employment Equality Act. It is important to state that anybody who qualifies under that definition is protected under this legislative measure. As Senators know, that is a broad definition.

In terms of the detail that is required of employers in the types of analyses they will be undertaking and publishing on their own pay practices, in section 20A(1)(b)(i) to (viii) there is a detailed range of points upon which employers must report. In the context of requests that we add more, there are a significant number of points provided for under this legislation already. As regards how we will progress this, a point I neglected to make which would have been, perhaps, a more substantive answer to the previous discussion is that part of the proposal regarding the publication is to develop a website on which employers will put up their pay practices. That will be fleshed out further in the regulation, but we intend for the information provided under this legislation and under the regulations I will bring forward very quickly to be as publicly accessible as possible. That will have positive consequences for those employers who seek to improve their practices and negative consequences in terms of reputational damage for those who do not.

To address this set of amendments specifically, the publication of the breakdown of full-time and part-time staff may lead to employees being easily identifiable, particularly in smaller organisations. We must be mindful of the context of section 20A(8), under section 2 of the Bill, which provides that regulations may prescribe measures to be taken by the employer or the person who has access to information to ensure the personal data has undergone pseudonymisation before or when it is released. This pseudonymisation has the meaning assigned to it by Article 4 of the general data protection regulation and it means the processing of personal data in such a manner that the personal data can no longer be attributed to a specific data subject without the use of additional information, provided that such additional information is kept separately

and is subject to technical and organisational measures to ensure the personal data is not attributed to an identified or identifiable natural person. A key element is that the more detail that is prescribed, that is, the additional details over and above those that are in the Bill already, the more it could allow for the profile of the pay of individual employees to be revealed when this information is published. The Bill is explicit in not wanting to do that. That is our concern about some of the amendments.

Section 20A provides that the regulations may require publication of the percentage of each pay quartile who are men and who are women, for example, the percentage of the most highly hourly paid 25% of employees who are men or women. This is less likely to end up in the specific identification of individuals. These amendments also seek to add a report on the difference between the mean and the median hourly remuneration of part-time female employees and full-time male employees expressed as a percentage, in addition to the existing provision for comparing male and female part-time remuneration. It is unclear what benefit this addition would add to the reporting. There will certainly be a large gap when comparing part-time and full-time employees.

Amendment No. 5 is unnecessary, given the reporting outlined under subsection (9), which would be more beneficial in this regard in addition to being less likely to identify specific individual employees. The amendments also seek to insert a reporting requirement for employers on the difference between the median hourly remuneration of persons contracted for services by a company or a public body of the male gender and that of persons contracted for services by a company or a public body of the female gender, expressed as a percentage. The Senator might wish to speak further to this, but I am a little unclear as to how this proposal differs fundamentally from the requirements of subsection (9)(a)(i) and (ii), which I intend to include in the regulations. The requirements of the Bill apply equally to public bodies and private companies and the amendments I brought forward in the Dáil have strengthened the Bill in terms of strengthening the definition of public bodies. This amendment is also unnecessary based on the content of subsection (9), which is also less likely to identify individuals.

I do not propose to accept this set of amendments. I believe we have detailed reporting provisions already. It is important that in the reporting process which we will establish we respect the fact specific individuals and employees should not be identifiable through their pay profile as a result of the reporting measures we are creating.

**Senator Mary Seery Kearney:** My points related to the GDPR aspect of it. The collection of data such as these would be very well done by a body such as IBEC or the Department on a collective where there is pseudonymisation and where people cannot be identified. The proportion of part-time employees in many employments is considerably lower than the proportion of full-time employees, so there is a possibility of identification.

The other side to it is that, albeit not perfect as a protection, we have the Protection of Employees (Part-Time Work) Act 2001. It does not allow, in the case of comparable employees, between part-time employees and full-time employees, for part-time employees to be discriminated against. It provides a means by which you can make an application, as a comparable employee, for the terms and conditions of employment to be revised. While it is not perfect and allows for objective justification, at the same time there is a mechanism built into employment law already for there to be redress where there is disparity and that disparity is known. Many of the contractors and the cleaning contractors I have encountered would be in the context of temporary agency workers who are assigned or row in, and as long as they are not under a Swedish

derogation type model, which would be the exception, they also have comparable rights to a directly employed employee. There are certainly other things under the umbrella of employment law. Do we need to educate about that? Yes, we do, to make sure information is available through citizens' advice or otherwise, so people know these all interlink with each other. There are other means of identification and creating surveys that do not allow for the particular information of individuals to get in the public domain or be easily identified or profiled in their jobs. In EU-derived protection of employees legislation and existing employment law there are protections that would target exactly what is being intended in the amendments. Therefore, I do not feel they are necessary. GDPR is not an issue in big companies but there are smaller companies for which it would cause an issue. This way it would be unwise and, therefore, I agree with the Minister.

**Senator Alice-Mary Higgins:** To address the Minister's direct question, there is a difference between my amendment and the provision in subsection 9 in that section 20A(9)(a)(iii) is in respect of temporary contracts whereas my amendment is more in respect of contracted services. It is just a slightly different issue as it is with regard to services that are contracted and not people on short-term or temporary contracts. As has been mentioned, it is with regard to agency workers or others who might be providing contracted services.

I understand this is slightly more difficult to capture. I will reserve the right to introduce an amendment on Report Stage, which perhaps the Minister might be able to address. This is one of the arrows towards where we might need to go next with legislation. For example, we know in respect of the public duty on equality and human rights that there was quite a gap between public bodies beginning to understand their obligations on the public duty on equality and human rights and understanding that it also applied to their contracted services and procured services. This process is still under way.

Similarly, an understanding of transparency, and considering and thinking about the gender equality perspective that we want to be an outcome of this, should also be applied with regard to the procuring of services and the contracting of services if a company is aware it will affect the big picture in respect of them. Sadly, as I have said, we have seen cases, even in public bodies, whereby they have allowed measures that clearly do not meet equality standards within companies from which they have contracted. We have a lot of records on this. This is what I am pointing to. I am quite open as to how we get it. I recognise it may not even go into the Bill yet but an arrow needs to point to it. I do not know whether this would be through a report or regulation but it is missing.

With regard to the question of pseudonymisation, other amendments will come to the nub of this. For this legislation to be really effective it needs to be more than just a moment or snapshot of where things are. It also needs to show momentum and the patterns. In this regard, we know that one of the absolute keys of the success of the Athena Swan programme, which has been quite successful in driving cultural change in universities, is that it is not simply about pay but specifically looks at the gender breakdown of who is on what type of contract. This is absolutely key in the Athena Swan programme. It is not just about whether people are being treated equally at each level of the ladder but who is on what type of contract, who is on secure contracts, who is on temporary contracts and who is on part-time or full-time contracts. This allows patterns to be identified.

I accept there may be concerns in smaller companies but I do not see why the Government cannot table amendments stating it wants something similar to what Senator Bacik has sought

in companies with more than 150 employees. The Minister could argue he does not want to have the information from the particular companies published in reports but that it could amalgamated for a sectoral analysis at a future point. It is very important that we gather the information so we can identify the patterns.

**Senator Pauline O'Reilly:** I will speak on amendment No. 4 proposed by Sinn Féin. We need to be careful that we are not saying there is anything inherently wrong with more of one gender than another being in part-time employment. Throughout the State we can look and survey and have CSO figures to state there are more women than men in part-time employment and then take this into account in how we put forward policy proposals to ensure women are supported in these roles. I do not believe there is anything wrong with a company having more part-time employees in one gender than another. I would hate to think we would put something into a Bill that would make a company feel they were doing something wrong and, therefore, mean women could not take up part-time employment to the extent they want. This is the objection I have to amendment No. 4.

**Senator Ivana Bacik:** I will speak on amendment No. 5. Noting Senator O'Reilly's point, it is important when we quote these figures, as I did, from the CSO on the breakdown between men and women working part-time that clearly nobody is judging any decision to work part-time or otherwise. We have to be cognisant, however, that people make decisions and circumstances not of their choosing. Where there is a very clear gender divide, and where 29% of all women in the labour force work part-time compared with 11% of men, it does require legislators and policymakers to look behind these choices to see whether there are structural barriers to women working full-time who wish to do so. I am sure this is what Senator O'Reilly was speaking to. We need to ensure that where there is a particular segregation in a workplace, for example where all the women are concentrated at lower levels and the men are disproportionately in a majority at a higher level, that it is not just because people have chosen to stay in particular role. The whole point of gender pay gap legislation is to explore gendered reasons for segregation of this nature and segregation in a part-time workforce or at a particular level in a workforce.

Senator Higgins referred to the Athena Swan programme in which I have been involved in Trinity College. It is a very successful and effective way of offering a series of metrics and a set of measures to identify barriers to career progression and promotion on the basis of gender. It is very helpful and a good model for other places as well as academia. In academia, we are speaking about larger settings. Where settings are smaller and workforces are smaller, clearly there are issues with anonymity and anonymised data. At the same time, this should not stop us moving more swiftly to apply this legislation to smaller firms. I suppose I am thinking ahead to later amendments, which will also seek to expedite the legislation coming into effect most widely. We seek to move the threshold down from the high levels currently envisaged. Looking to other countries, Sweden has wage reporting for all firms with more than ten employees and in Finland it covers firms with more than 30 employees. There are ways and means to achieve gender pay gap reporting in smaller companies and smaller workforces without exposing people to breaches of privacy. We need to bear in mind that other countries have managed to do this.

**Deputy Roderic O'Gorman:** I take on board the points on the success of Athena Swan. I know from my previous job in DCU the efforts made and the drive to achieve success there. It is undertaken in many third level institutions. A voluntary charter of this nature is significant and we can learn from it, particularly in the public service. In the context of trying to get the

balance between ensuring the data and information about salaries, which is obviously very personal to individuals, remain anonymised, particularly in those smaller employers, versus the idea, as Senator Higgins spoke about, of getting sectoral information, we can ask particularly large-scale public employers to undertake some of this voluntarily in the same way they undertake Athena Swan voluntarily. There is nothing stopping bodies going further than this particular legislation and this is significant, particularly in a situation where we have a risk of smaller employers breaching the anonymity of the information versus what we are trying to achieve. Whereas I do not necessarily feel that the Bill or statute needs to be amended in order to reflect those particular changes, there are wider changes that can be achieved through the process and engagement we will create once the information has been published on an annual basis. There will also be a website where people seeking employment can look up an employer to see what its record is in the context of the pay between genders in a particular wage or salary cohort that a particular individual is seeking to enter into.

Amendment put and declared lost.

**Senator Ivana Bacik:** I move amendment No. 5:

In page 4, to delete lines 13 to 18 and substitute the following:

“(v) the difference between the mean hourly remuneration of part-time employees of the female gender and that of—

(I) part-time employees of the male gender, and

(II) full-time employees of the male gender, expressed in each case as a percentage;

(vi) the difference between the median hourly remuneration of part-time employees of the female gender and that of—

(I) part-time employees of the male gender, and

(II) full-time employees of the male gender, expressed in each case as a percentage;”.

Amendment put and declared lost.

**Senator Alice-Mary Higgins:** I move amendment No. 6:

In page 4, between lines 18 and 19, to insert the following:

“(vii) the difference between the median hourly remuneration of persons contracted for services by a company or a public body of the male gender and that of persons contracted for services by a company or a public body of the female gender expressed as a percentage;”.

Amendment put and declared lost.

**An Cathaoirleach:** Amendment Nos. 7 and 8 are related and may be discussed together. Is that agreed? Agreed.

**Senator Alice-Mary Higgins:** I move amendment No. 7:

In page 4, between lines 21 and 22, to insert the following:

“(viii) the percentage of all employees of the male gender who received shares as part of a remuneration package and the percentage of all employees of the female gender who received the same form of remuneration;”.

In these amendments we move on from the most vulnerable workers, who are often those on non-fixed hour or flexible contracts, and sometimes part-time contracts. Quality part-time work is and should be an option. Unfortunately, many part-time contracts are insecure.

Amendment Nos. 7 and 8 seek to address the other end of the scale in respect of the board-room to shop floor picture across a company. In fairness, there are some very good measures in the Bill. I welcome the fact that bonuses are identified in it. That is a good piece, in terms of attempting to identify some of the other benefits and the ways in which gender inequality in remuneration may come across.

In these amendments I identify two areas which may have been missed by the Bill. One is in respect of the receipt of shares. I have had very lengthy debates on Finance Bills over the past four years because I have been concerned about measures to make it easier to increase the proportion of a remuneration package that may be constituted by shares, which of course also means that a different level of tax is being paid. That contributes to the erosion of our tax base by allowing more favourable tax measures through the receipt of shares versus income. It is a practice which is increasing. It can mean the difference between paying the 41% rate of income tax and paying a much lower rate on a share component.

Where shares are part of an annual remuneration package, it is important that we consider the gender breakdown. It is not quite a bonus; it is a little different. I thought perhaps a bonus would capture this, but unfortunately it does not. It is something that needs to be considered. It is a widespread practice, in particular in some of the financial services areas. SIPTU and ICTU have been very active regarding the Bill. I have also spoken to the Financial Services Union, FSU, which is extremely interested in this area and is very aware of these kinds of programmes at both levels. These are common practices and require a gender analysis.

The other piece is the special assignee relief programme, SARP. It involves very favourable tax relief measures given to certain employees who are perhaps part of an international corporation and have been assigned to work in Ireland. That is another area for which we need to have analysis. We need to know whether it is effectively ending up as a top floor bonus for men within companies. Those are the two areas I would like to see addressed.

**Deputy Roderic O’Gorman:** I thank Senator Higgins. Like her, I have spoken to the FSU about this Bill. I met it a number of weeks ago and it is pleased to see it advanced. As the Senator said, her amendment addresses two issues, namely, information on the difference between males and females regarding shares as part of a remuneration package and tax relief as part of the SARP. I understand what she is seeking to achieve. It is very valid to raise concerns on those particular points. In terms of engaging with my officials, there are some issues, in particular where shares do not have a fixed value attached to them. The Bill is all about looking at the exact value of what is being proposed and how that fits in is tricky.

As the Senator pointed out, there is a provision on bonuses. Section 20A(1)(b)(iii) refers to

the difference between the mean bonus remuneration of employees of the male gender and that of employees of the female gender as expressed as a percentage. In terms of the design of the regulations, we will engage with officials in my Department and the Department of Finance on how we can shape those regulations to seek to capture the points on shares and the special tax rate in respect of the bonus heading. I will endeavour to see what we can do when the regulations are being drafted.

**Senator Mary Seery Kearney:** In the principal Act the definition of remuneration covers any kind of remuneration, whether in cash or in kind, that an employee receives directly or indirectly from the employer in respect of that employment. It is a real catch-all. Having argued the point in the context of what basic pay and conditions means and whether it is the same as remuneration, there are times when the two are very distinct. Remuneration is a much wider definition when one is arguing it than basic pay and conditions. Remuneration is a broad church of inclusion.

When it comes to the regulations, and specificity and reference to cases that were appealed to the Labour Court under the terms of the temporary agency worker Act, the outworking of the law in that regard lent itself to an elaboration of employment equality very well. There are very fine pieces that could inform the regulations and would meet the concerns that Senator Higgins expressed. If we are too specific in legislation, we run the risk of introducing something else we have not covered, insofar as some other benefit or something will be circumvented. Depending on the wording in a contract, Christmas bonuses are either included or not.

We have to be careful to make sure that comparable employees are dealt with. The idea of keeping something within remuneration, including anything in a broad church without being too specific, provides an opportunity for people like me to argue that something is or is not included. More often than not, to be fair, the Workplace Relations Commission, WRC, and Labour Court are more minded to include in favour of the petitioning body and complainant. That should give some comfort.

**Senator Alice-Mary Higgins:** I accept that there is potential to address this in the regulations. More than bonuses, it probably involves remuneration in kind in terms of the definition. This is where the regulations will be very important. They are also important on another level because certain kinds of remuneration have a very clear financial component, for example, shares. On the other end of the scale, childcare access, for example, could be marked as benefit-in-kind because certain areas have values placed on them even though they are not necessarily a benefit in the same way. They are more like measures to create a positive, healthy or appropriate workplace environment. I would not want maternity leave packages to be translated into benefit-in-kind and made equivalent to measures such as shares that contribute to gender pay inequality. There is a lot of nuance in what is construed as a benefit-in-kind. In that regard, it would be good to have the opportunity to engage with the Minister on these regulations, as Senator Bacik suggested, because the devil will be in the detail.

The Bill refers to the percentage of all employees who received benefits and the percentage of the female gender who received such benefits. My concern is that, with a blunt form of reporting, a number of male employees could receive shares while a number of women employees receive a special package for Christmas or summer and so on. I do not want employers to report a blunt figure whereby they would be able to say that 100% of their employees received benefits-in-kind. The figure should be unpacked. Does the Minister know what I mean? As the Bill reads, the provision is quite blunt. We must ensure the reporting is a little more nuanced,

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while respecting pseudonymisation and addressing the patterns. There is scope to address them through these measures but I am a little cautious. I will reserve the right to come back on Report Stage and I might engage with the Minister before then to discuss how we might approach this issue with regulations.

**Deputy Roderic O’Gorman:** The Senator has set out the complexity of the issue we are trying to address. I am always happy to engage with her on matters of detail. I am committed to looking at this matter in the context of the regulations. To reassure Senators, we are bringing forward this legislation and the subsequent regulations in order for them to work. We want this to work and we want to stop the manner in which a certain number of employers are able to skirt and circumvent normal pay practices by benefiting male employees over female employees. That is our goal here. We are not doing this for the fun of it. We are doing it to achieve that goal. I am always happy to engage with Senators about how to make legislation as strong as possible.

**Senator Alice-Mary Higgins:** In that context, I will withdraw the amendment while reserving the right to reintroduce it on Report Stage.

Amendment, by leave, withdrawn.

**Senator Alice-Mary Higgins:** I move amendment No. 8:

In page 4, between lines 21 and 22, to insert the following:

“(viii) the percentage of all employees of the male gender who are in receipt of tax relief as part of the Special Assignee Relief Programme and the percentage of all employees of the female gender who are in receipt of tax relief as part of the same;”.

Amendment, by leave, withdrawn.

**An Cathaoirleach:** Amendments Nos. 9, 11 and 27 are related and may be discussed together.

**Senator Ivana Bacik:** I move amendment No. 9:

In page 4, to delete line 25.

These three amendments are interlinked and all seek to do the same thing. They would add another element to section 20A, one which we feel it is currently missing, by making reference to trade union involvement in drawing together gender pay gap data and devising remedial action plans or measures to tackle pay discrepancies on grounds of gender. We are simply making reference to collective agreements within the amendments. We hope that by doing so, the Bill would specifically recognise the role of trade union negotiators and collective bargaining when devising pay and identifying any gender pay gaps that exist.

**Deputy Roderic O’Gorman:** I thank Senator Bacik for the detail in these amendments and in so many of the amendments she has proposed today. As I said to a gentleman in Sandymount yesterday, it would almost be a pity to lose her from this august House. Indeed, I said that to quite a few ladies and gentlemen in Sandymount yesterday.

I appreciate what the Senator is trying to do by strengthening the role of trade unions in this process. Of course, trade unions have an incredibly important role in the context of vindicating the rights of workers. As I said, I have engaged extensively with ICTU, SIPTU and the FSU, on this legislation and other aspects of my Department's remit. As the Senator knows, there is a proposal for an EU directive to strengthen the application of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms. Within that directive, there is an enforcement mechanism which envisages a clear role for workers' representatives acting on behalf of workers who experience pay discrimination and collective claims on equal pay. That directive is under negotiation at the moment. We do not know what the final outcome will be and we do not know what impact it will have on our legislation when it is brought into force. I do not want to presuppose the content of the final directive or how best to enact it in domestic law, and I do not think anyone is suggesting that we delay legislation that has already had a very lengthy incubation period at this point.

Furthermore, amendment No. 11 seeks to insert a paragraph (d) into section 20A(1) that would require employers who are party to a collective agreement with a recognised trade union or staff association to consult the trade union or staff association concerned prior to, and following, the publication of the information referred to in section 2. We are a bit concerned about the lack of information on the purpose of that consultation, as the amendment is silent on that point. There is nothing in this Bill that would preclude such meetings going ahead but if we were to put something like that into the legislation, the purpose of the consultation would need to be clearly expressed within it.

Amendment No. 27 seeks to amend section 20A(5) and insert a line providing that gender pay gap information be published in such a way as to bring it to the attention of trade unions and staff associations. I have already indicated that we will create a website that will make the information being published accessible to everybody, including workers' representatives within the trade unions. As such, I do not believe this amendment, with respect, adds a huge degree of value. By virtue of the fact that the information will be published in such a way that it can be brought to the attention of employees and the public, which the subsection already provides for, it will come to the attention of trade unions and staff associations, as they are members of the public.

These amendments are not particularly necessary and would not add a huge amount of value at this point. We must also have regard to whatever requirements come from the negotiations at EU level about the equal pay directive as regards what provisions we adopt. The Government will respond to that once it comes into force.

**Senator Ivana Bacik:** I thank the Minister for that very full response and for his nice words to the gentleman in Sandymount. Of course, I would love to be able to continue this work elsewhere and I certainly would not stop doing it if I were fortunate enough to succeed in the by-election. If I was not in the Seanad, I would of course be out talking with people in Sandymount, Ringsend and everywhere else across Dublin Bay South but I am delighted to be here to debate these important amendments.

I take the Minister's point about the directive. The website being accessible to all is very welcome but the key aim of these amendments is to ensure that the voice of trade unions and collective representatives of workers is given a status or particular recognition in the Bill. That would be missing if the information were simply published on a website that is accessible to all. That website is very welcome in itself but these amendments seek to do something else. I will

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withdraw them at this point as I do not want to delay the Bill in any way. The point has been made and I am pleased to hear the Minister's response.

Amendment, by leave, withdrawn.

*7 o'clock*

**Senator Fintan Warfield:** I move amendment No. 10:

In page 4, line 32, to delete "(if any)".

I will not speak for long on this amendment. It is about removing the ambiguity that exists in this part of section 2 to make it more straightforward and clear. I look forward to the Minister's response.

**Deputy Roderic O'Gorman:** I thank the Senator. The proposed amendment to section 2 seeks to delete the words "(if any)" with regard to the publication of reasons, in the employer's opinion, for any gaps and of the measures, if any, that an employer is taking, or proposes to take, to eliminate or reduce gaps.

The purpose of the words "(if any)" is to provide for circumstances where there are no measures that can be taken by a particular employer to eliminate or reduce the gender pay gap. In this particular Bill, we have to allow for the fact that there may be a certain reason for the pay gap. It may be due, perhaps, to segregation in education and the overall labour market, whereby in certain sectors women are under-represented in some areas. It is a structural issue and, therefore, not one within the resolution of the employer in question.

To remove the words "(if any)", would basically mean the legislation would appear to put an obligation on the employer. In most circumstances, that will be within the employer's grasp but it may not be in every circumstance. In many cases, it will be possible for employers to pursue positive action measures that are within the law and will, over time, increase the number of women in higher remunerated roles and levels in firms. The reasons, in the employer's opinion, for any gender pay gap must be published by the employer in all circumstances. Leaving these two words in allows for the recognition of the diverse range of circumstances that may be faced by employers. As such, I suggest we leave the words in the Bill.

Amendment put and declared lost.

**Senator Ivana Bacik:** I move amendment No. 11:

In page 4, to delete line 34 and substitute the following:

"employer's case,

and

(d) employers who are party to a collective agreement negotiated with a recognised trade union or staff association to consult with the trade union or staff association concerned both prior to and following upon the publication of the information referred to in this section."

Amendment, by leave, withdrawn.

**Senator Alice-Mary Higgins:** I move amendment No. 12:

In page 4, line 37, after “regulations” to insert “and will outline such supports as may be offered for the same”.

On amendment No. 10, putting a side clause into brackets is something I always resist. Now that it has been opened as a possibility, I will be able to get more elaborate in my future amendments. It opens up all kinds of new versions of amendments. I am noting it for future reference.

With amendment No. 12, I am a little concerned there might be a bit of a chilling effect or perverse incentive, which I know is not the intention, in the new section 20A(2), which states, “In making regulations under this section, the Minister shall have regard to the estimated costs of complying with, and enforcing, such regulations.” My concern is that this could be read as a disincentive. It could be read, as far as is practicable, that it could be expensive to enforce regulations and it may also be expensive for companies to comply with them. That might act almost as a lowering of the bar of ambition and it reads that way. It is a caveat that covers almost all of section 1. That is my concern.

My amendment simply tried to make the subsection clear by adding the words, “and will outline such supports as may be offered for the same”, to effectively bring out what I imagine is the intent of the subsection whereby the Minister will be aware that costs will be associated with compliance. There may be a cost associated with the enforcement of regulations but that cost should not be a dissuasion to action. Rather, it is something that should be considered. My amendment, therefore, simply suggests that if costs are considered and recognised, information is then provided as to what supports might be available to address those costs, rather than the costs being a reason to perhaps delimit regulation or lower our ambition in respect of regulations.

**Deputy Roderic O’Gorman:** I come back to my earlier point that we are not entering this process in a *de minimis* way. We are seeking to be progressive and have broad regulations. I do not read the text to which the Senator refers as having a chilling effect. It is prudent to have a clause such as this. I certainly do not see it as one that will in any way limit our ambition to achieve pay equality between male and female employees.

The purpose of section 20A(2) is to ensure that when the Minister is making regulations, he or she has regard to the estimated costs of complying with and enforcing such regulations. If we were to add the phrase suggested by the Senator, it would imply that direct financial support was being provided by the Department for some or all elements of this. It opens up a very wide potential commitment and liability, perhaps, on the part of the Department.

We will obviously provide employers with very clear guidance and instruction as to how and when to calculate and report on their gender pay gap. However, we will not provide them with direct financial supports in respect of how they do that. As I noted, the Department will develop a website and there will be an information campaign. There will be substantial provision of information to employers, especially initially, as the legislation applies to various categories of employers. The current provision is prudent. I am concerned that the Senator’s proposal would create an expectation of potentially significant financial help. I am not in a position to

sign up to that at this point.

**Senator Alice-Mary Higgins:** I thank the Minister for his answer. I accept his argument in respect of the language I have proposed. As it could create an ambiguity, I will withdraw the amendment, although I am still not reassured as to the absence of a chilling effect.

As I said, I sat for five years on the Joint Committee on Employment Affairs and Social Protection. I am well aware that every time an additional level of work or compliance is required, a strong lobby is made for cost being a reason for delay, a lowering of ambition or a curtailment or dilution of regulations. That argument is made at each point. I am concerned that this clause will allow a future Minister, not necessarily the current Minister, to use the cost of compliance with these measures as a reason to dilute the intent in some way.

I accept the Minister's argument in respect of the language I have put forward. I am concerned, however, because I still believe the current phrasing leaves a hostage to fortune. I may revisit this matter on Report Stage. I would appreciate if the Minister and I could engage on this before then. The phrasing suggests that the potential cost of compliance is something to which the Minister would have regard. I do not know why the Minister would have regard to cost in this area, if not to affect the way in which he may make the regulations. I am concerned about that dynamic. I will not press the amendment at this point because I accept the Minister's argument. I do not want to create a positive framing rather than an additional liability.

Amendment, by leave, withdrawn.

**Acting Chairperson (Senator Aisling Dolan):** Amendments Nos. 13 to 21, inclusive, are related. Amendments Nos. 14 to 21, inclusive, are physical alternatives to amendment No. 13. Amendment Nos. 19 and 20 are physical alternatives to amendment No. 18. Amendments Nos. 13 to 21, inclusive, are related and may be discussed together by agreement. Is that agreed? Agreed.

**Senator Ivana Bacik:** I move amendment No. 13:

In page 4, to delete lines 38 to 41, and in page 5, to delete lines 1 to 10 and substitute the following:

“(3) Regulations made under this section shall not apply to an employer having fewer than 20 employees.”.

These are the amendments seeking to lower the threshold at which the legislation will apply to different organisations. I spoke on Second Stage about this and I am using the Minister's own term when I refer to the long incubation it has had. Given that long incubation period, and that we in Labour first introduced legislation in this House in May 2017, I really do not see why it is necessary to continue to have this phased or incremental approach to bringing the legislation in. With respect, it is unduly cautious, particularly given that, as I have said, employers, trade unions and workers have all been expecting and anticipating this for so long. It is in place in so many other jurisdictions, including the one closest to us. I do not see why, therefore, we still have this very cautious incremental approach where the legislation is first to apply to employers with at least 250 employees, then to some employers with 150 and so on.

I will give the Minister a few very clear reasons as to why we should be setting the threshold lower from the start. First, the original legislation under which the Irish Human Rights and

Equality Commission, IHREC, was established gives it powers of enforcement and powers of oversight for gender equality and other equality action plans in respect of all employers with 50 or more employees. That was why, in the legislation it we put forward, the Labour Party set the threshold at 50. I am grateful to Senator Sherlock for giving me the following data. If we set the threshold at 50, this will only capture 1.4% of all enterprises and workplaces, according to the CSO. This will capture only 57.5% of all employees. Thus, even 50 employees is quite high by Irish standards because so many of our citizens and residents work in small companies and enterprises. That is why, in our amendment No. 13 we are going a little further, being a little more bold or ambitious and saying let us set the threshold at 20 employees. We have known for a long time that this was coming. The Government's Bill is eventually going to apply to companies with 50 employees or more, why do we not go a little further than that? If we set the threshold at that level of 20, below the original threshold of 50 we proposed in 2017 and below the threshold in this legislation, we would still only capture 4% of all enterprises, Senator Sherlock tells me, but we would capture 71% of employees. Thus it will have quite a dramatic impact in terms of increasing the number of employees to which it will apply.

I already pointed out that in other jurisdictions we see similarly ambitious legislation. Not in Britain, which has set the threshold high, but then it has a greater number of large employers. We can examine the examples of Sweden and Finland, however. In Sweden, gender pay gap legislation enacted in 2009, more than ten years ago, provides for wage reporting for all firms with ten or more employees. In Finland, the legislation applies to firms with 30 or more employees. Consequently, we think that at the very least the incremental approach should be abandoned and we should see the legislation applying from the outset to firms with 50 employees or more but preferably, we think we should go further now and have the legislation apply to employers with 20 or more employees. I look forward to hearing more from the Minister on this but I emphasise that this is in the context of a long incubation period of a series of years where so many employers, particularly those with 50 or more employees, have already got in place gender pay gap reporting mechanisms. This means that they are ready and waiting for the legislation to be enacted. Furthermore, there are already delays built in, in the form of the commencement date, the need to prepare the regulations and so on. As such, even upon enactment, we know that the legislation will not immediately come into effect. As I said, an overly cautious and incremental approach is being taken.

**Senator Fintan Warfield:** I will speak to amendment No. 14, which is the exact same as the Labour amendment. It seeks to delete the term "50 employees" and replace it with "20 employees". I am going to make many of the points Senator Bacik has made. We just want to get a truer reflection of what is happening by widening the number and scope of businesses which will be obligated to keep this information about their employees. I do not think this is a huge burden. In the long run it is important for us to have this data. We need a truer reflection of the inequality that exists in the workplace and I do not think we will have pushback from industry. We are actually excluding companies that want to do this as well. I am sure there are many businesses which are very proud about the cultures they have developed, be that making clear their positions in various referendum campaigns or flying Pride flags and making clear their backing for equality. Consequently, we should include as many businesses as possible to get a truer view of what is going on and the inequality that exists.

**Senator Mary Seery Kearney:** I will be brief. In an ideal world, this would apply everywhere in every company and would be administered appropriately in every company. I am mindful, however, of the advice that came through the Oireachtas Library and Research Ser-

vice, which states:

Given the experience that has been identified in the UK and other jurisdictions regarding the administrative burden that gender pay gap reporting can place on smaller organisations, the committee also recommended [this was the joint committee in its pre-legislative scrutiny report] that:

Consideration should be given to the capacity of smaller businesses to meet reporting requirements.

The Library and Research Service, which is just excellent, contacted the UK Equality and Human Rights Commission, EHRC, on 24 January 2019. The EHRC said that:

... while there was full compliance ... there were issues with regard to the capacity of organisations to calculate their [gender pay gap]. These capacity issues were particularly pronounced for small organisations (between 250 and 300 employees), especially for those organisations which did not have designated HR capacity.

That is quite common with companies which one would imagine should have a HR capacity because of their size. Thankfully, however, not all of them do. I have made a good living out of outsourcing. From that perspective, while there should be a drive towards this and between part-time and full-time employees and different categories of employee, there is a right of complaint to the WRC. In the context of the reporting aspect, however, we should certainly consider the burden on the employer. That said, it is really important that there is a full-scale move towards universal gender equality.

**Senator Pauline O'Reilly:** It would be great if we saw it in all companies, in one sense, but there might be an issue around anonymity, depending on how small the company is. Even with 20 employees there is a big issue around anonymity. However, the issue is not really about how ready those larger companies are but how ready the smaller companies are. As such, while I accept the arguments that we have been waiting for this since 2017, smaller businesses have not, and they have not been putting in that preparation. Covid has had a major impact, particularly on small businesses, so I am not sure that this is the right time to be jumping in feet first for every business. This is only one piece of the puzzle but it is an important piece. It will give us a better picture of how things are actually going across the country, apart from anything else. As Senator Seery Kearney has said, there are other measures in place. It is not as if this is the only thing that will address the gender pay gap.

**Senator Alice-Mary Higgins:** As I understand this grouping of amendments, there are several issues pushed together. I will address just two of them in the context of smaller companies. It is an issue if almost half of the employees in the State are not going to be captured in this legislation when we consider smaller companies. This is a concern. Again, it is a matter of trying to look at what the patterns are for how this can be addressed and the ways it could be addressed. It may be that not all of the provisions would apply to those companies, but there must be something that gives us a way or a route towards every company, to be in line with Sweden, Finland and other countries where this is considered as part of the normal practice in any company and becomes part of the self-awareness and the corporate business culture and ethics, which many companies have. As Senator Warfield has mentioned, a number of smaller companies may be quite happy to comply with these regulations but the Bill, effectively, ex-

cludes them from doing so. This is one of my concerns.

I am also very aware of another aspect with regard to smaller companies. I do not know if it is captured in the regulations and I will certainly reserve the right to bring an amendment on Report Stage. The Minister might consider a measure for the company that is a group of companies. Companies might be structured in such a way with a parent company and multiple subsidiary companies that are all part of the same company. Effectively, the main company would meet the threshold of passing 250 persons, possibly substantially, but a number of its subsidiaries may not. I am a little concerned about this as an issue in the context of the smaller company piece. There are smaller businesses that we all have in our minds when we speak of smaller companies, but sometimes smaller companies are part of a suite of subsidiaries. We must not end up with a loophole developing there.

The other element I feel very strongly about is the three-year delay. I will bring this back on Report Stage and I will push votes on this point or on something similar to this. Perhaps I can adjust the numbers somewhat on Report Stage on the idea of the three-year delay for employers of 150 employees. A three-year time delay is so long before we move on it. It is one thing to talk about the companies of 50 employees, but section 20A in the Bill states that the regulations “shall not apply to an employer having fewer than 150 employees until the 3rd anniversary of the making of the first regulations under this section”. This is a real concern for me. The third anniversary seems very far out.

The House will note that Sinn Féin has put forward an amendment around the 12 months following the second anniversary. My amendment suggests the first anniversary of the commencement of the section in the Bill. I am concerned about the rigidity of that provision in the section because it may be that some companies are not ready. The pseudonymisation may take time, but I would prefer it if the Minister gave himself the scope to say, for example, that the Minister will commence the application of the section to employers of 140 employees or fewer at a date that will not be later than the third anniversary of the commencement, and to have the third anniversary specified as an end point or as a caveat, not placed as a limitation.

As it currently stands, and as I read it, it would take primary legislation to apply these regulations to employers of fewer than 250 employees before the second anniversary, and to employers of fewer than 150 employees by the third anniversary. Rather than requiring brand new legislation to come through, why not build in a flexibility so there is scope to move faster if this is going wonderfully when we are 12 months in, when all those companies of 300 employees are already complying and we feel that we are ready to roll with the companies of 150 or 250 employees? There is scope for flexibility here. We may have underestimated businesses by placing such a rigid and lengthy timeframe on the application. I am sure there are some companies and employees of companies, and even some HR staff, who might be a bit disheartened to think, “We will have to wait another three years before we can start to apply these regulations.”

**Deputy Roderic O’Gorman:** I thank the Senators. We are dealing with a number of proposals in this section including: reducing the reporting exemption for employers with more than 50 employees to employers with more than 20 employees; reducing the reporting period for employers with more than 150 employees from three years of the making of the first regulations, to two years; reducing the reporting period for employers of more than 250 employees from two years of the making of the first regulations, to 12 months; and requiring employers with more than 50 employees to report on their gender pay gap from three years from the making of the first regulations.

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It is appropriate to recognise that when setting the reporting thresholds and the incremental timeline, the unions and the employer representative groups were consulted. There was an agreed approach to how the requirements of the legislation would be rolled out, with a focus on allowing the smaller companies the time to learn from larger companies, and how the larger companies would already have the capacity to undertake significant work like this and publish the wage surveys and other relevant pieces of data, given the HR and mechanisms available to them.

Many Senators have recognised that employers have been working on the basis of this legislation and have been expecting this legislation. In fairness, they have been expecting this legislation and they have seen those timelines set out. If we are talking about such employers expecting something, there are proposals to shift quite radically the timelines in the context of what is suggested in this set of proposals. I am cognisant of the point made by Senator Pauline O'Reilly, and particularly for those smaller employers, on the very significant change to an agreed timeline. Making such a change will, and we would all admit this, add an administrative burden. It is one that should be added as we go forward. As these smaller companies and employers are in the middle of recovering from the Covid pandemic, it is a burden, but I do not believe we should at this time break the agreement negotiated across the various sectors for those smaller employers.

On pseudonymisation and bringing down the threshold to employers of fewer than 20 employees rather than 50 employees, I have made the point that this would be problematic in ensuring anonymity when the data about pay is published by the smaller companies. It could potentially lead to salaries and wages of individual workers being identified in the context of the information coming out. This is certainly not something we were seeking to achieve or seeking to allow to occur under this legislation.

Senator Bacik referred to the percentage of employees who would be covered by this legislation. Senator Sherlock also cited figures. Loath as I am to get into a statistical analysis argument with Senator Sherlock, on our side we believe that 65% of employees will be covered by this legislation when it has been fully rolled out across all categories. This is just short of two thirds of all employees in the State. This is a significant amount.

I will make two final points. A number of Senators have described some companies as rearing to go. There is absolutely nothing to stop voluntary reporting. There is nothing left for them to advertise and Senator Warfield spoke to many companies making a virtue out of their passion for equality. Many companies can publish this information and a template will be there for how they will publish the information and the technique in which the various reporting categories will be available, and they can take advantage of this.

One of the changes I made on Report Stage in Dáil Éireann and which I spoke to briefly was to shorten the period for review of this Bill. It is important when we are making a significant change, as this Bill will be, that we give it the time to work so that we are reviewing a completed process. It is also important the review is not so long that it is on the never-never. I felt that five years to undertake a review of this legislation was too lengthy so that is why I have brought that down to four years. That will allow a full cycle of all companies with more than 50 employees to have been given the opportunity to implement this. At that point, the Legislature will have the opportunity to review and perhaps make changes. As I said earlier, there is EU legislation coming forward as well and who knows how that will affect requirements. However, my understanding is that within the directive, the EU's threshold is 250 employees. Its threshold is miles

above the one we are looking to introduce. That is not to say that should be used as a ceiling for ourselves in any way but it is relevant in terms of the figures we have chosen.

**Senator Ivana Bacik:** I thank the Minister for his response. I would always defer to Senator Sherlock on matters of statistics. Her figures are from 2018, so I am sure the Minister arrived at 65% of employers and at that point the threshold of 50 employees would have captured 57.5% of all employees. That may well have gone up, as the Minister said, to 65%. The point is this will only be the case once the legislation is fully in force with the threshold at 50 employees, which will take some time based on the incremental approach. Our argument was that setting it to 20 employees now would capture a greater proportion of all employees - nearly three quarters - and this would have been preferable. However, I acknowledge the Minister has made that amendment providing for a shorter review, and that is welcome.

I also acknowledge the Minister's point that this legislation is not the ceiling of our ambition. We were talking about this earlier in the context of the climate Bill as well, saying employers could do better and apply the provisions of the legislation voluntarily in a broader and more expansive way. That brings us back to the Athena Swan programme, which is based on incentivising good practice by providing bronze awards. I was proud to lead the Trinity College Dublin law school's successful quest for a bronze award in recognition of good practice in promoting gender equality. That is an approach of the carrot rather than the stick to incentivising good practice, and we see a similar approach taken to gender pay gap reporting in Australia, where good practice employers are formally acknowledged. That is also worthy of mention.

In the circumstances, I will withdraw amendment No. 13, and I reserve the right to bring it back later.

Amendment, by leave, withdrawn.

**Senator Fintan Warfield:** I move amendment No. 14:

In page 4, line 39, to delete "50 employees" and substitute "20 employees".

Amendment put and declared lost.

**Senator Fintan Warfield:** I move amendment No. 15:

In page 4, line 41, to delete "250 employees" and substitute "150 employees".

Amendment put and declared lost.

**Senator Alice-Mary Higgins:** I move amendment No. 16:

In page 5, to delete lines 1 and 2 and substitute "the 1st anniversary of the commencement of this section."

Amendment put and declared lost.

**Senator Fintan Warfield:** I move amendment No. 17:

In page 5, line 1, to delete "2nd anniversary of" and substitute "12 months following".

Amendment put and declared lost.

**Senator Alice-Mary Higgins:** I move amendment No. 18:

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In page 5, to delete lines 3 to 6.

Amendment, by leave, withdrawn.

**Senator Fintan Warfield:** I move amendment No. 19:

In page 5, line 4, to delete “150 employees” and substitute “50 employees”.

Amendment put and declared lost.

**Senator Fintan Warfield:** I move amendment No. 20:

In page 5, line 5, to delete “3rd anniversary of” and substitute “18 months following”.

Amendment put and declared lost.

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

In page 5, line 8, to delete “or (c)”.

Amendment, by leave, withdrawn.

**Acting Chairperson (Senator Aisling Dolan):** Amendments Nos. 22, 24 and 29 to 32, inclusive, are related and may be discussed together.

**Senator Ivana Bacik:** I move amendment No. 22:

In page 5, line 11, to delete “may” and substitute “shall”.

I will speak to amendments Nos. 22 and 24 and I referred to this matter on Second Stage. These amendments seek to substitute “shall” for “may” in two instances, in section 20A(4) and section 20A(5). It is an attempt to address the lack of specificity in the provisions, which provide that regulations “may” prescribe a number of matters but do not set out any requirement that the regulations would prescribe, for example: “the classes of employer to which the regulations apply” or the frequency with which the information will be published in its format and so on.

As I said on Second Stage, many of us would have a concern that it is unduly vague. It is enabling legislation but there is a vagueness as to how the information is to be published, in what format it will be published and to whom it will apply. There is also a question around how often it is to be published. The Minister has said it will be published annually, but section 20A(5) states it “shall not be more frequent than once in each year”. That could mean a number of different things so there is already a lack of exactness in that. There has been such a long incubation period that it would be important those to whom it will apply and those who have to carry out functions of reporting under it would have greater clarity in the primary legislation on the way in which it will take effect. We are attempting to tighten up the language and to make it more prescriptive in format.

In earlier amendments, we wanted to specify the role of trade unions and we are conscious this has not been formally recognised in the legislation. We are hopeful that might be addressed in the regulation, and as the Minister has said, he has engaged with trade unions and other stakeholders, which is welcome. Again however, there is a lack of clear prescription in the provi-

sions we are trying to address with amendments Nos. 22 and 24.

**Senator Alice-Mary Higgins:** This is about specificity. It is worth remembering that when we pass legislation to allow for regulations to be made, that represents the Oireachtas giving power to the Minister and that is one of those key provisions. This is us giving power to the Minister in respect of regulations. It is power that is held within the Oireachtas that is transferred to the Minister almost on trust of delivery of certain pieces. In being asked to transfer those powers in respect of regulations, we are doing so on the understanding of a whole set of regulations. The concern when the word “may” is used rather than the word “shall” is the fear that some regulations under this section may be made and others may not, or they may be made differently or they may be commenced in a different way. There is that question regarding a general principle. In my later amendments I use the word “may” to facilitate being consistent with the style of the Bill. However, I note the best practice is that the word “shall” would be used. In making the decision, which many of us are happy to make in this case, to give the Minister the power to make regulations in respect of these important matters, we do so with the full knowledge of the sets of regulations and that they will interact with each other effectively. We do it as a suite knowing that the Minister shall make those regulations rather than that he may make some and may not make others. This is not a question of the Minister’s intent, it is more of question of best legislative practice and clarity.

**Deputy Roderic O’Gorman:** I thank the Senators for those comments. I understand it is the intention of Senators to ensure the reporting requirement is as robust, broad and far-reaching as possible. That is an intention I also share.

Subsections (4) to (9) of section 28 are drafted in a way to allow for flexibility when drafting the regulations should that flexibility be needed. It is important the regulations will need to be clear and specific. It is my intention they will contain all the information listed in subsections (4) to (9) unless some issue arises in the drafting stage. For example, with subsection (4), it may be the case that the regulations will prescribe all of the categories of information listed, however, if in some circumstances a combination of these would lead to some degree of confusion, we need to have some flexibility for that as well. The Bill provides for a flexible framework for the regulations so that the policies and principles are clear without creating a situation where absolute strict adherence to the wording may cause confusion for some of those impacted by the regulations, or create some degree of impossibility or some other particular anomaly. It is to provide for some degree of flexibility in the drafting of the specific and, what everyone agrees will be, quite detailed regulations when the time comes, allowing for that degree of responding to the particular circumstance of the Minister while at the same time clearly setting out the significant ambition in the relevant subsections.

**Acting Chairperson (Senator Aisling Dolan):** I thank the Minister for that response. Does Senator Bacik wish to respond?

**Senator Ivana Bacik:** Certainly, we will all be very anxious to know what is in the regulations. That is clear. It would be helpful to have more clarity on it. I will not press the amendment at this stage. I will withdraw it and reserve the right to reintroduce it at a later stage.

Amendment, by leave, withdrawn.

**Acting Chairperson (Senator Aisling Dolan):** Amendment No. 23 is in the names of Senators Warfield, Boylan, Ó Donnghaile and Gavan.

**Senator Fintan Warfield:** I move amendment No. 23:

In page 5, between lines 15 and 16, to insert the following:

“(aa) regulations made under this section will apply to legal partnerships and multi-disciplinary practices as defined in the Legal Services Regulation Act 2015.”.

This amendment widens the remit of the legislation in terms of the different working arrangements that exist such as with respect to legal firms, which I mentioned. I would be interested to hear the Minister’s response.

**Acting Chairperson (Senator Aisling Dolan):** Do any other Senators wish to speak? In that case, I invite the Minister to respond.

**Deputy Roderic O’Gorman:** I understand the Senators’ intention in tabling this amendment. Our intention is to ensure the reporting requirements are as far reaching as possible but it is important to note, within the context of this legislation, that no other class of employer other than by reference to size is explicitly referred to in this Bill. The Bill sets out the regulations that may prescribe the classes of employer to which the regulations may apply. The intention is the regulation will apply to all classes of employer, including individual Departments and agencies.

Where a legal partnership or some multidisciplinary practice meets the size criteria to fall within the categories of the regulation as an employer, it will fall within the scope of the regulations made. However, given that partners are not employees and they take a share of the employer’s profits which is not directly comparable with employees’ pay, partners will not be included in any gender pay gap calculations. The Senators’ proposed amendment will not remedy that fact. Such partnerships and multidisciplinary practices are and will continue to be encouraged to voluntarily publish separate gender pay reporting regarding partners. I am aware some organisations are already engaging in this.

I do not think the Senators’ proposal will particularly address the issue they are seeking to highlight. I do not think it is useful at this stage to depart from identifying or singling out employers in terms of any description other than the size criteria that we have been using up to this stage.

**Acting Chairperson (Senator Aisling Dolan):** Is Senator Warfield pressing the amendment?

**Senator Fintan Warfield:** Yes.

Amendment put and declared lost.

**Acting Chairperson (Senator Aisling Dolan):** Amendment No. 24 is in the names of Senators Bacik, Hoey, Moynihan Sherlock, Wall and Higgins.

**Senator Ivana Bacik:** I move amendment No. 24:

In page 5, line 22, to delete “may” and substitute “shall”.

I will withdraw the amendment.

Amendment, by leave, withdrawn.

**Acting Chairperson (Senator Aisling Dolan):** Amendment No. 25 is in the names of Senators Bacik, Hoey, Moynihan, Sherlock and Wall.

**Senator Ivana Bacik:** I move amendment No. 25:

In page 5, line 23, after “manner” to insert “(which shall include, if the employer concerned maintains a website, publication on that website)”.

This amendment, which is drafted in the same spirit as amendments Nos. 22 and 24, seeks to ensure there is greater clarity about what will be prescribed in the regulations. We have specified the manner of publication “shall include, if the employer concerned maintains a website, publication on that website”. The Minister said something about the issue of publication on a website which is welcome, but there is a lack of information in the legislation as to exactly what publication will entail. We were trying to provide more clarity on that.

**Acting Chairperson (Senator Aisling Dolan):** Do any other Senators wish to speak?

**Deputy Roderic O’Gorman:** This amendment to subsection (5) of section 28 seeks to provide specific information regarding the manner in which the gender pay gap information is published by inserting text that will ensure the regulations provide, that where an employer maintains a website, for the publication of information on that website. I have spoken to this already. The regulations will set out a clear requirement for employers on how and where to publish this information and websites seem a very likely place for that. We are looking into having a centralised website as well.

At this point I do not want to presuppose the drafting of the regulations in instances where the employer concerned – this relates to the obligation on the employer concerned - does not have a large online presence and the regulations will allow scope for more nuance on that point. Most employers have a significant online presence but it is not absolutely the case at this stage. We are all going in a similar direction on this one. We would like a little more room for nuance in the context of the regulations without having it in the primary legislation.

**Senator Ivana Bacik:** Briefly, given the long incubation period, there is a slight concern still that there is not greater clarity. One would assume there will be a centralised website. That seems to be the model elsewhere in most other jurisdictions, where it is not only a requirement that employers would publish on their own website, which adds to the administrative burden on employers, particularly once we get to the employers with 50 or more employees rather than the really large employers. We suggested employers would publish on websites. That was to push a little more on what exactly will be required of employers. Will they be asked to publish directly to a centralised source or will they be published on their own websites? The Minister will be consulting trade unions, employers and other groups. There has already been extensive consultation in recent years. It is unfortunate it was not made clear earlier there would be a centralised website, but I am glad to hear it. I will not press the amendment.

Amendment, by leave, withdrawn.

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**Senator Ivana Bacik:** I move amendment No. 26:

In page 5, lines 23 and 24, to delete “(which shall not be more frequent than once in each year)” and substitute “(which shall be at least annually)”.

The legislation provides that it will “not be more frequent than once in each year”. We are putting it somewhat differently with “at least annually” to give greater clarity. We would like to hear from the Minister. I believe he indicated that it would be an annual requirement.

**Deputy Roderic O’Gorman:** This amendment to section 20A(5) seeks to ensure that the reporting of gender pay gap information by employers occurs annually. The subsection as drafted provides some assurance to employers that the requirement to report will not be less than annually. While it is my intention that reporting will be annually, though, the subsection provides the level of flexibility that I referred to earlier and allows for some information to be set out in the regulations rather than in the Bill itself. It is my intention to set out clearly the form, manner and frequency of reporting with the reporting being done annually, but I would prefer that the final Act remain flexible should an issue arise during drafting of the regulations or when reporting commences. It will be an annual reporting process, but I wish to maintain a slight degree of flexibility by allowing that to be set out in the regulations as opposed to in the primary legislation.

Amendment, by leave, withdrawn.

**Senator Ivana Bacik:** I move amendment No. 27:

In page 5, line 27, after “relates,” to insert “and their recognised trade union or staff association (if any),”.

Amendment, by leave, withdrawn.

**Senator Ivana Bacik:** I move amendment No. 28:

In page 5, to delete lines 29 and 30 and substitute the following:

“(6) (a) Regulations made under this section shall require the employer to publish information in respect of a public body and, for the purposes of this paragraph, a person holding office in or employed in the service of a public body is deemed to be an employee of that public body.”.

This amendment is self-evident. It seeks to provide more prescriptive language in section 20A(6), which reads: “may require the employer to publish information in respect of a public body.”

**Senator Alice-Mary Higgins:** There is some correspondence between this amendment and mine on contracted services and who is considered an employee. It is an attempt to provide clarity in that issue.

**Deputy Roderic O’Gorman:** The purpose of this amendment is to deem a person holding office in or employed in the service of a public body as an employee of that public body for the

purposes of reporting gender pay gaps. I understand Senator Bacik's intention to ensure that the reporting requirement is as broad as possible. However, similar to amendment No. 23 on legal partnerships or multidisciplinary practices, the legislation will only apply to employees of the public body that would fall under the definition of an employee in the Employment Equality Acts. Where a person holding office or employed in the service of a public body meets that definition, that information will be required to be reported. The situation will be similar for office holders in private companies. We are using the existing definitions, which provide the relevant protections.

Amendment, by leave, withdrawn.

**Senator Alice-Mary Higgins:** I move amendment No. 29:

In page 5, line 29, to delete "may" and substitute "shall".

I reserve the right to reintroduce this on Report Stage.

Amendment, by leave, withdrawn.

**Senator Alice-Mary Higgins:** I move amendment No. 30:

In page 7, line 15, to delete "may" and substitute "shall".

I reserve the right to reintroduce this on Report Stage.

Amendment, by leave, withdrawn.

**Senator Alice-Mary Higgins:** I move amendment No. 31:

In page 7, line 21, to delete "may" and substitute "shall".

I reserve the right to reintroduce this on Report Stage.

Amendment, by leave, withdrawn.

**Senator Alice-Mary Higgins:** I move amendment No. 32:

In page 8, line 12, to delete "may" and substitute "shall".

I reserve the right to reintroduce this on Report Stage.

Amendment, by leave, withdrawn.

**Acting Chairperson (Senator Aisling Dolan):** Amendments Nos. 33 and 34 are related and may be discussed together by agreement. Is that agreed? Agreed.

**Senator Alice-Mary Higgins:** I move amendment No. 33:

In page 8, after line 38, to insert the following:

"(11) The Minister may set out in regulation such financial penalties as are deemed appropriate where a concerned person does not comply with the provisions of section 20A."

We mentioned the carrot earlier, but some of these amendments relate to the stick, so there is a combination. They refer to steps that might be taken to ensure that there are consequences for non-compliance. The “may” and “shall” in some of the amendments I have withdrawn related to the Minister making regulations, but some also related to what employers may or shall be required to do. I worry that there may be a level of ambiguity in the regulations and the potential for very small consequences for non-compliance. There has been some strengthening of this area in the Dáil, but as well as empowering the IHREC to take matters to the Circuit Court and High Court, the Minister should be able to set out in regulation financial or other penalties for non-compliance. It would be appropriate that there be consequences for those who do not comply with section 20A.

I wonder whether I have replicated my amendments. I apologise - that is amendment No. 37.

There is an argument for financial or other penalties, given that non-financial penalties may be appropriate. I will get to those shortly. Some of them are set out in amendment No. 36. In amendment No. 37, I will discuss whether there should be consequences for non-compliance with section 20A other than those that the IHREC is empowered to press and if the Minister should be able to set out financial penalties or consequences. There should be consequences for non-compliance with an order granted by the Circuit Court or High Court, a matter that we will come to later.

How does the Minister envisage enumerating in the regulations a sense of consequence for non-compliance?

**Deputy Roderic O’Gorman:** The proposed amendment seeks to provide the Minister with the option to set out in the regulations financial or other penalties where a concerned person does not comply with the provisions of section 20A. I agree with Senator Higgins that, although we are seeking to encourage compliance through a carrot, we also need the stick. Strengthened by my amendments in the Dáil, the Bill provides a significant stick and I am confident that the enforcement procedures in the Bill are sufficiently robust to address any lack of compliance. The IHREC’s power to take an action to the Circuit Court or, following my amendment, to the High Court provides significant scope for measures to ensure compliance.

It is important to think on what we have done. We have given an independent body oversight powers where a company is in breach of its obligations under section 20A. We all know that the IHREC has grown in size, strength and confidence in terms of its engagement in the public sphere. We are empowering it further through this legislation.

It is important to say that fixed penalties in the corporate sphere often do not act as a sufficient deterrent. Some larger entities can just take the hit.

*8 o’clock*

They pay the fine and move on whereas what we are providing for is an order made by the Circuit Court or the High Court. That is significant, particularly if the entity continues to breach the order and finds itself in contempt of court. Following the amendments we have made on Report Stage in Dáil Éireann, the entity could find itself in breach of a High Court order and in contempt of the High Court. That is especially significant and will be seen very much as a disincentive to employers in terms of failing to undertake their obligations under section 20A. A strong, and now further strengthened, stick is provided for within this legislation.

**Senator Mary Seery Kearney:** The recourse to the Circuit and the High Court in and of itself is very powerful from the point of view that it is public. While larger companies may be able to buy their way out through paying fines and penalties, what is of greater value is the need to avoid potential reputational damage by not ending up in the Circuit or High Court. The very welcome decision by the Supreme Court in the Zalewski case also empowers those taking a case to the Workplace Relations Commission, WRC, and the Labour Court because such cases are now also held in public. Journalists can report on proceedings, which makes them more accessible. The potential for reputational damage becomes an additional, inbuilt deterrent, which is very useful. I support the Minister's arguments in that regard and agree this element of the legislation is very important.

**Senator Alice-Mary Higgins:** I commend the Irish Human Rights and Equality Commission, IHREC, and note its capacity and responsibilities are growing, but I strongly recommend that its resources and funding grow commensurate with that. Its brief is very wide now and it has an extraordinary level of responsibility, including in terms of the UN Convention on the Rights of Persons with Disabilities, UNCRPD, and so many other elements of equality legislation which it is effectively implementing.

The nature of the work of IHREC is such that it not going to be able to take every case to the Circuit or High Court. In that context, I was endeavouring not to require the Minister to do so but to give him or her the power to do so. Such powers as the Minister has in regulation need to be given to him or her through primary legislation. I was seeking to ensure we gave the Minister those powers, if required, in respect of financial penalties if we saw, for example, a pattern of non-compliance emerging across a sector. A very high-profile company might be brought to court but we should not, as legislators, rely too heavily on the reputational piece. We need to look to compliance and measures in a circuit where we dis-imagine, so to speak, the consumers. We should not cede our power as representatives of citizens over to consumer embarrassment or consumer pressure, for example. We need to ensure citizens are represented.

It is true that for some companies the reputational piece will be important but for all companies, even those who do not have a reputational concern, there still needs to be transparency. I get the sense the Minister is keen not to accept amendments so that the Bill does not have to go back to the Dáil. I am not saying that in a bad way because I know he accepted amendments in the Dáil, but I would ask him to consider, between Committee and Report Stages, whether the Bill as it stands gives him the scope in respect of either financial or other penalties within the regulations or whether it is going to be solely the Circuit or High Court route, which will be a very important and strong route. I have absolute confidence in the IHREC using that route judiciously and effectively and it may not be advisable for the Minister to have such additional powers as I seek to grant in these amendments.

Amendment put and declared lost.

**Senator Alice-Mary Higgins:** I move amendment No. 34:

In page 8, after line 38, to insert the following:

“(11)The Minister may set out in regulation such financial or other penalties as are deemed appropriate where a concerned person does not comply with the provisions of section 20A.”

I will withdraw this amendment.

Amendment, by leave, withdrawn.

**Acting Chairperson (Senator Aisling Dolan):** Amendments Nos. 35 and 36 are related and may be discussed together.

**Senator Alice-Mary Higgins:** I move amendment No. 35:

In page 8, after line 38, to insert the following:

“(11) The Minister may by regulation specify circumstances in which a company shall be required to provide evidence of compliance with section 20A.”.

It is important these amendments are not grouped with the previous ones because they are not directly designed as a penalty but rather as a consequence in respect of non-compliance. Penalties and consequences are quite different and this is, in effect, about ensuring those companies that have chosen not to be compliant with section 20A are not benefiting from that or rewarded in any respect through public funding or public resources. This would be one of the most powerful measures, frankly, alongside an individual order for compliance with the High Court.

We talked about the Athena Swan and its great success as a voluntary code, but we need to be very honest about it. One of the main reasons it was so successful was that there were consequences for not complying. Universities were made aware they would not get funding from the Irish Research Council if they did not meet certain standards. They knew that while compliance was voluntary, non-compliance would effect the opportunities available to them, their engagement with public funding and access to same. This is less about a financial penalty and more about a consequence.

These amendments suggest it would be reasonable to require companies to provide evidence of compliance with section 20A. Amendment No. 36 is a little bit more specific and suggests that situations in which evidence of compliance with section 20A might be required would include when applying for public grants, funds or loans or submitting tenders for public contracts. This is very reasonable in the context of determining the giving of grants or loans, the investment of public funds and resources in a company or the giving of public support to a company. This is also related to the subcontracting issue raised earlier. If we want to delegate services to companies by way of public contracts, we want to know they are compliant with the gender pay gap information provisions, there is full transparency and they are engaging with section 20A, which is a sign of best practice.

Amendment No. 36 could provide us with one of the most powerful tools in ensuring companies seek to be compliant with the provisions of this Bill. The turning point for Athena Swan was when consequences flowed from non-engagement. I urge the Minister to consider seriously amendment No. 36 which could be a game changer.

*Sitting suspended at 8.08 p.m. and resumed at 8.27 p.m.*

**An Leas-Chathaoirleach:** I welcome colleagues and the Minister. We are ready to continue on amendment No. 35, to which Senator Higgins was speaking.

**Senator Alice-Mary Higgins:** I had pretty much concluded and I am looking forward to

the Minister's response.

**An Leas-Chathaoirleach:** Does anybody else wish to contribute? We will be all right once we get going again.

**Deputy Roderic O'Gorman:** It will take a moment for me to recall where we were.

**An Leas-Chathaoirleach:** Amendments Nos. 35 and 36 are grouped.

**Senator Mary Seery Kearney:** The point made by Senator Higgins is valid, to be fair. There is an idea that whoever is to tender for public contracts must show compliance but such compliance should be demonstrated across a number of areas and not just this. It is something that could be put into regulations without it being mandated here. In public procurement rules there is a requirement to comply with all sorts of provisions now, including the general data protection regulation, for example. There must be evidence of compliance in that regard. I have complete sympathy with the aspiration and I am at one with it but I am not sure it is necessary in the Bill.

**Deputy Roderic O'Gorman:** I apologise but I just needed to recall where we were in the discussion. On amendment No. 35, the Bill requires companies to make public their gender pay gap information and the regulations will set out clearly how this will be carried out. There are some policy questions to be settled on how this will operate in reality. Today I am not in a position to give a complete and conclusive explanation of how exactly the evidence of compliance will be established but that guidance will be provided in the context of the finalised regulations. I ask the Senator to indulge us in doing that.

The Senator is proposing in amendment No. 36 that compliance with this legislation would have implications for accessing public funds or public contracts. Such a proposal goes very significantly beyond the current provisions of this Bill and would have wider implications. If a company was to lose out on a contract, or something like that, through potential judicial reviews of measures taken under this Bill, it very significantly raises the stakes. It might be said, correctly so. Senator Seery Kearney made the point that adherence by a company bidding for public contracts is relevant to other legislation as well.

The proposed new EU directive on pay transparency makes some proposals in this regard. These are being given cross-governmental consideration at present regarding their broader implications. In a context where we want to move this legislation forward and get it up and running, this amendment, though absolutely worthy of consideration, has not been part of that wider conversation around what we are seeking to achieve. It is now part of the conversation about the EU directive. I suggest not addressing it within the context of this legislation.

**Senator Alice-Mary Higgins:** I will briefly respond, particularly in respect of amendment No. 36. The issue is that much legislation has come through this House regarding financial supports for business and the business sector. It is reasonable we seek to ensure best practice from those who are receiving financial supports, loans and grants and who may, for example, be eligible for projects under the recovery and resilience fund and so forth. I note my amendment does not simply relate to public procurement but also to those many other forms of support and assistance and, indeed, straight financial transfer through grants or funds, the State makes available to a number of businesses.

On the public procurement question, the Minister's colleague, the Minister of State at the

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Department of Public Expenditure and Reform, Deputy Ossian Smyth, has, in fairness, so far supported my legislation in respect of quality in public procurement. At the moment, as our public procurement legislation stands, there has unfortunately been an extremely cautious approach on the exact question of whether we might be sued or if there might be a judicial review. This is the kind of thing that makes me nervous about the chilling effect, whereby there has been a reluctance to set quality criteria, or even set a fairly basic and certainly objective standard, which is whether there has been compliance. This is not about whether someone did wonderfully, or if the published results were fantastic in relation to section 20A, it is about whether the breakdown has in fact been published. The amendment is not prescriptive about how well someone did or did not do when the breakdown is published, it is simply about stating the standards are being complied with.

I appreciate engaging with the Minister but it might be useful to chat between Committee and Report Stages to the Minister of State, Deputy Smyth, and the Office of Government Procurement to confirm those issues can be captured. There may be measures around capturing them within procurement policy at the moment. I am concerned because, very often, it is down to lowest cost. Certain things can be put into quality criteria where they get a weighting while other issues may be put in as technical specifications. This might be something that will need to be put in as a specification. I am not sure if it can be dealt with under the quality criteria, only because, unfortunately, the majority of public contracts are still done on lowest cost only and not on the basis of quality.

I will withdraw the amendment. However, at this point I might indicate this may be an issue worth checking with the Minister's Government colleague who, in fairness, has engaged constructively with me on the issue of quality in public procurement. I reserve the right to bring the amendment back on Report Stage if we do not have a sense there is a mechanism for including these measures in the legislation or procurement process as stands.

**Senator Martin Conway:** I have listened many times to my colleague, Senator Higgins, speak about procurement and the need to have a more holistic approach to it. I suggest the Minister puts this into regulations as opposed to having it prescriptively included in the legislation. The overarching point about quality procurement, and it is something that needs to be voiced as often as possible, is that wanting the cheapest procurement option has often proved to be the wrong approach for many areas of society. There absolutely needs to be a much more holistic approach to procurement across the whole public sphere. It is a mammoth discussion for a different Minister. I would not like to see us divide on this particular issue on this important legislation because of the unified approach so far and the Government's willingness to engage. I urge the Minister to take up Senator Higgins's offer to engage between now and Report Stage.

Amendment, by leave, withdrawn.

**Senator Alice-Mary Higgins:** I move amendment No. 36:

In page 8, after line 38, to insert the following:

“(11) The Minister may by regulation specify circumstances in which a company shall be required to provide evidence of compliance with section 20A, which may include:

(a) application for public grants, funds or loans, and

(b) submission of tender for public contracts.”.

I ask for an indication from the Minister on whether we can engage between now and Committee and Report Stages on this. In that context, I withdraw the amendment. The Minister indicated that he would engage while I was speaking, but he did not get a chance to come back.

**Deputy Roderic O’Gorman:** I am happy to engage with the Senator.

Amendment, by leave, withdrawn.

Section 2 agreed to.

### SECTION 3

**An Leas-Chathaoirleach:** Amendment No. 37 is in the names of Senators Warfield, Boylan, Ó Donnghaile and Gavan. Amendments Nos. 37 and 38 are related and may be discussed together, by agreement. Is that agreed? Agreed.

**Senator Fintan Warfield:** I move amendment No. 37:

In page 9, between lines 20 and 21, to insert the following:

“(4) Failure to comply with an order granted by the Circuit Court by the person concerned would be a Category 4 offence subject to a class A fine.

(5) In making regulations under this section, where an employer fails to publish the required information on more than one occasion within a five year period, the Minister shall request that the company title be published by the Irish Human Rights and Equality Commission.”.

**Senator Alice-Mary Higgins:** I second the amendment.

**Senator Fintan Warfield:** I thank Senator Higgins for seconding the amendment. As amendments Nos. 41 and 47 were ruled out of order, this will be my last contribution on Committee Stage. Amendment No. 37 is fair. We have already discussed non-compliance, consequences and whether names should be published by the Irish Human Rights and Equality Commission, which is fair. If there is a failure to publish the required information on more than one occasion in five years, then names should be published. It is not like a “first strike and you are out”. I will welcome what the Minister has to say about this amendment, but it is fair.

**Senator Alice-Mary Higgins:** My amendment No. 38 is grouped with this. I urge the Minister to consider engaging with this amendment on Report Stage. We have mentioned, and I welcome, the fact that he has increased the range of power from the Circuit Court to the High Court in respect of the Irish Human Rights and Equality Commission. However, while compliance and the consequence for non-compliance, which is the Irish Human Rights and Equality Commission going to the High Court to seek a compliance order, both come under section 20A, my concern is about what happens next.

The Minister mentioned contempt of court but the latter is not a tool designed in this sense.

I do not know that having solely a contempt-of-court provision is the most appropriate next step if a company decides not to comply with a compliance order. What is the next level in terms of penalties? It might be very useful if, between now and Report Stage, the Minister was able to set out the flow of hypothetical cases and how they will move through this process or system. Whatever about the attachment of penalties - financial or otherwise - to situations of non-compliance with section 20A, even if we yield to the idea that the role of IHREC is sufficient at that stage, amendment No. 38 addresses the scenario whereby the commission has exercised its powers, taken a matter to the Circuit Court or the High Court and obtained a compliance order but a company still does not comply. At that point, it is important.

I recognise that amendment No. 27 only deals with the Circuit Court and not the High Court, which is a technical matter that could be addressed on Report Stage in Senator Warfield's amendment, a version of which I may reserve the right to bring myself. I have suggested financial penalties. A formal category A offence or class A fine may be a better mechanism rather than my suggestion of regulations with financial penalties. I am very open to rewording this. However, we should bear in mind that this is a situation where it has already gone through such reputational damages it may get by going through the Circuit Court or the High Court and the company has decided it does not care. This does not have the danger mentioned by the Minister whereby the company may just pay a fine and absorb the cost and not mind. This is a situation where the company has already had that other penalty of being brought through the courts and it would be useful for the company in addition to be required a fine at that point if it continues to fail to comply. I hope the Minister might consider this between now and Report Stage.

Amendment No. 39 is a Government amendment, which signals that this Bill will be going back to the Dáil in any event. There is no reason, therefore, not to include a sensible and useful provision that would allow for a penalty following failure to comply with a compliance order.

**Deputy Roderic O’Gorman:** I have discussed on a number of occasions the changes we made to section 85C - accepted on Report Stage in the Dáil - which will enhance the enforcement powers of IHREC by providing it with the power to take an application to the Circuit Court or the High Court, where it has reasonable grounds for believing there has been a failure by a person to comply with the provisions of the Bill, to obtain an order requiring that person to comply. We believe that this is the stick the legislation provides in the context of ensuring compliance. In undertaking that role, IHREC will have regard to the size of the company involved and the number of infringements when determining the court in which to issue proceedings. It is given that discretion and there is no restriction in terms of size. In the case of a first breach, the commission has discretion to take an action. There is nothing stopping it doing so. When an employer does not comply with a court order, it may be held in contempt of court and in such circumstances, the court will have the power to issue a fine, which is a powerful tool. Defying an order of contempt made by a High Court judge is a significant act for any employer. My understanding of the offence of contempt is that it can only be expunged by compliance so there is a strong mechanism there in terms of seeking compliance by using this mechanism of an order from the court and any potential breach of that being an order of contempt, particularly the fact that we have ensured that this can be done through the High Court with all the linked negative publicity generated by a decision of a High Court judge compared with the negative publicity that might be generated by a decision of a Circuit Court judge.

The amended enforcement procedure provides for both IHREC and an employee to apply to the courts or the Workplace Relations Commission for an order compelling an employer to comply with its requirements and publish its gender pay gap information, which is significant.

The information regarding non-compliance will be in the public domain and this is copper-fastened in light of the decisions we have taken in respect of the recent Supreme Court judgement about Workplace Relations Commission hearings being held in public. A significant stick is provided in this legislation in the context of ensuring compliance.

**Senator Alice-Mary Higgins:** I recognise those points but I still believe that there is a need for a stronger provision because, unfortunately, compliance orders are not always complied with. This is a fact, so I am concerned in that regard. I recognise and welcome the provisions relating to the High Court and, in particular, those relating to the employee being able to initiate action. These are really strong measures. I will not press my amendment because I do not believe it is worded as strongly as the amendment in Senator Warfield's name, although the latter only references the Circuit Court. I will withdraw my amendment and reserve the right to reintroduce it on Report Stage.

**An Leas-Chathaoirleach:** Does Senator Warfield wish to press amendment No. 37?

**Senator Fintan Warfield:** Yes.

Amendment put and declared lost.

**Senator Alice-Mary Higgins:** I move amendment No. 38:

In page 9, between lines 20 and 21, to insert the following:

“(4) The Minister may set out in regulation such financial or other penalties as are deemed appropriate where a concerned person does not comply with a compliance order issued under section 85B within 12 months of the date of such a compliance order.”.

I will withdraw my amendment and submit a new amendment on this issue on Report Stage.

Amendment, by leave, withdrawn.

Section 3 agreed to.

#### SECTION 4

Government amendment No. 39:

In page 10, line 36, to delete “section 85D” and substitute “section 85C”.

**Deputy Roderic O’Gorman:** This is a technical amendment, the purpose of which is to delete the term “section 85D” and replace it with “section 85C”. With the deletion of the original section 85B, the sections have been renumbered. Members will note that section 4 incorrectly refers to section 85D, which no longer exists as a result of a Report Stage amendment in the Dáil.

**Senator Alice-Mary Higgins:** I will make the very simple point. Given that this Bill will probably return very briefly to the Dáil simply to confirm the acceptance of this amendment, there is no reason, in terms of timeliness or whatever, not to consider including some short and, in particular, non-controversial amendments. I would even look to some of those relating to

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the use of the terms “may” and “shall” or dates. Between now and Report Stage, I urge the Minister to reflect on the fact that this Bill will go back to the Dáil anyway. Why not take on board points he has heard that he believes have merit? I do not believe they will be strongly opposed in the Dáil because I know there is generally very strong support for the Bill there, as there is in this House.

Amendment agreed to.

Section 4, as amended, agreed to.

## SECTION 5

**Senator Alice-Mary Higgins:** Senator Bacik previously indicated to the acting Clerk of the Seanad that I would move amendment No. 40 on her behalf.

**An Leas-Chathaoirleach:** Is the Senator moving amendment No. 40?

**Senator Alice-Mary Higgins:** I move amendment No. 40:

In page 11, line 7, after “request.” to insert “This subsection is without prejudice to the entitlement of the Commission to exercise its powers under this section in any such case of its own motion.”.

This amendment makes it clear that such other powers to act in respect of this section do not impinge on the entitlement of IHREC to exercise its powers or move any case on its own motion.

The Minister spoke about seeking to strengthen the powers of the Irish Human Rights and Equality Commission and the Workplace Relations Commission in terms of their engagement and intersection with this Bill. Senator Bacik seeks to ensure that the powers they are given here do not in any way impinge on such other actions they might take.

I will not press the amendment in the absence of Senator Bacik but I did not want to raise it on her behalf. She plans to return to this matter on Report Stage and address it further. I would appreciate any comments from the Minister in respect of amendment No. 40.

**Deputy Roderic O’Gorman:** I confirm to Senators that the new subsection (5) to be inserted into section 32 of the Irish Human Rights and Equality Commission Act 2014 is without prejudice to the entitlement of our right to exercise its powers under section 32 in any such case of its own motion. I submit that the amendment is not necessary but I am happy to put the confirmation on the record.

**Senator Alice-Mary Higgins:** I thank the Minister and his confirmation will be welcomed by Senator Bacik. I will withdraw the amendment but wish to advise that it may be reintroduced on Report Stage.

Amendment, by leave, withdrawn.

Section 5 agreed to.

**An Leas-Chathaoirleach:** Amendment No. 41 is in the names of Senators Warfield, Boylan, Ó Donnghaile and Gavan. The amendment is deemed out of order as it constitutes a potential charge on the Revenue.

Amendment No. 41 not moved.

## SECTION 6

**An Leas-Chathaoirleach:** Amendments Nos. 42 to 45, inclusive, are related and may be discussed together by agreement. Is that agreed? Agreed.

**Senator Alice-Mary Higgins:** I move amendment No. 42:

In page 11, line 9, after “review” to insert “to be published”.

My amendments relate to a review. This is a simple matter but basically I want to ensure that the review will be published. The review clause currently simply says, “The Minister shall cause a review of the functioning of the amendments made”, but it does not commit to the publication of the review or the laying of the review before the Oireachtas to be debated by a relevant committee. It is always good to set things out in legislation bearing in mind that the Minister, which in this case is the Minister present, who may initiate legislation may not be the Minister at the point of review. Under my amendment No. 43, the present Minister would probably be the Minister that conducts the review as it seeks to substitute the “4th anniversary” with the “3rd anniversary”. In that regard, it is always better to have the nature of the review, the fact that the review would be published, and the plans for engagement in respect of the review and so forth set out in the legislation in order to give clarity to anybody who may inherit this brief.

In my amendment No. 43, I suggest inserting the words “3rd anniversary”. That is also consequential on my previous amendments that sought the stipulation of a first and second anniversary rather than a third anniversary to allow for the full scope of the programme. I understand that the four years is to allow for the full range of the Bill but I believe that the full scope of the Bill should be applied within three years and that that is very reasonable. Again, in that consequence, we should be able to have this apply to all companies of over 50 employees within three years and be able to report on same.

My last concern is that we need subsequent reviews. Again, this is one review. If this is going to be long-term legislation then we may need to look to its operation periodically in the time period ahead. Please note that the legislation, as it stands, only allows for one review.

Amendment No. 45 slightly differs in its intent and, in fact, refers to a report. Again, there may be another mechanism whereby a report can be provided. It is important that we do not just take a snapshot of pay equality across Ireland, and within companies, but look to what we do with the information. It is not simply a matter of the reputation of an individual company or how that is perceived by potential employees or consumers. Those are all important factors but there is a really important piece that comes to that same question which I mentioned earlier. It is the identification of patterns.

My amendment No. 45 states, “The Minister shall, within three years”, which mirrors my previous amendments because I believe that the Act should be fully operational within three years, “lay a report before both Houses of the Oireachtas outlining a sectoral analysis with respect to the information published under *section 2* and further recommendations based upon such analysis in terms of reducing the gender pay gap”. That is because of what we have seen in different sectors. The Athena SWAN, the scientific women’s academic network, programme has been mentioned but many other sectors have had different issues. For example, if we see a certain pattern among the categories in section 20A, if we see that there is a huge gender

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pay gap among part-time employees across a sector or if we note that the highest percentile is particularly divided within another sector, then as that information is compiled, within each company, it must be placed alongside each other and analysed with that sectoral lens so that we can identify any issues.

Like many others, I greatly regret the reduced use of joint labour committees as they were so crucial. Senator Bacik talked about the role played by unions in collective bargaining but JLCs were an incredibly good tool. It is disappointing that we use them less, and we have not been able to use them in the way that we had previously to really identify what is good and bad practice within a sector. I mean identifying the patterns, dangers, challenges and cultural imbedded prejudices and inequities that operate within a sector.

My amendments ask what the Minister will do with the information, not just what is done by companies, consumers and employees. My amendments ask what the Minister, as a Minister making policy, does with the information that emerges from this. Perhaps he will address my points or indicate whether a report is planned or envisaged.

**Senator Mary Seery Kearney:** I wish to refer to the very fact that access to the likes of the Workplace Relations Commission and the Labour Court can be had, and there is no threshold of payment or threats of fees or costs afterwards in the event of an unsuccessful claim to the WRC. The very fact that we have that avenue of redress and an ability to lodge a complaint will have the effect of throwing up where we have repeat offenders and sectors. There are sectors of society and companies that could install bunkbeds in the WRC building because they are there that often. Redress plus access to the Circuit Court and High Court will have the effect sought by Senator Higgins as well as what is already available. The fact is that the information is being sought to be published by the employer.

Today, the Minister of State at the Department of Enterprise, Trade and Employment, Deputy English,

announced the establishment of a joint labour committee so Senator Higgins should not give up on JLCs.

**Senator Alice-Mary Higgins:** I am not giving up on them.

**Senator Mary Seery Kearney:** The announcement is great because for years I advocated for a joint labour committee for childcare. Well done on all of that all around and hearts up.

**Deputy Roderic O’Gorman:** Senator Seery Kearney has stolen my powerful wrap-up lines-----

**Senator Mary Seery Kearney:** The Minister stole mine last week.

**Deputy Roderic O’Gorman:** -----in terms of the publication by the Minister of State, Deputy English, of a JLC process for the childcare sector. The process was initiated by me and my Department a number of months ago. The JLC recognises a sector and the childcare professionals who have worked so hard during Covid. It is a sector where we know pay is low and employees are predominantly, and to the vast preponderance, female. This process recognises a combination of the fact that the Government has prioritised this and my Department has prioritised the need to address this matter. I thank the Minister of State for working so quickly to address this matter.

*9 o'clock*

As regards amendment No. 42, I assure the Senator and the House that the findings of the review, when undertaken, will be published. It can only be beneficial if the report is published because it will inform subsequent amendment to and development of the relevant legislation.

Senator Higgins envisaged that her proposed changes would mirror some of the wider changes. I have shortened the timeframe for having the review from after five years to after four years. That is appropriate. We have to strike a balance between allowing the process to operate to get a full sense of it and not putting it on the long finger. In light of the other time-lines in the Bill, four years is the correct timeframe.

On amendment No. 44, if the review after four years envisages legislative changes and we still have in place the mechanism set out in this Bill, there is a mechanism for bringing in another review proposal. That is the best way to go.

On the idea of a report, the review we are initiating will address much of that. In looking at the legislation, the review will also look at the bigger questions and the ongoing appropriateness of this legislation in the context of what it has achieved and what it seeks to achieve. To provide for a report within three years when the initial review will take place within four years would be to take a disjointed approach to gaining a full understanding of how this legislation works, having allowed one full cycle when we it will apply to employers with 50 employees.

Amendment, by leave, withdrawn.

**Senator Alice-Mary Higgins:** I move amendment No. 43:

In page 11, line 10, to delete “4th anniversary” and substitute “3rd anniversary”.

For reasons of consistency, I will press the amendment.

Amendment put and declared lost.

**Senator Alice-Mary Higgins:** I move amendment No. 44:

In page 11, line 11, after “section” to insert “and shall review the same not less than every three years subsequently”.

Amendment put and declared lost.

Section 6 agreed to.

#### NEW SECTION

**Senator Alice-Mary Higgins:** I move amendment No. 45:

In page 11, between lines 11 and 12, to insert the following:

#### **“Report**

7. The Minister shall, within three years of the passing of this Act, lay a report before both Houses of the Oireachtas outlining a sectoral analysis with respect to the information published under section 2 and further recommendations based upon such analysis in terms of reducing the gender pay gap.”.

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Amendment put and declared lost.

## SECTION 7

**Senator Alice-Mary Higgins:** I move amendment No. 46:

In page 11, to delete lines 19 to 22 and substitute the following:

“(1) This Act shall come into operation three months after it has been passed by both Houses of the Oireachtas or a prior date which the Minister may appoint by order.”.

**An Leas-Chathaoirleach:** Does Senator Higgins wish to speak to the amendment?

**Senator Alice-Mary Higgins:** The Minister indicated his wish for speedy passage and implementation of the Bill. In that context, I am happy to withdraw the amendment.

Amendment, by leave, withdrawn.

Section 7 agreed to.

**An Leas-Chathaoirleach:** Amendment No. 47 in the names of Senators Warfield, Boylan, Ó Donnghaile and Gavan is out of order as it is consequential on amendment No. 41.

Amendment No. 47 not moved.

Title agreed to.

Bill reported with amendments.

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

**Senator Mary Seery Kearney:** On Friday, 25 June 2021.

**An Leas-Chathaoirleach:** Is that agreed? Agreed.

Report Stage ordered for Friday, 25 June 2021.

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

**Senator Mary Seery Kearney:** Tomorrow morning at 9 a.m. in the convention centre.

The Seanad adjourned at 9.07 p.m. until 9 a.m. on Tuesday, 22 June 2021.