



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Dé Máirt, 6 Iúil 2021

Tuesday, 6 July 2021

Chuaigh an Cathaoirleach i gceannas ar 9 a.m.

*Machnamh agus Paidir.
Reflection and Prayer.*

Gnó an tSeanaid - Business of Seanad

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

The need for the Minister for Housing, Local Government and Heritage to make a statement on the proposed transfer of 3,500 local authority water services staff to Irish Water by 31 July 2021.

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

The need for the Minister for Social Protection to make a statement on the opportunities available to women who wish to return to work after a career break, including access to community employment schemes.

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

The need for the Tánaiste and Minister for Enterprise, Trade and Employment to make a statement on the reopening of indoor hospitality; and if he will put in place a support scheme to assist these businesses in the coming year.

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

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

I have also received notice from Senator Pat Casey of the following matter:

The need for the Minister of Health to make a statement on the data presented by NPHET on the Delta variant of Covid-19 and how they can be directly attributable to indoor dining.

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

The need for the Minister for Health to provide an update on the review of the Health (Regulation of Termination of Pregnancy) Act 2018.

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

The need for the Minister for Health to make a statement on the status of Irish citizens living overseas who have received non-EMA approved Covid-19 vaccines and who may wish to return to Ireland.

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

The need for the Minister for Housing, Local Government and Heritage to outline the criteria for long-term residents of co-operative housing schemes to purchase their homes.

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

The need for the Minister for Rural and Community Development to make a statement on her Department's plans to increase funding for rural recreational officers to enable the administration of the rural recreation and walks scheme in west Cork.

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

The need for the Minister for Education to make a statement on accessibility to the July provision programme by children with a visual impairment.

The matters raised by the Senators are suitable for discussion. I have selected the matters raised by Senators Gallagher, Currie, Crowe, Mullen, Casey and Gavan and they will be taken now. The other Senators may give notice on another day of the matters they wish to raise.

Nithe i dtosach suíonna - Commencement Matters

Water Services

Senator Robbie Gallagher: Cuirim fáilte roimh an Aire Stáit go dtí an Teach inniu. I welcome the Minister of State to the House and thank him for taking time out of his busy schedule to be here. I wish to discuss Irish Water and the service level agreement with local authority staff. I am not, and never was, a fan of Irish Water in the first instance. I fail to see the purpose of setting up another layer of bureaucracy - some would refer to it as a quango - which currently has 800 staff on its books. Local authorities continue to provide an excellent service to the people of this country in terms of water services.

Local authorities have a service level agreement with Irish Water in that the latter has tasked local authorities with providing water services to the people of this country. They are doing an excellent job. Irish Water has what it calls a balanced scorecard for each local authority, which rates each one on key performance indicators. In layman's language, it rates the service provided by local authority water services staff to the general public. I am delighted, but not surprised, to note that each local authority is performing excellently, as I am sure the Minister of State is aware. The percentage levels of performance are in the high 90s consistently year on year. In Monaghan and Cavan the levels are consistently above 90% and I thank local authority

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water services staff for the excellent job they do. Given such high levels of service, the question arises as to why we are taking the service away from the water services sections of local authorities and not keeping it where it is. Perhaps that is a question to which the Minister of State might relate.

Public ownership of Irish Water is the clear will of the Irish people. People want control of this utility into the future. There is a commitment in the programme for Government that Irish Water will remain in public ownership, but many are calling for a referendum to be put to the people in order that this can be enshrined in the Constitution for eternity. I support that call. Has the Government committed to holding a referendum? If so, does it have a date in mind?

Another issue I would like to raise is the fact that many local authority staff are quite happy to stay where they are. The 3,500 workers who are providing an excellent service want to stay with their local authority, and I fully agree with and support them in that notion. I understand talks are ongoing between the Government, Irish Water, local authorities and trade unions. We do not want local authority staff, who are doing an excellent job, to be forced down a road they do not want to go. It is important that we take their concerns on board.

I respectfully appeal to the Minister of State to answer the two questions I have posed. I would like to think that local authority staff, who provide an excellent service, will be looked after and that their wishes will be respected.

Minister of State at the Department of Housing, Local Government and Heritage (Deputy Malcolm Noonan): Gabhaim buíochas leis an Seanadóir as an gceist seo a ardú. The Government published a policy paper, Irish Water - Towards a National Publicly-Owned Regulated Water Services Utility, in February which sets out its views and expectations on the next phase of transformation in the water sector. This will involve the integration of the public water system within the organisational structure of Irish Water. This will complete the broad policy and legislative reforms that have seen public water services embark on a journey of transformation from a structure based on locally organised water services authorities towards a single, national water utility in public ownership. In setting out its views and expectations on the next phase of the water sector transformation programme in this way, the Government is enabling stakeholders to engage in a meaningful change process that will give them the strongest possible say in determining their future working arrangements.

Significant issues relating to the workforce remain to be addressed in the context of integrating the day-to-day operation and delivery of water services within Irish Water. To resolve these issues, my colleague, the Minister for Housing, Local Government and Heritage, Deputy Darragh O'Brien, has tasked the Workplace Relations Commission to recommence engagement on water sector transformation with all parties aimed at reaching a collective agreement on a framework for the future delivery of water services. This engagement is currently under way, although the inability to hold face-to-face discussions due to the Covid-19 restrictions has hampered the process. I imagine the Senator will appreciate that is a challenge and it is important that these discussions can take place face to face as that is the best way forward. I understand, however, that the discussions will take place in the coming weeks in line with the current relaxation of restrictions.

Change is difficult for any workforce and I am fully aware that many in local government services do not necessarily wish to see changes to the current arrangements, as the Senator has outlined. However, the fact that the Government has decided that Irish Water is to become a

fully integrated direct labour national public utility means the *status quo* is not an option. Continued uncertainty about the future does a disservice to everyone currently employed in water services within local authorities. It is important, therefore, that the parties to the transformation process engage intensively in the coming weeks at the Workplace Relations Commission to agree an outcome that will deliver for all parties and for the greater good. The Government believes it will be possible to reach a collective agreement that addresses the interests and concerns of all parties.

Senator Gallagher raised a second matter. It is certainly the case that there is a commitment in the programme for Government to refer the issue of the environment, including water and its place in the Constitution, to the relevant joint committee for consideration, namely, the Joint Committee on Housing, Local Government and Heritage. My role includes responsibility for electoral reform. We have a schedule of proposed referenda throughout the lifetime of this Government. It is not my intention, and I do believe it would be appropriate, to hold a number of referenda on the same day. I believe it is important that we hold a stand-alone referendum on this issue as to do otherwise would dilute the message - excuse the pun - and dilute what we are trying to achieve with this referendum. In any event, I am keen to give the assurance that this referendum is significant and important in assuring the people on the issue of ownership of water infrastructure in public hands for the common good. It is important to emphasise that. The policy paper on water transformation agreed by Government further commits the Department of Housing, Local Government and Heritage to consult with the Irish Congress of Trade Unions' local authority group of unions in respect of the proposed referendum. I hope that offers some assurance to the Senator on the questions posed and to the utility workers currently within local government around the transformation process.

The process is in place for the common good of all. We hope it will lead to a robust and transformative process around regulation and the provision of critical water infrastructure for the country for nature, for biodiversity and for communities.

Senator Robbie Gallagher: My thanks to the Minister of State for his comprehensive reply. As he outlined, the uncertainty for local authority staff and water services staff is disappointing. They find themselves in a stressful situation.

I welcome the commitment of the Minister of State to hold a referendum and I look forward to an early date for that. The old adage holds that if it is not broken, we should not fix it. That springs to mind in the context of water services provided by local authorities. Having said that, as long as the views of staff are respected and as long as they are happy - ultimately, with the terms and conditions put in front of them - then I fully support them. The service they have provided to the public, to me as a public representative and to many others has been top class and I am keen to acknowledge the excellent service we get from them. I hope that will be respected by decision makers when a final call is made.

Deputy Malcolm Noonan: I wish to reassure the Senator on the matter. I wholeheartedly concur with his comments in respect of water services staff and local authorities. They provide an exceptional level of service to communities. They are constantly on call winter and summer, as well as during emergencies throughout the year. We must and do give due regard to that wonderful level of service. We want to achieve a transition towards Irish Water with which they will be happy and such that they will be satisfied that they are being taken care of.

The issue of the referendum is critical as well. I want to give an assurance that the process

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with the Workplace Relations Commission is inclusive. We want to ensure that all parties are brought on board to create the transformation that we all require for the country to move forward.

Community Employment Schemes

Senator Emer Currie: I have no wish for us to be in a situation where we have to wait until we have full employment again before women returners become a major priority for the Government. Many women did the State a service by caring for their families and loved ones. Often they did so because the supports that would have enabled choice simply were not there. I know this because I did it myself. Workplace inflexibility, a lack of accessible and affordable childcare and the unpaid nature of care continue to be key factors. We have a real issue because of women dropping out of the workforce to undertake care duties, but we have a similar problem in getting them back to work even when their children are older and even though these women are more likely to have third level qualifications. The participation rate of women is 63.7%. That is not too far behind the EU average of 64.2% but it falls far below competitive economies like Germany, which has a rate of over 72% and a figure of more than 10% between men and women participation rates.

Covid-19 has set us back again and we have been disproportionately affected. We are more likely to work in jobs where workers are more vulnerable to getting Covid. We are more likely to work in jobs where staff are vulnerable to losing employment because of Covid. Women are more likely to own businesses that have been impacted upon and are more likely to have taken leave or to have worked longer hours in trying to juggle work, home schooling and care duties. Women who spent more time in unpaid or domestic duties prior to Covid became the brunt bearers during the Covid lockdown.

The roles played by the Department of Enterprise, Trade and Employment and the Department of Social Protection have been phenomenal in getting people through the crisis with access to the pandemic unemployment payment, wage subsidies and grant schemes.

As we emerge from the crisis of Covid into addressing the long-term effects of Covid on labour participation rates, are we going to do enough to address the female labour participation gap? This is relevant not only for those who lost their jobs because of Covid or those still vulnerable to losing their jobs if the recession sticks, but for those who previously took career breaks and may now be further down the pecking order when it comes to labour activation policies.

I welcome the Minister of State commenting on the matter today. I know that work is ongoing with Springboard opportunities. Over 10,000 places are available on nearly 300 courses for unemployed, self-employed or returners to work. ICT graduate conversion courses are on offer for upskilling and reskilling in important new areas like cybersecurity and climate sustainability. In 2019, the then Minister for Employment Affairs and Social Protection, Senator Doherty, announced a new returnship programme. In the programme for Government, it is acknowledged that there is a commitment to returnships through new education, training and personal development programmes. This is especially important to the Department of Further and Higher Education, Research, Innovation and Science as part of the Her STEM skills programme. Yet, there seem to be disadvantages for women who have not worked for more than two years and who were not claiming social welfare during that period. They cannot access

community schemes that might suit them. A woman from Donegal got in touch with me to say that she has experienced this herself. She completed a two-year FETAC level 5 course in childcare in 2019 and got a distinction in all the modules except one, in which she got a merit. It was a massive achievement for her, having been out of work looking after her own kids. There were many opportunities to apply for part-time roles that would have been ideal for her but she could not because she was not eligible for any schemes. The Minister of State might have some advice for her. People in my community and in organisations that benefit from community schemes want access to women like her and she wants access to them as well. The hours suit, the locations suit and the situation suits. I ask the Minister of State for an update on how this will factor into the Pathways to Work 2021-2025 strategy.

Deputy Malcolm Noonan: Gabhaim buíochas leis an Seanadóir. I am taking this question on behalf of the Minister for Social Protection. The Department of Social Protection, through its Intreo service, provides a range of employment supports to assist individuals, including women returning to work, to gain and sustain employment. Intreo's teams of case officers and job coaches across the country provide a one-to-one career advice service and tailored employment supports for all jobseekers, including those who wish to return to work. These supports include the community employment scheme, which aims to provide work experience and targeted training interventions for long-term unemployed people within their communities. The programme is designed to help break the cycle of unemployment and improve a person's chances of returning to the labour market.

Community employment is open to women who want to return to work after a break, provided they meet the standard eligibility criteria. In order to qualify, a number of conditions must be met, including being in receipt of a qualifying social welfare payment for a specific period. In addition to the supports currently provided by Intreo, the Government is supporting a range of further initiatives and measures to assist people in their journey back to employment under the economic recovery plan and the forthcoming Pathways to Work 2021-2025 strategy. As set out under the Government's economic recovery plan, which was launched on 1 June 2021, a central focus of the recovery process will be supporting people back into employment, with an overall ambition of exceeding pre-crisis employment levels by reaching 2.5 million people in work by the end of 2024. It is important, as the Senator outlined, that people have quality employment and pay equality.

Central to achieving this ambition will be the forthcoming national employment services strategy, Pathways to Work 2021-2025. By increasing labour market supports and providing employment support, activation and skill opportunities, the Pathways to Work strategy will act as a key delivery mechanism of the economic recovery plan's second pillar, Helping People Back into Work. Pathways to Work will outline how the public employment service will work with people through its existing and expanded capacity to deliver job support services in a post-Covid labour market. Measures under this new strategy will include provision of an additional 50,000 education and training places and a new work placement experience programme. This new programme will be open to all jobseekers, including women who have been out of work for at least six months. That might offer some support in respect of the case the Senator outlined.

As part of its work for those seeking to return to the workforce, Intreo hosted the first Career Pathways for Returners event in Trinity College Dublin in March 2020. The event provided jobseekers with information on work placements and opportunities to upskill or retrain and offered them the opportunity to take the next step in their careers. The event including testimonials from people who had re-launched their careers and the supports that assisted them on their

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journey. Attendees also had an opportunity to meet and speak with employers, some of whom had dedicated returner initiatives. The Department of Social Protection plans to build on these kinds of initiatives under the new Pathways to Work strategy, which the Minister for Social Protection hopes to launch alongside the new work placement experience programme later this month. These are worthwhile initiatives.

Post Covid, many people, and many women in particular, are thinking about going in a whole new direction in their lives and careers and we want to provide the opportunities for them to do that. The gender pay gap Bill that was introduced by the Minister for Children, Equality, Disability, Integration and Youth is another supporting mechanism, as is the work being done around community development by the Minister of State, Deputy Joe O'Brien. Community development pilot projects could provide an opportunity for women who have a valuable set of skills to offer a community to find work.

Senator Emer Currie: I thank the Minister of State for that positive response. It is good to know that returners are firmly on the agenda. It is very difficult when people are facing going back to work, and if the odds are stacked against them or if there are unnecessary barriers it just makes it harder. We are definitely moving in the right direction. As part of this, we have to ensure that the Pathways to Work strategy covers the spectrum of situations and scenarios, as well as the skills and experience people want. What appeals at the moment about access to community schemes is that they are in people's communities. People could work in the community centre where the crèche is, for example, which would feel familiar to them. We have to put ourselves in those people's shoes and think about what it is like to return to work. We must deliver opportunities for everyone.

Deputy Malcolm Noonan: I agree wholeheartedly with the Senator. I know from experience that many women who started off in community employment schemes in family resource centres, FRCs, or community development projects, were able to move on through additional training or returning to education to fantastic careers and could offer something valuable back to their communities. It is vitally important that we offer those supports through the Pathways to Work strategy, for women in particular, to ensure they have a viable path forward.

The childcare issue is also critical and the Minister, Deputy O'Gorman, is keen to ensure there is a set of reforms in place to support the childcare sector to provide a wide range of services for women who wish to return to full-time or part-time employment. They might have a flexible arrangement in order to balance their work and life in a way that manages their families and provides the opportunity to give back to their communities, as they wish to do. The Senator made her point extremely well and I hope these combined initiatives will provide that level of support.

Acting Chairperson (Senator Erin McGreehan): As a mother who had to leave the workforce because of the lack of childcare I look forward to more being done in getting women back into the labour market.

Covid-19 Pandemic Supports

Senator Ollie Crowe: I thank the Minister of State, Deputy Rabbitte, for coming before Seanad Éireann this morning. As we are all aware, the hospitality sector has been hammered since March 2020. Having worked in the sector for over 20 years, I retain many close friends

and colleagues within the sector. Many have contacted me since the Government's decision not to allow reopening on 5 July and most said that this was the lowest point of the pandemic for them so far. I am not sure whether those who do not have the experience of the hospitality sector appreciate how important the summer season is for it. That period allows these businesses to survive the dark and wet nights of winter when very few people venture out. Many hospitality businesses take in as much turnover in a week in July as they would for most or all of November.

Yesterday, thankfully, we reached a level of over 50% of adults being fully vaccinated, including all those in the most at-risk categories. It is simply unacceptable that indoor hospitality remains closed under these conditions. I looked through the membership of NPHET yesterday and while these are obviously capable and qualified people, I did not see one name with economic expertise. I did not see one person who ever ran his or her own business and understood the stresses involved. The members of NPHET are entirely focused on managing this pandemic as best they can, which is their job, but at this point we need a much broader view. We need to recognise the impact recommendations are having on thousands of businesses. Many small family-run enterprises across this country have been denied the ability to earn a living for the past 15 months, as have some 150,000 staff in restaurants, bars and the hospitality sector in general. The situation cannot remain as is. Frankly, to extend it any longer into August, whereby Irish indoor hospitality businesses will be the only such businesses in Europe that are unable to operate, would be ridiculous. I noted the NPHET letter referred to high case numbers potentially having an impact on children returning to schools in person. I interpret that as a suggestion that indoor hospitality may be closed until September. It is crazy. It is not clear why we cannot use antigen testing across the sector. It could be used for a concert in Dublin last weekend, but we cannot use it for indoor hospitality despite six countries across Europe using it for that purpose. Ultimately, NPHET advises, but the Government must decide. The Government must take action and resolve this within the next two weeks.

I acknowledge that the Government has implemented unprecedented supports, which have been excellent, and I talk to business people every day across Galway city and county. The supports include the wage subsidy scheme and the Covid restrictions support scheme, CRSS, which the Taoiseach announced last week will double this week and next week for businesses that are still closed. However, it is clear now that these businesses have missed their peak periods of the year and will require additional supports both in the short and longer term. The stimulus for the hospitality sector which the Government has promised to implement will need to have a significant focus on the businesses across this sector.

Minister of State at the Department of Health (Deputy Anne Rabbitte): I thank Senator Crowe for tabling this Commencement matter. I am responding on behalf of the Minister of State at the Department of Enterprise, Trade and Employment, Deputy Troy. However, I wish to make a few points before I give the Senator the Minister of State's response.

Last week was not just a low point for people in the business, it was a low point for the country. Everybody was looking forward to the reopening taking place on 5 July. I am also aware that one week in July is equivalent to November, as the Senator correctly stated. However, there are positives. One of them is the current position of 50% of adults being vaccinated. The Senator is right that the situation cannot remain as it is. I acknowledge the work the Minister for Health, Deputy Stephen Donnelly, and his team are doing and the Minister's agile approach. Last Friday, the twin-track approach was announced for the vaccination programme. Not only will there be an age approach, but there will also be a bottom-up approach that includes the

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youth. The youth have been held back for far too long, so this is absolutely welcome. It is a multifaceted approach within all Departments, including the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media, the Department of Enterprise, Trade and Employment and the Department of Health.

The Tánaiste and Minister for Enterprise, Trade and Employment, Deputy Varadkar, the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media, Deputy Catherine Martin, the Minister for Health, Deputy Stephen Donnelly, and the Minister of State at the Department of Public Expenditure and Reform, Deputy Ossian Smyth, met with the hospitality sector last week to discuss the issue of indoor hospitality. Since then, officials from Department of Enterprise, Trade and Employment, the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media and the Department of the Taoiseach have set up a working group and met with the sector again to discuss a way forward.

In addition, the Department of Enterprise, Trade and Employment's small business assistance scheme for Covid, SBASC, provided €908,000 to 227 businesses in the food and accommodation sector in phase 1 and 25 grant applications, for a total value of €93,000, have been received in phase 2. The closing date for phase 2 is 21 July. This is a scheme that many businesses do not realise is available. It is available through their county councils. It is a fantastic scheme if one is unable to avail of the CRSS. The Government wants to find practical, workable solutions to enable hospitality to reopen and stay open throughout future waves of this pandemic.

I hope I have addressed some of Senator Crowe's questions.

Senator Ollie Crowe: I thank the Minister of State, Deputy Rabbitte, for her detailed and excellent response. I wish to make a few points, and the Minister of State will know where I am coming from with regard to the frustration. The notion of the hospitality sector having to police who is coming into a premises to ensure that only vaccinated people do so is just not going to work. I do not see it working, to be honest. I understand that representative bodies such as the Vintners' Federation of Ireland, VFI, the Licensed Vintners Association, LVA, and the Restaurants Association of Ireland, RAI, which the Minister of State will be very familiar with and with Mr. Adrian Cummins working day and night, are working with the Government on this. That is what has to be done to reopen indoor hospitality. Naturally, we all welcome that. I acknowledge that the Government has put unprecedented supports in place, but they must continue and more will probably be needed if the sector will not be able to reopen. Otherwise, jobs will be lost in the long run and the sector will not survive the crisis. I appreciate that the hospitality sector stimulus is likely to be some time down the line and probably for next year, but a portion of that must be earmarked in some way for bars and restaurants which only provide indoor hospitality and which have been shut for the past 15 months.

Deputy Anne Rabbitte: I again thank the Senator for giving me the opportunity to respond. The Senator is right. The working groups of the VFI and the RAI, under Mr. Adrian Cummins, have been working tirelessly since the start of the pandemic. At all times they have approached it in a very measured format of what is right for their industry, the employers and the associated employees. There is a great deal of stress attached to this at present. There is no doubt about that. The Senator and I are from Galway and we know that the businesses are under incredible pressure. Basically, people want to get back to work. They want to get back in to meet their customers and so forth. However, the most important thing that arose from the Senator's Commencement matter this morning is that this new working group on finding a way

forward for indoor dining and which includes the Department of Enterprise, Trade and Employment, the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media, the Department of the Taoiseach and the industry is very welcome at this time. There is a real commitment in the Government to finding a workable, sustainable solution so there will not be stops and starts and we can take it into the future.

Finally, it is important to point out that there will be no cliff edge financially for the supports for these businesses. That is the one thing the Minister of State, Deputy Troy, asked me to articulate this morning. There will be no cliff edge for businesses.

Health Service Executive

Senator Rónán Mullen: I wish to raise the issue of what are called patient private property, PPP, accounts. These accounts are administered under section 2 of the Health (Repayment Scheme) Act 2006. Essentially, they are accounts that are administered by the HSE on behalf of vulnerable people who are in long-term residential care facilities run by the HSE or on its behalf. In the main, it applies to elderly people, people with mental health issues or intellectual disabilities and to wards of court. These accounts in the central unit of the HSE hold the property of these persons. That property can be administered and used by representatives of the HSE directly or by a third party or agent of the HSE for the benefit and care of the person involved. Guidelines are in place to ensure this is done ethically and in a transparent fashion in the best interests of the vulnerable person. I understand there are approximately 15,000 such accounts being administered by the HSE at present. If the Minister of State could confirm the overall number, that would be helpful.

There is a problem with how these accounts operate. Under section 2 of the Act, a patient's private property account is defined as meaning "so much of the money and personal property ... that is managed, on behalf of the person, by the Executive or by another person under an arrangement with the Executive". It refers to the property of a person in various categories, including "a person otherwise being cared for by, or on behalf of, the Executive due to a physical or mental disability or ill-health". In other words, the facility whereby money is held centrally by the HSE and then accessible in appropriate ways to pay for services only applies to people being cared for in the public system. It does not apply to people being cared for in private nursing homes regardless of how vulnerable they might be. For example, a person may be going into care who has, God forbid, an alcoholic son or daughter. It might not be possible for that person to manage money or a bank card and nor might it be desirable for it to be managed by a family member. That person might wish to have access to the facility of a patient's private property account provided to people in the public service.

I received representations on this matter from people who are familiar with the sector and work in the area of the rights of elderly and vulnerable people. They indicated they believe this puts patients in private homes at a disadvantage. They believe the accounts and property of such people should be capable of being administered and applied, on their behalf and for their welfare, where appropriate circumstances exist similar to those of a person being cared for in the public system, the only difference being that the latter is being cared for in the public system.

It would be helpful if the Minister of State could indicate to the House the number of these accounts currently in place under section 2 of the Act. I believe this developed in the context

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of the repayment of charges wrongly levied on people originally but it has evolved since then. Payments to people who were in institutional settings was the context for setting up this system but it has since evolved in the way I described. People who are familiar with the sector believe elderly and vulnerable people in private homes are at a disadvantage. It would be helpful to know how many such accounts exist, whether they are operating in a satisfactory manner and what safeguards are in place.

Deputy Anne Rabbitte: I thank Senator Mullen for raising this topic. I am taking this Commencement matter on behalf of the Minister for Health, Deputy Donnelly, but I am also acutely interested in the nature of the question the Senator raised.

On foot of the challenges experienced due to the recent cyberattack, which required a temporary shut-down of the HSE IT system, the HSE is currently unable to access some of the information such as the relevant data from its patients' private property accounts system, which my Department might usually obtain from the HSE for inclusion in a Commencement matter debate response to provide context. The disruption of the service is ongoing. The HSE is working hard to restore its IT capacity and resume normal services.

However, I am pleased to acknowledge the legal basis for patients' private property accounts is set out in the Health (Repayments Scheme) Act 2006. The scope of these provisions relate to the HSE's duties and responsibilities to offer appropriate safeguards regarding the finances and private property of patients in the care of the HSE and of the service providers which act on behalf of the HSE. This system provides approximately 6,000 patients and residents with an option to avail of what is, essentially, a free banking service operated by the HSE on the basis of strong published guidelines which safeguard patients' money and private property while in our care. The Senator asked how many accounts there are and he will note there are 6,000.

The question of whether the same or similar provisions could be put in place for patients in private healthcare facilities and, if so, how that might be resourced and the appropriate role, if any, of the public healthcare system, has not to date been reviewed in any detail. However, as the Senator may be aware, my Department is currently at a fairly advanced stage in the development of the national policy on adult safeguarding in the health sector. I have asked the relevant team of officials leading that work to consider whether there may be merit in exploring the expansion of the existing patients' public property legislation or the introduction of any new provisions to offer similar safeguards to private patients and residents who might wish to avail of such a service.

It is also important to bring to the Senator's attention the decision support service. I secured funding in last year's budget for that service. Hopefully, the decision support service will be in operation by June of next year. Advocates or the persons concerned would have different levels of needing support to be able to make decisions and they would be supported in making those decisions. That service will be open to all, whether in a public or private capacity. Hopefully, that will also provide support to people in private facilities.

Senator Rónán Mullen: I thank the Minister of State for her reply. We have seen from attempts to deal with the Covid crisis, particularly in the context of nursing homes, that it really makes no difference whether people are being cared for in the HSE sector or in the private sector when it comes to certain responsibilities the State has to keep people safe. People who go into private nursing homes often do so under the fair deal scheme, which is a system set up to enable them to access their rights as citizens.

In matters related to healthcare and their financial welfare, there must be a view that all should be entitled to the same level of protection. I have said this matter could be remedied by a very small change to the 2006 Act. We live at a time when bank branches, building societies and post offices are continuing to close and are moving their services online, following a decade in which there has been significant consolidation in the number of credit unions. Older people cannot have the types of personal relationships with the staff of financial institutions as they had in the past and they have far fewer ways to manage their money. This facility could improve the situation by addressing the needs of vulnerable people and ensuring they to are protected to some degree at least, but hopefully to a large degree, from any kind of exploitation or financial misfortune.

Deputy Anne Rabbitte: I thank the Senator for raising this matter in the Seanad, for his comments and for drawing attention to the HSE's important and valuable patients' private property accounts service, which provides a high standard of security for the finances of those in our care who would not otherwise be able to manage that themselves.

I acknowledge the Senator's reference to the reduction in the number of post offices bank branches, with the Bank of Ireland recently closing a number of its branches. Older persons do not have that same access to those institutions or the familiarity they may have had with staff working in local branches. Regardless of whether people are in the public or private system, we need to be able to support and protect them from financial abuse.

Safeguarding the finances of the people in our care is a very important matter for the Government, my Department and the HSE. That is why this system was established under the Health (Repayments Scheme) Act 2006. As previously mentioned, the question of whether the same or similar provisions could be put in place for patients of private health facilities has not been reviewed to date. It is a welcome and timely opportunity to have that discussion now and to examine the merit attached to it.

Considerations of any such reforms would have to include an examination of resourcing implications and the appropriate role, if any, of the public healthcare system. The Senator referred to the fair deal scheme and we support patients in that respect. We already support people in accessing healthcare and we should adopt a holistic approach to supporting a person.

An opportunity to consider the potential merits of broadening the application of this important service or developing a similar service for non-public patients may arise in the context of the Department's ongoing development of a national policy of adult safeguarding in the health sector. I have therefore asked the relevant team of officials to consider whether there would be merit in exploring the extension of the existing patients' private property account legislation or the introduction of any new provisions of similar safeguards to private patients and residents who might wish to avail of such a service. It would not apply to only to persons in nursing homes but to persons accessing services under mental health services, people in group homes or persons with intellectual disabilities in houses. I welcome the Senator's question and look forward to working with the Minister on it.

Covid-19 Pandemic

Senator Pat Casey: I tabled this Commencement matter to bring a degree of proportionality and transparency to the debate on the true impact of the pandemic on the hospitality sector.

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I believe that information is sorely missing.

I thank Senator Crowe for his intervention today. Every time, the industry's hopes are raised and then dashed. This has happened six times. The impact cuts deeper each time this happens. I am not just referring to the financial impact. At Christmas, our industry was blamed for the serious outbreak of the Oxford variant. Everyone in this Chamber and everybody in the public domain knows that they probably were more at risk of getting the disease if they were in a public space like a shopping centre that was packed before Christmas. Let us not forget the number of household parties that were being held before Christmas and the number of families that gathered for Christmas dinner in a small close environment. Yet the only thing in the media was "why did you open the hospitality sector?" It was not just the hospitality sector that was open before Christmas. As all retail and personal services opened, proportionality and transparency need to be brought to the debate. Seven months on, when our industry, that is, the restaurants and the pubs, were about to open again, the only thing in the media leading up to it was whether the Government would open indoor hospitality because of the arrival of the Delta variant. Then NPHET produced its modelling and referred to a narrow opening of indoor social activities or a wider opening of indoor social activities. To the public, that means indoor dining. One then adds the other variable. The question of whether someone is vaccinated refers to indoor dining. In respect of the doomsday scenario given to Government by NPHET, hospitality will not lead to 680,000 cases of Covid and will not lead to 2,127 deaths over the three months, as projected by NPHET. How society as a whole reacts in every sector, both in the workplace and in public, will lead to that. Perhaps the Government's message should be around how if we continue the way we are going, it will not be just hospitality that closes down. The whole country will be shut down. Perhaps if the Government gave out that message and showed the true transparency behind these figures, people might behave better and might stop being so relaxed, as we all have become in the current environment.

I know the Cabinet cannot answer my question. What percentage of the figures presented in the modelling by NPHET relate directly to hospitality and indoor dining because they do not exist? These are modelling figures. The Government and NPHET framed the debate around indoor hospitality and how, again, we are the sector that has brought this pandemic and will be the ones that will cause the exponential surge in cases, which is factually incorrect. I ask the Government and NPHET to be a bit more conscious of our industry and when they present figures, to present them in a transparent and factual manner and not lay the blame totally on our sector.

Deputy Anne Rabbitte: I thank Senator Casey for raising this Commencement matter, which I am taking on behalf of the Minister for Health. I will clarify how the data presented by NPHET and communicated by Government relate directly to indoor dining and specifically in each of the five scenarios presented in table 1.

I welcome the opportunity to address the House and will begin by highlighting the significant and sustained progress that has been made in suppressing the virus over recent months due in no small part to the significant efforts of people across the country. This progress has been sustained during the recent reopening in April, May and June. Our vaccination programme continues to make significant progress. However, the increase in cases of the more transmissible Delta variant poses a significant threat to the progress made. Modelling shows that had we proceeded with the proposed relaxation of the public health restrictions from 5 July 2021, over the period to the end of September, under the most optimistic scenario, we could see 250 deaths, more than 1,500 hospitalisations and nearly 200 ICU admissions. Under the most pessimistic scenario, these modelling figures ranged to over 2,000 deaths, over 1,500 ICU admis-

sions and nearly 13,000 hospital admissions. Even the central scenarios modelled would result in significant mortality and pressure on our hospital system that we simply cannot contemplate.

The models work by examining the levels of viral transmission that occurred in summer 2020 and inferring from that, having factored in the protective effect of vaccination but also the increased transmissibility of the Delta variant and the likely level of viral transmission had we proceeded with the proposed relaxation of public health restrictions from 5 July 2021, including the full resumption of indoor hospitality. The phase 3 reopening of 29 June 2020, which included the reopening of the cafes, restaurants, pubs and hotel bars serving food and holiday parks, was associated with a step change in viral transmission, which was sustained through July and August with effective reproduction numbers increasing from below 1.0 to somewhere between 1.4 and 1.6. The models assume that the reopening of indoor hospitality would lead to at least similar levels of close indoor social mixing, which is an opportunity for viral transmission. This is a reasonable assumption and it is worth noting that the reopening of 29 June 2020 was more limited than the original plan for 5 July, as only pubs serving food opened in June 2020. The model then factors in the additional protection of the vaccination but also the additional transmissibility of the Delta variant. The models clearly demonstrated that if the Delta variant had not been introduced, we could have safely proceeded with the planned reopening of 5 July 2021. However, the models also clearly show the Delta variant becoming dominant and the very high risks that increased close social contact in the unvaccinated and partially vaccinated group would lead to a significant fourth wave of disease in terms of cases, severe disease, hospitalisation and mortality. The epidemiology of SARS-CoV-2 in respect of infection in Ireland and internationally shows that the primary sites of transmission are private households; social gatherings, including hospitality; and workplaces. They are not independent, in that increased social mixing in hospitality and workplaces drives transmission into and between households. It is not possible, therefore, to precisely quantify how many cases, hospital admissions, ICU admissions and deaths are directly attributable to indoor dining in each scenario. Based on the national and international epidemiological evidence, the resumption of indoor hospitality as a whole is likely to be the major contributor to the increase in cases, hospital admissions, ICU admissions and deaths in each scenario. The Delta variant poses a very serious risk and I cannot overstate that.

NPHET advised that higher-risk activities involving significant levels of social mixing in indoor environments should only be permitted for those who are vaccinated or immune. Last Tuesday, the Government announced the next phase of reopening the economy and society. I will hand back to Senator Casey.

Senator Pat Casey: I thank the Minister of State for her answer. All I am trying to do is get an open debate around the true impact of hospitality in respect of this virus. An example was given the other day of a pub in Waterford and how it caused 200 cases. That was an outdoor event. We need to bring some clarity to this. Our industry has behaved and responded in the best way it could, so we cannot question how it reacted to this. We have tried to find solutions. All I am asking for is a level of transparency regarding the true impact of our industry on this pandemic. I believe this is missing at the moment. All we are doing, and we did it at Christmas, is driving this activity underground. We are driving it into uncontrolled environments, which will only make matters worse than would be the case were the industry open.

10 o'clock

I am sorry for taking up the time. I thank the Minister of State for attending.

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Deputy Anne Rabbitte: I again thank the Senator. He is quite right. We all agree that we must have an honest conversation about the matter. It is not just one group or one sector which has responsibility. As a society, we have a responsibility for our actions. The public health guidelines have not changed since the very beginning, including a wearing mask, keeping one's distance and washing one's hands. The Government is committed to working with stakeholders across the affected sectors in the coming weeks. We must continue to protect the significant progress. Only yesterday, I was in Ballina with Deputy Calleary and, no different from anyone else, I sat outdoors. We have to wonder what the next step is. It is not sustainable for the industry. We need to get businesses back up and running. We need to get employees back to work. That is what Senator Casey is advocating for today and it is what we are hearing within Government, that we need to find a sustainable solution to get businesses back up and running, for livelihoods and for the economy.

Termination of Pregnancy Legislation

Senator Paul Gavan: It is nice to see the Minister of State. She is very welcome. I want to raise the issue of the promised review of the Health (Regulation of Termination of Pregnancy) Act 2018. I begin by quoting what the then Minister for Health, Deputy Harris, said when that legislation was passed. He stated:

I am purposely seeking a review clause in the legislation as a result of looking at other jurisdictions where legislators thought all they needed to do was pass a Bill and that they had dealt with the issue forever. For us to do that would be a dereliction of our duty. It is appropriate that we return to the issue and make sure the legislation continues to be in line with best international practice.

During the Second Stage debate on the legislation in question, the then Minister also gave a very clear commitment that there would be a full external review of its operation. It is crucial that this review be external.

I want to know where we stand in respect of this issue. We have heard that the current Minister for Health, Deputy Stephen Donnelly, apparently told the Cabinet in March that the review had started. We also know the Secretary General of the Department of Health, Mr. Robert Watt, said in March this year:

The Department will collate the findings of the three strands of the review. Upon completion a full report, with any necessary recommendations, will be submitted to the Minister for Health for consideration ...

My first concern is that the latter does not sound like an external review. It does not sound like the commitment that was given in the wake of the regulation of termination of pregnancy legislation being passed. I want to understand clearly from the Minister of State that the commitment will be upheld; that it will be an external review and that we will see a fully independent chairperson who is a specialist in reproductive rights and equality-based healthcare at the head of that review. I want to hear that the review will be expansive in scope, that it will be conducted in line with international human rights standards and the terms of reference and review process should be public and transparent. I am indebted to the National Women's Council of Ireland, NWCI, which made these points in an excellent document it produced just a couple of months back.

We have some crucial issues. Having made so much progress in repealing the eighth amendment, we understand now that actually only one in ten GPs are actually providing abortion and termination services. I repeat it is only one in ten. We also know almost half of the maternity hospitals in the State are not providing services. That is not what the people of Ireland voted for. We need, therefore, to see action and to see an urgent review. There is a further issue, namely the ancillary recommendations of the Joint Committee on the Eight Amendment of the Constitution, of which I was a proud member. There was a great deal of agreement on the importance of these ancillary recommendations and, specifically, the need for free contraception. That was clear and is in the programme for Government. We have not seen progress yet and I want to understand from the Minister of State when that progress will be made because it is urgently needed. We know that contraception is linked directly to reduction in unwanted pregnancies so that is a key issue. Crucially, in those ancillary recommendations, we promised it would not matter where a woman lived and that regardless of where a woman lived all women would have access to the same standard of obstetrical care including early scanning and testing. That is clearly not the case. Women are being failed. I must be clear that this is not what people voted for, they voted for the provision of services and it is clear these services are not being provided as they should be.

I have one final point to raise with the Minister of State, that is, the need for safe access zone legislation. In my city of Limerick there was a protest each day during Lent outside the maternity hospital. There was a commitment in the programme for Government to enact safe access zone legislation. I am very fearful this Government is now trying to walk away from that commitment. Again, I am looking for a clear assurance that legislation will be enacted.

Deputy Anne Rabbitte: I thank Senator Gavan for raising this matter, which I am taking on behalf of the Minister for Health. The Health (Regulation of Termination of Pregnancy) Act 2018 was signed into law on 20 December 2018 and commenced on 1 January 2019. Section 7 states: “The Minister shall, not later than 3 years after the commencement of this section, carry out a review of the operation of this Act.” This review clause, introduced by the Government on Committee Stage in the Dáil, was included in the Act in order to facilitate monitoring of the impact, operation and effectiveness of the legislation in practice, as well of the delivery of services in the area.

The Minister has asked me to confirm that the review will be led by an independent expert in line with similar reviews of legislation under the aegis of other Departments. The Minister expects the independent expert appointed may wish to have input on the methodology and may wish to undertake his or her own detailed consultation with particular individuals or groups. At this point, however, he anticipates that a three-part approach will be taken to the review of the operation of the Act. The three strands of this approach will focus on women who have used the service, service providers and public consultation.

Women who have used the service are clearly a crucial group to consult in reviewing how the Act has operated during its first two and a half years to date. For the review to be effective, it must find out whether the legislation provides access to termination of pregnancy services in practice to those who wish to avail of them. In this regard, independent research exploring women’s experiences of termination of pregnancy service and gathering their views of how the system has operated since January 2019 will be essential.

Information from service providers we will provide the second key strand of the review. In this regard, we will need to gather the views of those involved in providing termination of

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pregnancy services in both community and acute settings in Ireland. This research will encompass input, for example, from hospitals and GP surgeries providing termination services, from individual medical practitioners in both settings, from the medical colleges and from the HSE.

In order to ensure that all those who wish to do so are given a chance to share their views on the operation of the Act, it will be important to include an opportunity for members of the public, special interest groups or any other interested parties to submit their views for consideration in the review. This will be achieved through a public consultation process.

Once the review has been completed, it is expected that a full report correlating the findings from all three strands, and including any necessary recommendations, will be submitted to the Minister for Health for his consideration. The Minister has held a number of meetings with stakeholder groups to discuss this approach to the review. Thus far, there appears to be broad agreement that it would be appropriate and effective. The process is continuing, however, and the approach will be finalised in due course. In the meantime, the Minister has asked me to assure the House that the Department continues to work with the HSE to ensure that all women can access this service quickly and easily and without bias or judgement, and that we continue to provide a compassionate and dignified termination of pregnancy service. The most important thing is that women accessing the service can do so with certainty of the quality and safety of the care they will receive.

Senator Paul Gavan: I thank the Minister of State for her reply. It is good to hear that there will be an independent person appointed to lead the review. I would, however, appreciate a timeline for this because we are quite some way through the year at this point. I am also not clear about exactly how external the overall review will be so I am looking for some further reassurance in that regard. Fundamentally, the point I wish to make in the time available is that each day last year at least one woman had to leave this country to go to Britain for a termination.

There are a number of issues that arise in the context of the Act. There is no medical reason for the three-day waiting period and that is causing concerns. There are real concerns that women who are pregnant in circumstances where there are serious or fatal foetal abnormalities involved will run out of time in the context of the 12-week period.

There is also the major issue of access to services. We know that access is not there at present. I am an old-fashioned republican. I believe in a complete separation of church and State. We need to see full reproductive healthcare rights for women in this country. This review is urgently needed. It would be helpful if the Minister of State could provide a timeline.

Deputy Anne Rabbitte: Regrettably, I cannot answer as to the specifics. I can only answer in the context of what is in the script provided by the Minister for Health. The Minister has asked me to assure the Senators that implementing the Health (Regulation of Termination of Pregnancy) Act 2018 and ensuring access to services under the Act remains a priority for the Department of Health. All the indications are these services are both operating and available. They are being delivered throughout the country in hospitals and community settings.

The review of the operation of the Act required under section 7 gives us an opportunity to examine the matter in more detail and hear the views of all those involved, particularly women who have used the service. The review is being progressed this year and will be led by an independent expert. It is anticipated that a three-stranded approach will be taken to review the operation of the Act and that these strands will focus on women who have used the service, service

providers and public consultation. Research to inform the service users and service providers strands will be commissioned and carried out independently and a public consultation will be held. Reading from that, it seems that there will be movement on the matter before the end of the year. The Minister is confident the information gathered during the review of the operation of the 2018 Act will provide us with evidence as to how to proceed in future, to continue to ensure the service mandated by the people in May 2018 is operating effectively.

Sitting suspended at 10.12 a.m. and resumed at 10.30 a.m.

An tOrd Gnó - Order of Business

An Cathaoirleach: The leader of the Fianna Fáil grouping in Seanad Éireann, Senator Lisa Chambers, will outline the Order of Business this morning.

Senator Lisa Chambers: The Order of Business is No. 1, motion regarding the arrangements for the sitting of the House on Friday, 9 July, to be taken on the conclusion of the Order of Business, without debate; and No. 2, Private Security Services (Amendment) Bill 2021 - all Stages, to be taken at 11.45 a.m., and the proceedings thereon shall, if not previously concluded, be brought to a conclusion at 12.45 p.m. by the putting of one question from the Chair which shall, with regard to amendments, include only those set down or accepted by the Government, and the proceedings of the debate on Second Stage shall be confined to an opening contribution of five minutes by the Minister, a contribution of five minutes from group spokespersons and a reply not exceeding five minutes by the Minister, and Committee and Remaining Stages shall be taken immediately thereafter.

Senator Fiona O'Loughlin: I second the Order of Business. Members will remember my raising in the House the case of Mr. Pat Tinsley and his very difficult and debilitating disease, amyloidosis. I called for a debate on how the extra €50 million in the budget for battling rare diseases is being spent.

This morning, Deputy Pádraig O'Sullivan is launching a Bill that would address this matter. It is very similar to the Bill that former Deputy John Brassil introduced to the Dáil two years ago. It would reform the Health Service Executive's current reimbursement process by establishing a unique procedure in which to evaluate claims and ensure people get their required medication. People like Pat would have access to patisiran and people suffering from degenerative retinal disease would be able to access the gene therapy Luxturna, as Mr. Ciáran Joyce from Kildare town has informed me. Sadly, his mum Betty passed away last year from this disease. This Bill is a long overdue but credible solution to the ongoing crisis and it is very much needed.

I was shocked to see in this morning's *Irish Examiner* a piece by Ms Aoife Moore in which she wrote about a female solicitor having to visit a jail in Ireland in June to consult a client. This was an urgent referral and the solicitor needed to be there. On her way into the jail, she was told she had to remove her bra. It is a woman's choice whether she wears a bra but for those who make that choice, it is important, and we make it for particular reasons. For a woman to be told that for security reasons she has to remove a bra and remain braless for a consultation is completely wrong. This solicitor spoke about how traumatised she felt about this. The process completely disrespected her and took away her dignity. It is appalling and we must examine such an incident.

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Sport defines us as a nation in many ways, both in participation and viewing. I am really surprised to see that over the weekend Horse Sport Ireland made the decision not to have two competitors in dressage at the Tokyo Olympics. This is the first year that Ireland has qualified for the event. I understand there will be two competitors in Tokyo who could participate in this competition. This decision is completely wrong and should be investigated. We take our sport very seriously and there are people in Ireland who put so much time into practising and competing in this elite sport. I ask the Deputy Leader to take up this matter if possible.

Senator Barry Ward: The bike-to-work scheme has been a major success and a number of people have availed of it, allowing them to invest in a bicycle and use it to get to work. We know that cycling is, in many ways, a far superior way of getting around. It can be faster and it does not cause pollution. There are health benefits. However, the scheme operates by alleviating the tax burden for those in employment but people who are not working cannot benefit. This applies to people seeking work and those who are retired or cannot work, etc., but who may be able to cycle. Is now the time to have a debate on this and consider whether we should expand the scheme to include people not within the coterie of people at work and thus unable to benefit from the scheme through payments from wages, etc? We should expand the scheme to include as many people as possible.

I have been contacted by a constituent about a One4All voucher he received. The Consumer Protection Act 2007 was amended in 2019 to ensure that gift vouchers do not have expiry dates. There were cases when people did not use them in time, rendering such vouchers useless. In 2019, when that law was passed, we recognised it was important that vouchers would have a period of validity going beyond a year or two years. Sometimes it takes a long time for people to get around to using those vouchers. The reality is that for the people who buy them, they are as good as cash. Those who sell the vouchers have cash in hand in advance. The system is as advantageous for retailers as it is for those receiving the vouchers as gifts or who buy them for friends, etc. It was right and proper that we deal with the issue of time limits on these vouchers. However, it now appears that some voucher companies, including One4All, of which I have been made aware of, circumvent that system by applying a monthly charge after a certain date. The person who contacted me is elderly and was unable to use the voucher for the last 18 months or so. During this time, the period within which One4All starts to apply the monthly charge kicked in. From a certain date, a monthly charge is applied - I do not know the exact amount but I think it is €1.50 - which comes off the voucher and substantially reduces its value. It seems absolutely wrong to me that companies like that, for whatever the reason, can circumvent the consumer protection legislation that was passed in 2019. I wonder whether there is something we could do legislatively speaking to address that issue and close the gap in the amending legislation.

Senator Gerard P. Craughwell: At the outset, I wish to put on record my gratitude to members of the Royal British Legion in Ballymoney and Coolrain for their support of the Organisation of National Ex-Servicemen on this island when they raised more than £1,000 in a walk across the Giant's Causeway.

Speaking of Defence Forces matters, I am aware that post-1994 contractees are still not aware of their future fate, whether they will be allowed to serve past the age of 50 years. They were promised this would come through at the end of May - it has not yet come through. Furthermore, there was outrage from former colleagues in the Defence Forces at the lack of participation at the recent Oireachtas defence committee meeting where we heard from the Representative Association of Commissioned Officers, RACO. As far as I can recall, there were only

two political parties and two Independents represented at that meeting which is simply not good enough. It sends out a poor message.

The Department of Education has done away with the abatement of pensions for a period to attract retired teachers into the system. However, a former member of the Defence Forces who is a teacher will not be able to avail of the waiver on abatement. I would love if the Deputy Leader could find out what is so different about former members of the Defence Forces that they are not allowed to benefit from this while former teachers are allowed. It is an outrage and shows, once again, a disregard for members of the Defence Forces.

I oppose the Order of Business today. I am sick and tired of Bills being run through this House as if they do not matter. The people of Ireland voted to retain this House and many of us here are dedicated in doing the job that this House is supposed to do. Some Senators, I regret to say, are here in a place or state of purgatory waiting their chance to get a Dáil seat. This House has a function under the Constitution. Bills are going through this House with all Stages taken in a single day and they are guillotined regularly. I am seven years in this House and I think this year is the worst I have ever seen. I realise we are in the middle of a national emergency, but we do not have to guillotine Bills at the current rate. We do not have to run Bills through this House in one day. We are either serious about the Seanad or the Government should go back to the people of Ireland and tell them that it did not listen to what they said when the referendum passed and that it has no intention of reforming this House. Does it want to keep the Seanad the way it is or does it want to finally close it down? It is heart breaking to see the way this House is being abused by this Government, and it must stop this.

Senator Mark Wall: I wish to raise two issues with the Deputy Leader of the House. The first is a Defence Forces issue and one that could benefit the terrific Defence Forces families we have in this country. Since the withdrawal of the UK from the EU, the Permanent Defence Force Other Ranks Representative Association medical assistance scheme, PMAS, has been waiting on confirmation that it can continue to operate on a permanent footing after December of this year and under the current Northern Ireland planned healthcare scheme. The issue of worry for PDFORRA, is that the Northern Ireland planned healthcare scheme is due to end in December of this year. This is at a time when we should be ensuring that members of the Defence Forces can continue and advance in their careers with a working and workable health scheme. The PMAS scheme was described at a recent meeting with the HSE as an excellent initiative. It is a scheme with more than 4,000 PDFORRA members and PDFORRA is seeking to extend it to family members. This would be a fantastic development.

The reason I am raising this issue is because the Department of Health in Northern Ireland has introduced a Republic of Ireland reimbursement scheme for a period of 12 months. This new scheme opened on 1 July 2021 and is available to Northern Ireland residents, according to that Department's press release. The scheme provides an option for patients who may wish to access private treatment in the Republic of Ireland and allows them to claim reimbursement of health and social care equivalent costs. The Department of Health in the North described this scheme as being based on the EU cross-border healthcare directive. From this, we can understand the worry of PDFORRA and others who are waiting on news of the extension of the scheme here. In the case of PDFORRA, it wants to expand its scheme to include Defence Forces families. It sees the Northern Ireland Department of Health introducing a scheme that will run until at least the middle of next year, while there is no word on the extension of a similar scheme here, with the December deadline on the horizon. I ask the Deputy Leader, once again, to raise this matter with the Minister for Health and the Minister for Defence.

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The second issue I wish to raise today is the continuing and urgent need to ban gambling advertising. In a speech last week, President Michael D. Higgins hit out at what he described as “dangerous” gambling advertisements which he said were causing so much damage to families and individuals. The President went on to say that his heart has been broken regularly during the pandemic as he watched advertisement after advertisement for gambling during sports programmes accompanied by what he described as the “minimal, tokenistic invitations to be responsible”. He said it was “not good enough”. Once again, the President was speaking on behalf of many of us. Since introducing our Bill in the Seanad to ban gambling advertising, I have been inundated with calls and emails from Irish people who feel the exact same way as our President. Many cannot enjoy sport anymore because they are flooded with ads to gamble before, during and after the event that they are trying to watch. What disturbs me is that we still have no watershed on gambling advertising in this country and our children are being exposed to a highly addictive behaviour.

The eighth anniversary of the 2013 gambling Bill will take place on 15 July next. We need a ban on gambling advertising. We cannot allow this to continue any further. We have introduced a Bill that could be accepted by the Government. Time is ticking. We are storing up a serious health problem for this country by not acting now.

Senator Pauline O’Reilly: I thank the Deputy Leader for taking the Order of Business today. Some 200 million people across the globe are living on land that is projected to be permanently below the tideline by the end of this century. Apart from that, chronic floods are set to affect 300 million people within the next three decades. We do not have to look that far ahead. In recent days, Dublin Cycling Campaign has highlighted that significant portions of the Dublin Bay South constituency - the constituency where we have all been pounding the pavements - are set to be below annual flood levels by 2030. It includes the Aviva Stadium, Trinity College Dublin and the whole of Sandymount and yet it is not coming up on the media. This is the most important issue of our time. It means that we need radical action. We need to ensure we put the funding of €1 million a day that is committed to under the programme for Government into cycling and walking. We are starting to do that. It is important that we do not bury our heads in the sand. We have heard about the small town in Canada where temperatures have reached 50°C. There are 250 people in that town and each person matters. Hundreds of millions, if not billions, of people across this globe are set to be impacted over the next few decades. We must play our part.

I refer to some of the Bills that the Government is bringing through the Houses. The climate action Bill passed Committee Stage yesterday and the Government took four amendments on board in relation to that Bill. However, that Bill has gone through almost a year’s worth of pre-legislative scrutiny, not to mind decades of action by environmentalists and children, who last weekend stood outside Leinster House again. It is time to move on with these things. We must take on board amendments. The Green Party Senators’ amendment was accepted. It promotes climate justice which is an international standard, and a just transition for the people of Ireland. We must also think about the intergenerational impact of doing nothing. We must protect workers. We also need to get on with taking the action which will protect our children and our children’s children.

Senator Paul Gavan: The first issue I raise relates to my earlier Commencement matter. I refer to the urgent need for a review of the Health (Regulation of Termination of Pregnancy) Act 2018. The response from the Minister of State, Deputy Rabbitte, confirmed that there will be an independent chairperson, which is welcome. However, no timeline was provided regarding

when that person, whether he or she, will be appointed, nor was there a timeline for the review itself. Like the Deputy Leader, I was a member of the Joint Committee on the Eighth Amendment of the Constitution. Three years later, I am concerned that no urgency is evident from her colleague in government in dealing with this matter.

I ask that the issue of safe access zone legislation be addressed as well. It is provided for in the programme for Government, which is very welcome. There have been daily protests outside the University Maternity Hospital in Limerick, so we need safe access zone legislation. I am very concerned that the Government is retreating from this commitment. I could get no answer on it from the Minister of State this morning. An answer I got to a previous Commencement matter suggested there was no need for such legislation. I ask that this matter be addressed. I suspect that Senator Chambers, like me, supports the need for safe access zone legislation. It is very important that we have a clear call on a cross-party basis for such legislation as soon as possible.

The second issue I raise is Colombia, which is close to my heart. I travelled with the Justice for Colombia group to that country two years ago to meet trade unionists and social activists. One of the young men I met then was gunned down just a few months ago. There has been huge social upheaval in Colombia. People are campaigning and standing up against poverty, corruption and the failure to implement the peace process. To give some statistics, Colombian human rights organisations recorded 3,798 acts of police violence between April and May 2021, with 41 people killed, 26 sexual assaults, 1,649 arbitrary arrests and 65 eye injuries.

One harrowing video shows four police agents dragging 17-year old Alison Meléndez into a police station in Popayán, as she shouts that they are removing her trousers. The next day, after having reported that they had sexually assaulted her, she took her own life. Something horrific is happening in Colombia. The response from the Colombian Government has been frightening. Rather than address the issues, it is trying to disparage the protesters by calling them terrorists, when they are no such thing. They are ordinary campaigners and ordinary people standing up for justice. We must not forget that Colombia is the most dangerous country in the world in which to be a member of a trade union.

Ireland has an important role to play. We are on the United Nations Security Council. I ask that we have a debate on Colombia. I am also asking for the Government to take action. The only thing that concerns the Colombian Government is its ability to trade freely with the world. We must use that leverage now, because the Colombian Government is killing its own people in horrendous numbers. We need to stand up and our Minister for Foreign Affairs, Deputy Cooney, must stand up and put real pressure on the Colombian Government to respect the peace process, engage with the national strike committee and stop killing its own people.

Senator Eileen Flynn: I thank the Deputy Leader for being here this morning to listen to us. Education can be a great leveller in society. It can help to break down inequalities, raise people up and provide opportunities for employment and skills. Education can be a game changer in people's lives through helping them to reach their full potential. Education can also be a game changer in the life of a community. It can empower a community, it can show value and value all members of a community equally. This State has an opportunity to showcase those benefits by providing a state-of-the-art facility for young people in Ballyfermot.

Three local secondary schools in Ballyfermot, Caritas College, St. Dominic's College and St. John's College, are joining together to provide a more comprehensive education to 800 stu-

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dents, which I welcome. The new school is being built as a modern campus and is due to open in September 2022. However, no provision has been made for a physical education, PE, hall or for a canteen facility for the 800 students. How can this be right? Physical education is a vital part of young people's development and their overall mental health and well-being. We are all aware of conditions such as diabetes and obesity, and having a healthy diet and exercising is something that we often talk about. The young students in Ballyfermot were promised a top-class school but now they are not getting one.

Three existing schools are being amalgamated in this new school. I call on the Minister to meet members of the local community. Nobody, including the Minister, is listening to the young people in Ballyfermot. We are talking about a working-class area and about young people who have fewer opportunities because they are from an area like Ballyfermot. I call on the Minister to meet staff, students, members of the local community and local young people who are going to be impacted by this project. There will be a top-of-the-range school for young people in Ballyfermot without a canteen in it. We all know how vital it was during the pandemic to have hot meals available every day for some of our young students.

I again stress that we are calling on the Minister to come out to Ballyfermot to meet the young students who are going to be impacted. The Minister must not allow the young people of Ballyfermot to be failed once again. I genuinely do not believe this would be allowed to happen in upper-class areas of Dublin. My mother always said to drink the soup while it is hot and that if you are going to take on a job, be able to do it and do it properly. The decision was made to amalgamate these three schools and now the young people of Ballyfermot are going to be failed. We cannot allow this to happen.

Senator Joe O'Reilly: I support the words of my good friend, Senator Mark Wall, concerning gambling. The Deputy Leader will be aware that I have been raising this subject in my own right for many a day as well, as has Senator Wall. The important point is that President Michael D. Higgins has now come on side in this regard and made a very clear speech at a Tiglin charity event in Wicklow. He stated that gambling advertising was pernicious in our media and needed dealing with. In that regard, we need a gambling regulation Bill and a gambling regulator. I ask the Deputy Leader to raise that here again and ensure action is taken on it.

I raise another issue which I also raised in the previous Seanad. It has not yet been done but it should be. I am not in favour of undoing the leaving certificate in its current form, but I am in favour of credits being given to young people for cultural activities in sports, music and drama, for example, and those credits counting for points purposes for admission to college. I refer to sporting activities across all sports and, especially, to social activities where students undertake charity work, develop empathy with others and have a concern for their fellow citizens. I mention the environmental sphere as well in respect of global warming, etc. We should have credits available as part of the leaving certificate for students who undertake such sporting and cultural activities and these should form part of their points total for admission to college. They should be given for extracurricular activities and a broad range of areas for personal development. Students would bring a mix of skills and competencies, idealism and a broad skills set into universities and colleges. It would be in addition to academic excellence, from which there is no getting away and nor should there be. I hope the Deputy Leader will raise this matter with the Minister for Education, Deputy Foley, and that it will be examined seriously.

Senator Timmy Dooley: I welcome the opportunity to contribute. We all recognise that one of the positives from the pandemic will be the opportunity many people have had to work

from home and to have the blended experience of working some days in the office and some days from home. It will benefit those who had long commutes and those who live in the west and mid-west. However, concerns have been relayed to me regarding some of the large multinationals now giving people opportunities to work outside the State. That development has all sorts of implications for economic life here. It may also be the thin end of the wedge, where some of these very large multinational companies that are benefiting from the Irish tax regime may ultimately have very few of their employees based here. I am not suggesting that will happen overnight but it may be the beginning of a process affecting the way these companies manage their employees.

11 o'clock

We know these large multinationals are very good at managing their tax affairs. They are here for all sorts of reasons. It would be timely to have a debate about the whole working experience post Covid to look at the opportunities and see how Government might respond to assist those who want that blended experience but also to identify the potential pitfalls and problems that might exist in our tax legislation or in other supports that are provided, particularly by the Industrial Development Authority, IDA. It would seem quite bizarre that the State, through the IDA, was funding jobs that were supposed to be located here but may now transition very quickly without any recovery of the investment that has been made in them. While this is, therefore, a great opportunity and I really welcome the potential, there are also some pitfalls and we should discuss them at the earliest possible opportunity.

Senator Tim Lombard: I wish to raise the issue about the lack of infrastructure and funding when we look at issues pertaining to roads. West Cork, in particular, has a population of almost 90,000. If it was a county on its own, it would be the eighth largest county in Ireland. It is on a par with County Kilkenny and places like County Westmeath. The lack of funding for infrastructure is a huge issue, however.

Last 15 August, we had significant flooding in places like Rosscarbery, in particular. Rathbarry, Skibbereen and Bantry were devastated by huge floods and they made the national if not international media. The lack of funding for the infrastructure on the ground is one of the key issues. The culvert in Bantry needs to be replaced badly because that was one of the key issues regarding the flooding of Bantry on that night. The main road network itself is also under exceptional pressure, however.

We need to have a real focus on how we are going to fund these local authorities going forward. There are significant pressures and huge costs pertaining to these developments. The cost of road development has increased dramatically, particularly in the last few months. The cost of labour and materials has increased dramatically but the budget has not matched it. Until we put a real focus on putting a proactive budget in place, areas like west Cork, unfortunately, will have that lack of infrastructure, which is huge for us.

We need to have a comprehensive debate before the budget with the Minister for Housing, Local Government and Heritage, in particular, on how he is going to fund these local authorities when one takes into consideration the extraordinary inflation when it comes to construction costs. These construction costs will see fewer roadworks carried out throughout the length and breadth of Ireland and will, unfortunately, have a huge impact on the rural infrastructure in west Cork in particular.

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Senator Rónán Mullen: It is time we had a debate about the problem of human trafficking and how we are dealing with it in this country in light of the latest Trafficking in Persons, TIP, report, which was published by the US Department of State recently. As colleagues will know, this report monitors international standards on combating human trafficking and is viewed as the most comprehensive analysis of trends in the area. The recent report includes some startling conclusions about Ireland. We are ranked as what the State Department calls a “Tier 2 Watch List” state, which is the third of four possible rankings. States included in this bracket are deemed not to meet minimum standards in combatting human trafficking where the number of victims is “very significant or is significantly increasing and the country is not taking proportional concrete actions”.

The TIP report states that in 2020, the Irish Government “investigated and prosecuted fewer suspected traffickers, did not prosecute any labor traffickers, and victim identification decreased for the fourth year in a row”. It states that the lack of conviction for trafficking “weakened deterrence, contributed to impunity for traffickers, and undermined efforts to support victims to testify”. This is the second consecutive year that Ireland has ranked so badly. I wonder what it says about us as a country. The report found that victims are being exploited in domestic work, the restaurant industry, cannabis cultivation, nail salons, food processing, waste management, fishing, seasonal agriculture and car washing services.

I was in touch with a religious sister recently who is doing very good work in this area. She made the chilling comment that there is not a town in Ireland but has victims of human trafficking working in it. This is all going on under our noses and we talk very little about it. We virtue signal, of course, when the Prime Minister of Hungary, Mr. Viktor Orbán, introduces a law that we do not like but we rub shoulders with Iranian and Chinese leaders in the name of trade when it suits us. Certainly, there is not enough happening on this issue of trafficking. I call for a debate to see how we can urge the Government to do better in combatting human trafficking.

I will conclude by saying that I support what my colleague, Senator Craughwell, had to say in opposing the Order of Business today in light of the ongoing guillotining and bad treatment of the legislative process in this House.

Senator Catherine Ardagh: I support my colleague, Senator Flynn, with regard to her call that a high-tech, state-of-the-art school be built in the new amalgamated school in Ballyfermot and for that to specifically include a canteen and sports hall. We know Ballyfermot is a very working-class area. The children there need every advantage to level the playing field in order that they have every opportunity, like the rest of the children in Ireland. It is not good enough to build this school without those facilities, which are very much basic in every other school around the country.

I am here today to raise the environmental conditions of the Oliver Bond flat complex. A thorough survey was completed by the Robert Emmet Community Development Project on behalf of the residents in the Oliver Bond flats. It is a very old flat complex, which many of us will know, along the River Liffey.

Some really disturbing results came to light out of that survey. More than 80% of residents are living with mould and damp on their walls, more than 45% feel there are serious fire safety issues in the complex and more than 30% complain of rat infestations.

I ran for election in 2009 and at that stage, a different plan was in place for the rejuvenation

of the Oliver Bond flats. Since then, a new plan has been put in place, which is on display at the moment in the Robert Emmet complex. However, it has been literally 15 years and nothing has been done. We have been told now by the council that it will be another 15 years before the current plans on display will be going anywhere. I thank the Deputy Leader for coming to the House today. I really feel that we need to highlight this issue. The regeneration of the Oliver Bond complex must be a priority for this Government. These residents have been left behind in so many ways, especially with regard to the antisocial behaviour that we see and that residents are witnessing. It is not just the antisocial behaviour but the living conditions, for instance, the damp, mould and lack of refuse. It is absolutely appalling. None of us would live like this. These people are forced to. I would really appreciate if the Deputy Leader would bring this matter to the Minister for Housing, Local Government and Heritage, Deputy Darragh O'Brien.

Senator Jerry Buttimer: I wish to raise to two issues with the Deputy Leader this morning. The first is in the context of attendance at championship matches. We all witnessed and welcomed the return of matches with crowds and spectators at the weekend. The pilot games were a success and we salute and congratulate Cumann Lúthchleas Gael on its successful handling of the matches in all the provinces. I ask and call on Government today to increase the number of spectators who can attend sporting events. In particular, at the weekend we will have Cork versus Dublin in the all-Ireland under-20 hurling final from 2020 in Nowlan Park. Some 500 patrons can attend the match next Saturday in a stadium with a capacity of approximately 27,000 or 28,000 people. I concur with many that this capacity ceiling should be lifted. I ask the Cathaoirleach and Deputy Leader that we have a debate on the issue of pilot attendances at sporting occasions.

The second issue I will raise is the debate on our readiness regarding the European digital green certificate, which is one of huge concern. We are the only country in Europe not operating that digital certificate as of 1 July. I hope the Deputy Leader will join with me in saying that we should have an urgent debate this Friday on our preparedness for the European digital certificate. It is of absolute importance that our country is reconnected to the outside world.

Finally, I concur with Senator Mullen on the absolute need for a debate and activity on human trafficking. The report last week was very disappointing and distressing. Senator Mullen was right. We rub shoulders with some world leaders on the pretext of trade while we turn a blind eye to human rights issues and the abuse of human rights. It is time we stood up for human rights.

Senator Marie Sherlock: Last week, we saw the culmination of 80 years of work in the OECD with the reaching of an historic agreement for fair tax competition across the developed and developing world. However, the Government decided to stand apart from 131 other countries by not supporting the agreement in full. There are serious questions for the Government, to which we need answers in this House. We need to know what is its strategy. Hedging our bets and waiting to see what will happen in the US Congress is a dereliction of responsibility and a failure of leadership.

Unfortunately, Ireland now appears cowardly in the eyes of many in the world. We cannot continue to bury our heads in the sand because, sooner or later, we will be called out for our approach to the base erosion and profit shifting, BEPS, initiative. For years we were extolling the virtues of BEPS when the European Commission was pushing for a common corporate tax base, CCCTB, and digital tax. Our national accounts benefited dramatically from the BEPS reforms back in 2015, but now that it does not suit us, we find ourselves in the company of Hun-

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gary and other countries. I accept that this agreement is important in terms of its impact on jobs and tax revenues. For years, I represented workers working in multinational companies here.

Two specific issues in this tax agreement jumped out at me. The first is that it makes no sense for Ireland to sign up to pillar 1 of the agreement and not sign up to pillar 2 because the two pillars are related. They both have an impact on the effective rate of tax multinational companies would pay here. A second key issue, which I do not understand, is our reluctance to engage on the headline rate. No multinational looks at the headline rate of corporation tax. They look at the effective rate of tax and we have an opportunity to lead on those discussions.

There is a concept of Ireland as a small country. Geographically and in employment terms, we are small. The tax agreement defines small countries as those with a GDP of €40 billion or less. Ireland's GDP last year was more than double that. Let us not kid ourselves by making an argument to other countries that we are a small peripheral country. I ask that the Minister come to the House and explain this strategy.

Senator Eugene Murphy: I thank the Cathaoirleach for this opportunity to raise an issue on the Order of Business. It is always good in these times to speak about good news. I very much welcome the announcement by the Department of Education yesterday confirming, at long last, that an agreement in principle has been reached with the HSE on a four-acre permanent site at the Parkmore estate in Ballinasloe for St. Teresa's Special School in Ballinasloe, County Galway. The school does fantastic work and its principal, Anita O'Reilly, staff, students and their parents are thrilled. We have a long way to go yet but this is an important step.

I will address briefly the threat to thousands of jobs in the horticulture sector, an issue that has been discussed many times in the Seanad. We are facing a scenario where we will be out of peat in the autumn. Despite some people thinking this is a Government policy, it is not. The shortage of peat is down to a High Court ruling in 2019, which seriously impacted on the way peat could be produced. Peat is crucial for the horticulture sector to operate successfully. The Deputy Leader has spoken about this at our meetings with her. I call on the Government to examine the possibility of introducing emergency legislation to allow some harvesting of peat without going through the very complicated system that is now in place, which is just not working.

I spent my college days studying horticulture and I know a little bit about it. I also live close to Mountdillon, which is known nationally for peat production. There is significant peat in the area and Bord na Móna decided to draw this down to its peat factory in County Offaly to keep production going. This peat is very much suitable for use in the horticulture industry. I mentioned this to the Minister for the Environment, Climate and Communications, Deputy Ryan. I know the Deputy Leader will convey to the Taoiseach and the Minister the message that we should seriously consider introducing emergency legislation to ensure the horticulture sector does not fold with the loss of thousands of jobs.

Senator Maria Byrne: I also want to welcome good news. I am chairperson of the board of management of Gaelcholáiste Luimnigh. The Minister for Education, Deputy Foley, announced the building project for the school can now go to tender. We have been waiting for this news for two years and it is fantastic. We will have a 26-classroom school for 650 students.

While I am on the subject of Gaelcholáiste Luimnigh, one of its teachers, Naomi Carroll, is a member of the Irish women's hockey team that will travel to the Tokyo Olympic Games

at the end of the month. I should also acknowledge that seven of our Olympics team will be travelling from Limerick to the games. It is an opportune time to wish the Irish Olympics team all the very best. We have Naomi Carroll and Róisín Upton on the Irish women's hockey team. Sarah Lavin, who recently achieved a new personal best, looks like she will be travelling, as will Carolyn Hayes from Newcastle West, Greg O'Shea, a member of the rugby sevens team, and Mark English. I wish them all the best.

PricewaterhouseCoopers, PwC, produced a pre-budget submission report on the reopening of hospitality and what the sector has suffered as a result of Covid. It recommended the wage subsidy scheme for the sector be extended to June 2022 and the 9% VAT rate be extended to 2023 because the hospitality industry has suffered more than its fair share. If we are to secure many businesses and ensure they remain in operation, it is important we support that call. I call for a debate on the reopening of the hospitality industry. While I understand yesterday's meeting with representatives of the sector went well, the statement this morning by a Minister that reopening could be put off until August was disappointing. I do not know what has been the experience of my colleagues but my phone lit up when that statement was reported. If the industry has to wait until August to reopen, many businesses will never open their doors again. It is important reopening happens as soon as possible.

Senator Denis O'Donovan: I ask the Deputy Leader to support the demand made by my colleague from Cork, Senator Lombard, for extra funding to address the severe flooding we endured in places like Bantry and Skibbereen, not once but twice last year, and which cost millions of euro.

I raise a matter related to fishing, which is close to my heart. It concerns an application for funding to carry out a development options report for Keelbeg pier in Union Hall in west Cork. Cork County Council is frustrated. Its management, engineers and all of its councillors have unanimously sought €200,000, which is not a huge amount of money, to carry out a feasibility study of developing the pier. Union Hall has one of the biggest fish landing ports in the country, although it is not as large as the port in Castletownbere. Some €12 million worth of fish was landed at Union Hall last year. There is congestion and traffic jams on the pier as boats try to land their catches. It is a pretty old pier which needs some attention.

The discussion on this matter was the first time I saw the county manager and senior engineers of Cork County Council in total agreement with councillors that something must be done. I hope to table a Commencement matter on this issue but it is one that should be dealt with. The amount of money involved is not great. Before any major work can be done on the pier, an initial development options report must be done. To put it in context, Union Hall has more fish landings than Baltimore, Kinsale and Ballycotton combined. Some €12 million worth of fish, mainly whitefish, demersal fish, were landed at Union Hall last year, which was a major boost to the area. Fishermen and the fishing industry are under great pressure. I hope something can be done.

Senator Vincent P. Martin: I read with some concern and alarm a report in yesterday's edition of *The Irish Times* that the Government intends to change the current judicial review court system in respect of planning applications. The speculation is - and I believe this idea was concocted before the formation of the current Government - that the intention is to deter people from objecting in planning related matters by placing a greater financial risk on their shoulders. There was not a word in the piece about seeking leave as the first step, as a safeguard, or about how any vexatious or frivolous case would be flushed out at that stage by the able member of

the Judiciary hearing the application. There was not a word about the poor planning preparations and submissions made or about developers' unrealistic, avaricious intentions to make as much money as possible. That is not true in all instances but we all know that some developers would love to sew a tail on a cat if they could get away with it, or say mass. There was not a word about An Bord Pleanála's adjudication of these cases. The speculation also suggested that there would be a dilution of the environmental impact assessments, which are a crucial safeguard for communities. This all stems from the strategic housing development legislative regime that was introduced in 2016, which circumvented local authorities and has been an unmitigated disaster. The solution is not to shoot the messenger. This is a lazy approach that attacks the fundamental principle of access to the courts for people who are not seeking financial reward. There are no damages being sought here. These people are being vigilant on behalf of their communities and they should not be deterred or discouraged.

Senator Erin McGreehan: I wish to highlight the lack of proper action with regard to the recommendations for Drogheda published last March in the Guerin report. As we know, Drogheda has experienced serious drug crime and serious problems with drug feuds. For far too long, the people of Drogheda have been left behind, ignored and failed. Drug crime in Drogheda, as well as the heartache, tragedy and hardship the entire town has been put through, is a symptom of underinvestment and not enough help for the town over the past decade. I urge the Department of Justice to start funding those recommendations. There are community groups and organisations there now like the Red Door Project and the Holy Family Boxing Club but they are pushing back a wave. There is a serious cocaine problem in Drogheda. Anyone who knows the town of Drogheda knows it is a beautiful town and a gorgeous Georgian place. Many of us visited it for the Fleadh Cheoil a few years ago. The place is beautiful and there is so much history and culture to offer, as well as the finest people. I worked there for a couple of summers so I know it well for someone from north Louth. We need actions. We need to look after the people of Drogheda and to listen to them. It is the biggest town in all of Ireland and we need to listen, act and resource those recommendations in the Guerin report.

Senator Lisa Chambers: I thank all Members who contributed to the Order of Business. Senator O'Loughlin raised the orphan drugs Bill that is being launched today by Deputy Pádraig O'Sullivan. I pay tribute to former Deputy John Brassill, who initiated this Bill in the previous term. We are now bringing it back again. It is important that we deal with the issue of drugs that combat and treat rare diseases. I was heavily involved in the Spinraza campaign in the previous term. We were lucky to get that over the line after many years of campaigning but while people were waiting they were getting much sicker and their families were suffering. We need to find a better way of dealing with rare diseases because they often do not get the same level of research and so the drugs that are produced are very expensive. There is still an onus on the State to look after those citizens, the same as it would anybody else. I commend Senator O'Loughlin for bringing that issue to the floor.

She also raised the story in the *Irish Examiner* this morning by Aoife Grace Moore about a young female solicitor who had to go to a consultation in a prison and was asked to remove her bra because, we gather, there was some sort of metal component in the garment that set off the alarms. She was made to enter that consultation having removed her underwear and was requested to do so by a number of male guards on site. It is an appalling story. I commend the young solicitor for speaking out about this. She said she hopes no other professional person would have to do that as they go about doing their job. I note that many colleagues have said they will be contacting the Minister for Justice to address that issue and I shall do the same.

Senator O'Loughlin also raised the issue of Horse Sport Ireland. It is disappointing that it has taken a decision not to enter two competitors in the Olympic dressage competition, given that they have qualified for the first time. I sincerely hope it will reconsider, as the issue has caused much public outrage. It is a huge honour to represent one's country in any sporting endeavour and I wish all our athletes well.

Senator Ward raised the bike-to-work scheme and suggested that we look to expand it. We want to get people out of their cars and onto bicycles or walking for many reasons, including health and environmental ones. I see no reason we should not explore either expanding that scheme or creating a new scheme that would provide access to more affordable bicycles for all members of society. In that vein, I have recently taken to using Dublin Bikes to get up and down from Leinster House to the Convention Centre Dublin. It is a fantastic service for a very reasonable cost for the year but it is not available outside of Dublin. We need to provide access to cycling for people all across the country.

The Senator also raised the issue of the Consumer Credit Act, which was amended in 2019 to stop companies curtailing the date on which a voucher expires. He noted that some companies appear to be circumventing that consumer protection legislation by adding a monthly charge once the voucher has passed a certain date. That goes against the spirit of the law that was enacted in 2019. I agree with the Senator that it should be addressed through amending legislation to remove a clear loophole that companies are unfortunately using.

Senator Craughwell once again raised a number of issues relating to the Defence Forces, something that is also close to my heart. He commended the Royal British Legion for raising £1,000 for the Organisation of National Ex-Servicemen. As Deputy Leader, on behalf of the House I extend my gratitude to that group for its fundraising efforts. It is much appreciated. I will make some inquiries about the post-1994 contractees who are still awaiting confirmation of whether they can serve beyond the age of 50. We will seek a response on that. I concur with the Senator's remarks. RACO recently appeared before the Joint Committee on Foreign Affairs and Defence and was unimpressed with the level of attendance. It is important that members make an effort to attend these meetings with organisations that are representing their members to the best of their ability. RACO does a fantastic job in doing that for the commissioned officer ranks. I do not have an answer on the waiver for teachers who were also Defence Forces members. I will come back to the Senator on that.

I also note Senator Craughwell's objection to the Order of Business. I agree that it is not ideal to be guillotining debates. There is always a bit of a rush towards the end of term. I am not suggesting that is okay but to be fair to the Leader of the House there is pressure from the Government to get certain legislation passed for a variety of reasons. She is doing her very best to accommodate all requests in that regard but also trying to make sure the House has sufficient time to debate all issues. It is a difficult balancing act and she is doing her best to strike the right balance.

Senator Wall raised the PMAS health scheme. As the Senator will be aware, this issue came up at the Seanad committee on Brexit, where PDFORRA presented to us on that scheme. It is an excellent scheme. The organisations have been very inventive in how they set up the scheme to mirror the cross-border treatment directive to facilitate members of PDFORRA accessing health treatment in the North. Due to the nature of their work, they often pick up injuries that would not be normal in other workplaces and treatment can be very expensive. Unlike the cross-border treatment directive where one has to pay up-front and be reimbursed afterwards,

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PMAS pays for the cost of the treatment and then seeks the reimbursement on the person's behalf. It allows the member to access treatment without he or she having to go through the stress of getting that credit initially. It is a very good scheme. At the Brexit committee it was recommended to the Minister that the scheme be expanded so other citizens would have access to a similar facility.

Senator Wall also spoke passionately about the need to ban gambling advertisements. I concur with everything he said. Senator Joe O'Reilly also spoke on that issue. The President's comments on this matter were a significant intervention and I welcome them. There is no doubt that the companies are becoming even more clever at targeting younger and vulnerable people and keeping people hooked on what is a very addictive pastime, if I can call it that. There is a need to do more. The consistent advertising during sporting events encourages people to bet while they are watching an event. No good can come from that. The only benefits I can see in that are the benefits for the company making money from those individuals. There are no benefits to society and I believe action is needed.

Senator Pauline O'Reilly raised the issues of climate change, climate justice and the need for a just transition in Ireland. She spoke about the impact climate change is having on millions of people globally and gave the harrowing statistic that 200 million people are now living on land that will be below the tide line by the end of the century. That is quite stark. She referred to parts of Dublin that are below the tide line, an issue we do not hear discussed very much. I welcome her comments and the amendment proposed by the Green Party Senators to the Climate Action and Low Carbon Development (Amendment) Bill 2021 whereby the just transition was embedded in that legislation. As we make significant changes in our fight against climate change, and we will make those changes, and as we all play our part in that, it is important that nobody is left behind and that we recognise that those in lower-income households can be more adversely affected if we do not take the right mitigating actions in that regard.

Senator Gavan raised the upcoming review of the Health (Regulation of Termination of Pregnancy) Act 2018. I listened to the discussion on the Senator's Commencement matter this morning and I agree with everything he said. We need more detail on how this review will be completed. I share his concern that it looked as if it was going to be an internal review, which was not the original commitment. I welcome the Minister of State's comment that there will be an independent chairperson, but we need a timeline for that. It is important that we have an open, honest and respectful debate when that legislation comes forward and when that review takes place. I concur with the Senator's remarks about safe access zones. The previous Minister for Health, Deputy Harris, promised that this would happen. It is terrible that at Limerick maternity unit, and it is happening elsewhere as well, women who are accessing a legal service for whatever personal reason, and it is their choice to make, are confronted by those activists outside the doors. If one is unhappy with a Government policy or with legislation, the place to protest is outside Leinster House where the policy makers and legislators work. That is where the changes are made. Do not intimidate or take action against ordinary citizens who are just going about their daily life and doing what they are perfectly entitled to do.

I also commend the Senator on his comments on Colombia. I do not know what to say about the young lady who went through that experience. It is just horrific and I am sad to hear what happened to her afterwards. It is right that we, as a First World, democratic country, always condemn any human rights abuses wherever they occur. The hypocrisy, which was highlighted by Senator Mullen, is that we are very quick to condemn human rights abuses in some parts of the world, but not so quick to condemn them in other parts of the world. There should be

consistency in the standards and values we espouse.

Senator Flynn raised the important issue of the school in Ballyfermot, where three schools are amalgamating into one state-of-the-art facility. I concur with what the Senator raised. She was also strongly supported by Senator Ardagh. It makes no sense to build a new school that has no PE facilities or canteen. That is clearly unacceptable. It would be a good idea, perhaps, for the Senator to table a Commencement matter on the issue next week because that is probably the quickest way to get a detailed response directly from the Department. I strongly urge the Minister and the Department to engage with the local community, the school community and parents to rectify the situation. We have an increasing problem with childhood obesity and health issues in the early years that persist into adult years so there must be canteen facilities in which good, healthy food is served, as well as PE facilities so children can get exercise throughout the day. It is very important. These are not luxuries or an add-on, but an essential component of any school facility. That we would build a school without those facilities in this day and age does not make sense. That must be addressed and I support the Senator's call for that engagement and for rectifying those plans, which are clearly not what they should be.

Senator Joe O'Reilly joined the calls for a ban on gambling advertisements. He also raised the issue of leaving certificate examination reform. I note his comment that he is broadly supportive of the current leaving certificate system, but wants the inclusion of sport, music, drama, social issues and environmental activism in terms of assessment. That is a wise proposal. A wider debate is needed on reform of the leaving certificate. There is no doubt that the current system suits some students, but not all students. It is difficult to find a system that suits everybody, but we can do things better. There are many ways in which students can show their ability and intelligence rather than just regurgitating something they have learned by heart onto a page. Rote learning seems to be what we train students to do, rather than teaching them to be good, active citizens.

In response to Senator Dooley, I agree that one of the positives from this pandemic is the ability to have more flexible working arrangements. They were probably coming anyway, but this has certainly accelerated the pace of change. It is welcome for many workers and particularly for people in rural areas who might have greater employment opportunities. However, with all change there can be downsides. It is right to have a debate on working structures post Covid. I note what the Senator said with regard to the potential for some of the multinationals to hire from outside the State because people can work wherever they wish to work now and can connect with their employers. That is an important point. I do not believe it would be in the interests of the Irish people and of the State for the State to fund jobs that are not in the State. That is a reasonable point to make.

Senator Lombard, and this was supported by Senator O'Donovan, raised the lack of infrastructure and funding in rural parts of the country, rural municipal districts and rural local authorities. I concur with what he said. It is an important point. We know the cost of materials has gone through the roof. It has become more expensive to do things such as road maintenance, maintenance of piers and harbours and all the different basic services that people expect from their local authorities. As somebody from a rural county, County Mayo, I can say that it is very difficult for municipal districts that have a coastline, for example, the areas of Belmullet, Achill Island and Westport. They have similar levels of funding to other municipal districts, but they have islands to take care of. The cost of repairing a road on an island is about three times the cost of repairing a road on the mainland. We need to readjust our budgets for local authorities to take into account the diverse nature of some local authorities and municipal dis-

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tricts where the cost of repairing the basic infrastructure that people expect to be repaired and maintained is much higher. The budgets for those areas often tend not to meet that difference.

Senator Mullen eloquently raised the important issue of the TIP report on human trafficking. He was supported by Senator Buttimer. I strongly concur with what the Senator raised. It is unacceptable that Ireland would be ranked so low for the second year running in tackling this issue. The Senator made a chilling comment when he referred to the religious sister who said there is not a town in Ireland that does not have somebody being exploited through human trafficking and working right under our noses. We are failing victims of human trafficking and turning a blind eye to the criminality that is happening in every community across the board. We have to improve our statistics. I am very glad that an independent, objective analysis of how we are doing on this issue is being conducted elsewhere. The Department of Justice must respond to that. It must respond not just with lip service and an acknowledgement of what a poor job it is doing in this area, but with concrete and better actions so that the next time we read this report we will see Ireland improving in how it is dealing with the issue.

Senator Ardagh concurred with Senator Flynn's comments about the school in Ballyfermot. She also raised the issue of the Oliver Bond flats, as she has often done. It is appalling that over 80% of residents are living with damp in their homes, 40% feel their home is not compliant with fire safety and 30% are living with rat infestations. This is a modern, progressive, First World, wealthy country. No citizen should be living in those conditions. This has been talked to death. It has been going on for years and years. Dublin City Council must step up on this issue. Any suggestion it would take a further 15 years to resolve this is not acceptable. Nobody should be living in those conditions and improvements can be made much more quickly than that. I therefore urge Dublin City Council to go back to the drawing board and accelerate its plans without any further delay.

Senator Buttimer raised the issue of championship games. I concur with him that the pilot schemes for having spectators at these games have been a huge success and I commend all involved on making that happen. We have learned over the past year and a half how important sport is to all of us. It is important to every community in every part of this country, to our young people and to everybody who wants to participate in sport either as a spectator as a player on the field. We have taken quite a strict approach with attendance but if a stadium has a capacity, as the Senator said, of 27,000 to 28,000 and we are only letting 500 people in then we could probably look at a degree of flexibility on that, especially given that if that number takes in family and club members then there really is not a whole lot left over. I agree with the Senator that if anything can be done to increase the capacity and allow more people to attend the game, even by just a little bit, it would be broadly welcomed by everybody.

Senator Sherlock raised the OECD report into fair tax competition. This has been an ongoing debate. I note and take on board what the Senator is saying although I caution that the Government and the Ministers for Finance and for Public Expenditure and Reform, as well as the Department of Finance, are doing their very best to represent the interests of Ireland to ensure we protect the jobs of those who work in many of the large multinational companies. We have benefited from significant foreign direct investment, FDI, over the years and many people are employed directly and indirectly by those companies. I do not suggest they are all here because of the tax regime but it plays a part. I note what the Senator said about what is classed as a small country and what is not, if I can put it that way, and that we exceed, in terms of our GDP, what is considered to be a small country. However, it would not take a huge amount to tip that in a different direction. I have not been involved in these negotiations or in any of the prepara-

tory work but I trust the Department and our Ministers are protecting Ireland's interests. I do not have a huge difficulty with there being a degree of caution in how we go about this. We have been very competitive with our tax regime to try to attract foreign direct investment and we have been very successful in doing that to the benefit of many citizens across the country. I take on board what the Senator said about the effective tax rate. Our headline tax rate and our effective one are actually very similar; there is very little difference there. The same cannot be said for all countries across the globe. Some member states in the EU can be quite inventive in the sense that their headline rate can look quite high but when all the concessions they give to some of these businesses are taken into account it brings their effective rate right down, sometimes to below where ours is. Ireland can often be painted in a very bad light with respect to our tax regime but the headline tax rate is generally what people pay. We have a good system that has served the people very well. Change is coming and we accept that but I am in favour of a cautious approach to ensure we do not damage Ireland's interests, although we have a role to play in the global community in getting this right as well. I thank the Senator for raising the issue. It would be a welcome debate to have, with either of the finance Ministers, in the new term to have an opportunity to tease that out. It is something that will have a significant impact on Ireland in the decades to come.

Senator Murphy began with some good news which is always nice in the morning. He welcomed that St. Teresa's Special School, Ballinasloe, has now secured a permanent site. I wish the principal, Ms Anita O'Reilly, and all the staff and students the very best of luck. It is great to see a school progressing to that stage and it will serve the community well into the future.

Senator Murphy has often raised the issue of the horticultural industry. He was being modest when he said he had some knowledge of the industry because he has a lot of knowledge of the industry and has been a good advocate and representative for the horticultural sector. I agree with his remarks that emergency legislation would be merited and could be explored to allow for minimal peat extraction, just to keep the industry afloat while we find other solutions. We should not cut off our nose to spite our face and it seems we are putting undue pressure on a sector that could do with a little bit of help just to tide it over until we find a more permanent solution.

Senator Maria Byrne raised the issue of Gaelcholáiste Luimnigh, which is going to go to tender for a new school. Again, it is some welcome and really good news. The Minister for Education, Deputy Foley, is doing a fantastic job across the education sector in delivering for local schools like this. I gather Gaelcholáiste Luimnigh has been waiting some time to get the go-ahead on this so it is good news for Limerick. I join with the Senator in wishing all the Olympians, not just those from Limerick but across the board, the very best as they embark on their journey to Tokyo to represent Ireland. She mentioned in particular Ms Naomi Carroll who has had double good news in that she is heading to Tokyo but is also part of the school community which is getting a new school. It is a great day for her and her family.

The Senator finally raised the issue of the PwC report, that is, the pre-budget submission on behalf of the hospitality sector. It called to extend the employee wage subsidy scheme to June 2022 and to maintain the 9% VAT rate into 2023. I agree with the Senator that it would be worthwhile to explore these things. The hospitality sector has been through a lot and is still going through a lot. We do not know when and if it will recover. I concur also with the Senator's remarks around the suggestion the sector will not open until August. I agree with her that if the sector is left without any real summer season, many businesses will be in serious trouble and I would be worried some would not reopen. I therefore urge the Government to ensure the

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hospitality sector reopens as soon as possible. I believe plans are afoot for 19 July. We hope that date proceeds with some good news for the hospitality sector.

Senator O'Donovan concurred with Senator Lombard on the infrastructure resourcing issue in rural areas but also raised a very important issue in relation to the fishing sector and fishing community. He raised in particular the issue of Kilbeg Pier and the need for a feasibility study costing around €200,000. I suggest that another place we could look for funding for that project is perhaps the Brexit adjustment reserve fund. We have got significant funds from Europe to assist with mitigating against the damage of Brexit. There has been a commitment from Government that much of that funding will go towards the fishing community, which really paid a very high price to get a Brexit deal over the line. It is only right and proper that we give back to that community and that sector. It would be a very worthwhile project which could come out of that funding stream. The Senator might want to explore that with the Minister for Agriculture, Food and the Marine who in turn can make inquiries as to how that fund might be accessed.

Senator Martin raised the issue of judicial review in the planning process. I take on board what the Senator is saying. He made a very good point that access to the courts is a fundamental cornerstone of our democracy and our justice system. I agree with him that we should not make it financially impossible for somebody to take a judicial review where he or she has a good and genuine case to bring forward. I note what the Senator said on the ability to seek leave at the outset and how, if there is a frivolous or vexatious application being made, the judge has the ability to dismiss the application. He then made the point that people looking to take these cases are being vigilant on behalf of their communities. That is the key. The feedback I am getting from councillors right across the country who are dealing with these issues is that they have people who not part of the local community objecting to planning applications, that is, people who are not living in the area and have no connection to it. That is the crux of the problem we are trying to deal with. We have serial objectors. It has been suggested these serial objectors may be benefiting in certain ways. We do not know exactly how but there have been suggestions made that there may be a personal benefit to some of these serial objectors. I believe it is really important there be a local connection and we should focus on that. The Senator made the point himself that if a person is being vigilant on behalf of their community he or she should of course have access to the courts to advocate on behalf of his or her community and I agree. However, we need to deal with people who are making objections for the sake of it, objections which could be to the detriment of the community which might in fact be in support of the application. That is the problem I would like us to address.

Senator McGreehan mentioned the Guerin report and the ongoing social issues in Drogheda with drugs and criminality. It is really unfortunate, especially for the people living in the area who want to see Drogheda do well. I completely concur with the Senator's observations that Drogheda has great history and culture, as well as the finest of people. It absolutely does. It is a fantastic and beautiful town. It is unfortunate a small number of people are causing so many problems. We have seen this in other parts of the country such as Limerick, for example, which had social issues going back quite a while. A specific task force was set up, key recommendations were funded and followed through on and the city has been transformed because of it. Thus where there is the will, and funding behind it, these areas can be transformed. That criminality and antisocial behaviour can be stamped out. I concur with the Senator in her call for the recommendations of that report to be properly funded and followed up on.

That concludes all of the issues raised at the Order of Business.

An Cathaoirleach: I thank Senator Chambers for outlining the Order of Business.

Question put: “That the Order of Business be agreed to.”

The Seanad divided: Tá, 27; Níl, 5.	
Tá	Níl
Ahearn, Garret.	Craughwell, Gerard P.
Ardagh, Catherine.	Gavan, Paul.
Blaney, Niall.	Mullen, Rónán.
Buttimer, Jerry.	Sherlock, Marie.
Byrne, Maria.	Wall, Mark.
Casey, Pat.	
Cassells, Shane.	
Chambers, Lisa.	
Conway, Martin.	
Crowe, Ollie.	
Currie, Emer.	
Davitt, Aidan.	
Dooley, Timmy.	
Gallagher, Robbie.	
Horkan, Gerry.	
Kyne, Seán.	
Lombard, Tim.	
Martin, Vincent P.	
McGahon, John.	
McGreehan, Erin.	
Murphy, Eugene.	
O'Donovan, Denis.	
O'Reilly, Joe.	
O'Reilly, Pauline.	
Seery Kearney, Mary.	
Ward, Barry.	
Wilson, Diarmuid.	

Tellers: Tá, Senators Robbie Gallagher and Seán Kyne; Níl, Senators Gerard P. Craughwell and Rónán Mullen.

Question declared carried.

12 o'clock

Sitting Arrangements: Motion

Senator Lisa Chambers: I move:

(1) That, notwithstanding anything in the Standing Orders relative to Public Business, the Seanad on its rising on Tuesday, 6th July, 2021, shall adjourn until 9.30 a.m. on Friday, 9th July, 2021, in the Dáil Chamber, and unless otherwise ordered, the following arrangements shall apply:

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

(b) there shall be no Order of Business;

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

Schedule

Motion regarding the earlier signature of the Residential Tenancies (No. 2) Bill 2021.

Subject to the passage by the Dáil of the Residential Tenancies (No. 2) Bill 2021, the motion regarding the earlier signature of the Bill shall be taken without debate at 9.30 a.m. The motion regarding the earlier signature of the Planning and Development (Amendment) (No. 3) Bill 2021. Subject to the passage by the Dáil of the Planning and Development (Amendment) (No. 3) Bill 2021, the motion regarding the earlier signature of the Bill shall be taken without debate on conclusion of the motion regarding the earlier signature of the Residential Tenancies (No. 2) Bill 2021.

Climate Action and Low Carbon Development (Amendment) Bill 2021 [Dáil] – Report and Final Stages.

The proceedings on the Report and Final Stages of the Climate Action and Low Carbon Development (Amendment) Bill 2021 [Dáil] shall be taken on the conclusion of the earlier signature of the Planning and Development (Amendment) (No. 3) Bill 2021 and shall, if not previously concluded, be brought to a conclusion at 3.30 p.m. by one Question, which shall be put from the Chair and which shall, in relation to amendments, include only those set down or accepted by the Government; the proceedings shall be interrupted after two hours for 15 minutes and after another two hours for 30 minutes whereupon the sitting shall be suspended on each such occasion to allow for the sanitisation of the Chamber and the order of debate shall resume thereafter.

Suspension of Sitting.

On the conclusion of the proceedings on the Climate Action and Low Carbon Development (Amendment) Bill 2021 [Dáil], the sitting shall be suspended until 4 p.m., or for 15 minutes after such conclusion, whichever is the later.

Land Development Agency Bill 2021 [Dáil] – Second Stage.

The proceedings on Second Stage of the Land Development Agency Bill 2021 [*Dáil*] shall be taken on the resumption of the sitting and shall, if not previously concluded, be brought to a conclusion at 6 p.m. The opening contribution of the Minister at the debate on Second Stage shall not exceed 10 minutes, the contribution of group spokespersons shall not exceed 8 minutes and all Senators shall not exceed 5 minutes, and the Minister shall be given no less than 6 minutes to reply to the debate.

(2) The Seanad on its rising on Friday, 9th July, 2021, shall adjourn until 10.30 a.m. on Monday, 12th July, 2021 in the Dáil Chamber.

Question put and agreed to.

Private Security Services (Amendment) Bill 2021: Second Stage

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

Minister of State at the Department of Justice (Deputy James Browne): I am pleased to have the opportunity to bring the Private Security Services (Amendment) Bill 2021 before the Seanad. The principal objective of this Bill to insert a new category of enforcement guard in the list of private security services licensed by the Private Security Authority, PSA, under the 2004 Act. The definition and insertion of this additional category will address a gap in the legislation whereby those enforcing court orders are not currently subject to regulation or licensing by the PSA. This will ensure these services are properly regulated. The gap in the legislation was identified a number of years ago and was highlighted in September 2018 with the removal of persons trespassing and illegally occupying a private property on North Frederick Street. Those occupying the property were removed by a private security firm on foot of a High Court order. The personnel who attended at the property on behalf of the private security firm - and those who have done so in similar cases - are not currently subject to regulation or licensing by the PSA. The latter has necessitated this important legislative change. A small number of additional amendments have been included following consultation with the PSA.

Before turning to the main provisions of the Bill, I acknowledge Deputy Donnchadh Ó Laoghaire’s Private Members’ Bill, the Regulation of Private Security Firms Bill 2019, which contained similar objectives to the Private Security Services (Amendment) Bill 2021.

Section 1 of the Bill is a standard provision that includes a definition of the term “Principal Act”. Section 2 is the key section. It inserts an additional category and definition of “enforcement guard” in the list of security services covered by the Private Security Services Act 2004. This section also inserts definitions of “county registrar”, “court messenger” and “sheriff”. The definition of an “enforcement guard” means a person other than a sheriff, county registrar or court messenger who, for remuneration, as part of his or her duties is authorised to perform any of the following functions: removing one or more persons from any premises or any other place, in order to take possession of the premises or place; controlling, supervising or restricting entry by one or more persons to any premises or any other place in order to take possession of that premises or place or seizing goods or other property in lieu of an outstanding debt, which said authorisation is conferred by or under an enactment, pursuant to a court order, in accordance with an agreement or consent, pursuant to a contract, or otherwise in accordance with law. These are removing one or more persons from any premises or any other place in order to take possession of the premises or place; controlling, supervising or restricting entry by one or

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more persons to any premises or any other place in order to take possession of that premises or place; or seizing goods or other property in lieu of an outstanding debt, where authorisation is conferred by or under an enactment pursuant to a court order in accordance with an agreement or consent pursuant to a contract or otherwise in accordance with law.

The insertion of this category and definition will ensure an enforcement guard must hold a licence and it would be an offence to operate an enforcement guard without a private security authority licence. Such individuals would also be subject to the training standards and licensing regime operated by the authority. It would also be an offence to falsely represent oneself as an enforcement guard by advertisement or by displaying any objects purporting to indicate that the holder is a licensed enforcement guard. For both offences, a person may be liable for a class A fine or imprisonment for up to 12 months, or both, on summary conviction. A conviction on indictment can lead to imprisonment up to five years or the imposition of a fine.

Section 3 inserts a further exemption from licensing by the Private Security Authority for those engaged in the enforced collection of Revenue liabilities by a sheriff or county registrar. Where, in exceptional circumstances, there may be a need to engage security personnel, existing protocols have been updated in the Revenue Commissioners to include a requirement that such personnel are licensed by the PSA. Section 4 extends the provisions of section 26 of the Private Security Services Act 2004, allowing the PSA to refuse to renew a licence, or suspend or revoke a licence of a body corporate for the actions of its members. This will include the actions of directors, shareholders, managers, secretaries or other similar officers of the body corporate or any person purporting to act in that capacity.

Section 5 provides for the amendment of section 33(3) of the Private Security Services Act 2004 to make the register of licensed persons available for inspection free of charge by members of the public both at its principal office and online. Section 6 provides for the amendment of section 48(1) of the Private Security Services Act 2004 to include an offence of impersonating an inspector. Section 7 repeals a number of provisions under section 4(4) of the Enforcement of Court Orders Act 1926. Section 8 is a standard provision referring to the Short Title, commencement and collective citation.

I again stress the importance of this short amending Bill, which will ensure the strengthening of this area of the Private Security Authority's regulation ambit. I commend the Bill to the House.

Senator Robbie Gallagher: Cuirim fáilte roimh an Aire Stáit arís go dtí an Teach. This is short legislation but as he mentioned, it is very important. On behalf of the Fianna Fáil Party, I am delighted to support it, as it brings much-needed regulation to the area of private security operations and their work. It is important that those who are tasked with overseeing security procedures are properly licensed and there should be proper oversight of their activities.

We are all familiar with the sight that the Minister of State alluded to earlier of evictions taking place in our country and it is a sight none of us wants to see. I propose that all avenues in such matters be fully exhausted before the thought of eviction is considered. It is important that all possibility of mediation is exhausted before getting to that point because nobody wants to see anybody removed forcibly from a premises. I am thankful it is a sight we do not see too often in this country. It is not something we want to see happening again.

I am delighted to support the legislation. I commend Deputy Ó Laoghaire, who introduced

a Private Members' Bill on the matter a number of years ago. It is good to see the Houses have come together with this legislation to address these concerns and provide much-needed regulation and oversight in the area.

Senator Barry Ward: Cuirim fáilte roimh an Aire Stáit agus an Bille freisin. It is a shame this Bill is necessary but we recognise its necessity. I agree with the comments by the Minister of State and Senator Gallagher about the scenes on North Frederick Street and none of us wants to see that. It is important that we regulate the sector as we cannot have a position where people conduct themselves in such an unregulated fashion. Ideally, we would not have that happening at all.

I recognise this is short legislation but it is also going through the Houses very quickly. In that regard it is ironic that those who opposed the Order of Business this morning are not even present to speak to the Bill as it goes through all Stages in a short period.

Senator Paul Gavan: I am present and so is the Senator beside me. The Senator should get it right.

Senator Barry Ward: I refer to those who opposed the Order of Business and spoke specifically to this matter this morning who are not here.

An Leas-Chathaoirleach: I will draw the Senator back to the legislation.

Senator Barry Ward: Yes. I agree it is undesirable that the Bill is to go through in an hour but it is short and has a specific goal.

I have some critical comments. The term in section 2 is "enforcement guard". It does not need to be changed and I have not submitted any amendments but the term "guard" can be used as a colloquial reference to members of An Garda Síochána, and it would be unfortunate if there could ever be confusion about the people conducting this job of enforcement guard as defined in section 2 and members of An Garda Síochána, who should never be directly involved with this type of action where it involves private property and civil disputes between persons.

I welcome the power being given to the authority under section 26 of the main Act via section 4 of this Bill to essentially refuse licences to persons. This is tremendously important. The purpose of having a regulatory body is to allow it take action against those who should not have such licences. The proposed subsection (1)(b)(i)(III) would make it possible for the authority to refuse a licence on the basis that the person "is no longer a fit and proper person to provide a security service". That provision should be first and foremost in this legislation. There are important elements about misrepresentation, etc., but the job of the Private Security Authority should be first and foremost to remove persons not suitable to carry out this work. A person licensed by the PSA, whether as a doorman or in the more complex position of enforcement guard, occupies a privileged position. Such people are entitled to be in positions ordinary citizens would and should not occupy. It is tremendously important that the PSA be empowered to ensure that people who should not be in that position are not in that position and can take action accordingly.

I welcome the provisions of section 5, which will modernise the function of the PSA to allow it make the register available online. In the past year we have seen the value of the Internet and it providing access for people, whether it is to work or information. I also welcome the inclusion of offences provided through section 6, which amends section 48(1) of the main Act.

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That relates to false representation and it is appropriate that such action of people misrepresenting themselves in this or any other regard relating to the Private Security Authority should be against the law. It must be punishable by law. I have a question about section 8(3), which deals with the power of the Minister to commence the Act by way of regulation. Given its urgency and how quickly it is going through the Houses, I thought it would be appropriate for this to take effect immediately.

These are technical criticisms more than anything else and I welcome the Bill. It is important to put this on a regulated, statutory footing and it makes sense to do so. As I have said, in an ideal world we would not have the need for these provisions but, unfortunately, the reality is we occasionally need such powers. In those circumstances I welcome the Bill.

Senator Marie Sherlock: I also very much welcome the Bill. At its heart is an amendment to the principal Act to broaden the list of those who are regulated under that Act and to ensure that the category of enforcement guard will be included on that list. I very much welcome section 4, which is the amendment to section 26 of the principal Act. It is important that the PSA can take action with regard to officers of the private security companies operating in the sector. The integrity of the sector is enormously important.

Much has been said about the events that gave rise to the Bill. I want to talk a little bit about the people working in the private security sector, however. Obviously, we would have liked to have seen this Bill progressed a little sooner. We very much supported Deputy Ó Laoghaire's Bill when he brought it to the Dáil last year but we are glad that we have the Bill before us. This legislation in this area is as much about protecting the public as it is about those working in the sector. That is important to say.

Previous speakers referred to how none of us ever wants an eviction situation to have to play out. When it does, however, we need to know that there will never be a situation where untrained, uncontrolled, unregulated persons acting as mercenaries to defend the interests of private parties can ever happen again.

When we speak about the workers in the sector, it is important to recognise that their role is often downplayed or not fully appreciated. Senator Ward spoke about the privileged position or the privilege associated with their role in terms of guarding or protecting particular locations, group of peoples or whatever. When we look at the pay of these workers, however, the rate is €11.65 per hour. This will rise to €12.05 per hour in September. I should add that these workers had to wait three months more than they should have because there was an agreement between both the trade unions and the employers that their pay rise would happen in June. The Minister, in his wisdom, has decided to delay that until September. While 40 cent may not be an awful lot to some of us here, it is a lot to these workers. That pay increase in September is very important. This Bill is also important in terms of recognising that those involved are a regulated group of persons who are trained and who occupy a very important role in industry and society in general.

The events that gave rise to the need for this Bill are very clearly etched in my mind because I do not live very far from North Frederick Street in Dublin 1. I used to pass it on a daily basis on my way to work. I certainly vividly remember the Occupy movement. Indeed, I was outside many of the houses that were occupied. I remember the day when that eviction took place in September 2018 and the very frightening circumstances in which it occurred. There was a twin issue that day. There was the issue of those who obviously entered the building and moved to

violently remove those occupying it but there was also the situation with regard to the manner in which An Garda Síochána policed the eviction.

While we have this Bill now to deal with the issue regarding the unregulated private security persons operating that day, there are still issues in terms of An Garda Síochána. It is important for me to say that I have communicated with An Garda Síochána locally on a number of occasions and I know it is making enormous efforts to try to get its planning and policing of enforcing court orders right. We had a situation on Berkeley Road in Dublin 7 last year, however, and in the Ilac Centre with Debenhams workers in recent months. It is, therefore, really important that how An Garda Síochána polices evictions is got right. The reality is that as our society and economy evolve in whatever shape or form over the coming months, more evictions will be coming down the track, unfortunately, with businesses closing and properties being taken over. We need to get the policing of that right.

An Leas-Chathaoirleach: Is comharsa ón mbaile é agus cara liom an Seanadóir Vincent P. Martin agus is trua go bhfuil sé ina chónaí i gContae Chill Dara anois.

Senator Vincent P. Martin: At the heart of our considerations as legislators dealing with this issue, we must be mindful of the Constitution, or Bunreacht na hÉireann, a written document in which certain fundamental rights are set out in black and white. A number of those rights relate to the home. The dwelling is inviolable. Superior courts, again and again in their rulings and in their jurisprudence, have deemed the home to hold a pre-eminent position in our Constitution to be a place of repose from the cares of the world and pressures. Inviolability means never broken, infringed or dishonoured. While all this might seem bookish or academic, it has real and powerful meaning.

Today's world is a precarious one for the most vulnerable in society. For many, the supporting bonds of family or larger community are simply not there or are not strong enough to protect them. It is, therefore, imperative that the supreme law of the land stands strong as protector of last resort. A person may come from another part of the world and may have few, if any, possessions and no system of friends or family to support him or her. He or she may be alone. It is, however, the greatness of our system that the full power of the Constitution and laws will defend that person's home against all comers and, in so doing, give him or her some repose from the cares of the world and recognise, in some way, his or her human dignity.

I praise An Garda Síochána for the work it has done in the testing times of the pandemic. What is the motivation behind this legislation, however? Let us be honest about it. An Garda Síochána was part of the problem, although that was inadvertent. An Garda Síochána got involved in a civil issue and trespassed onto a private dwelling without the necessary court order. Members of An Garda Síochána require further and better training. I wrote to the Commissioner's office at the time and his office responded to assure me that:

An Garda Síochána appreciate those concerns and can advise you that a Policy Document specifically for evictions and eviction related events is near completion. The formulation of this policy has taken full cognisance of the observations provided by you and is, in addition, firmly rooted in the Human Rights Principles of proportionality, lawful authority and case by case risk assessment.

I would, therefore, request from the Minister, although I will liaise with his office in due course, an update to make sure there will never be a repeat of the scenes in North Frederick

Street and, before that, in Strokestown.

When a landlord obtains a determination order from the RTB, for example, and in the minority of cases, if the tenants for whatever reason do not wish to vacate the property as per the order, no one - not even gardaí - should take the law into their own hands. One returns to court to get the appropriate court order. If there is still a problem with the notice to the tenant who is purportedly not in compliance, that tenant or tenants must explain themselves or purge the contempt. It is called the rule of law. No one wants it but one needs it in a society. It is as a last resort. If it takes a long time to get there, so be it as it protects the greater good. I hope this is a small step in the right direction. I hope that in the sensitive cases, they would have to go back to the court for a further interpretation or a clarification of the order to seek further compliance. I hope that An Garda Síochána, as the law officers, will take centre stage in this regard. I am delighted that those who are pejoratively termed “bouncers” or who, using more decorative language, are called “admission consultants” are now to be brought into the realm of regulation. These people are often hooded and in disguise so one cannot even see who they are. This has to be a positive although it is a very small step. In due course, I will seek an update from the Department on whether the Garda Commissioner, as promised, has brought along An Garda Síochána, who are doing their best. It might be inadvertent on their part in a pressured job but they are the leaders of law and order out on the streets. They must lead by example and we must always support them and have respect for them. Members of the Garda must be fully resourced with the proper education and skills.

Senator Paul Gavan: I commend the speech on the Bill by Senator Martin in particular. I welcome the Bill on behalf of Sinn Féin. I commend my colleagues, Deputies Ó Laoghaire and Martin Kenny, on first raising in the Dáil in 2019 the issues attached to the Bill. Both Deputies moved a similar Bill that alerted the Government to a loophole in legislation governing the legal administration of privately-owned security firms. In the course of the debate in the Dáil it was well received by Members who spoke of all parties. It was this loophole that some private security companies were taking advantage of to use force and aggression in the execution of repossession notices or, to be more accurate, when evicting people from their homes.

All Members joined with the public in expressing shock and anger when we saw the scenes on our televisions of the forced and violent evictions of tenants from their homes in Dublin’s North Frederick Street, and in Strokestown in County Roscommon. This prompted Deputies Ó Laoghaire and Martin Kenny to scrutinise the law governing the work practices of private security firms. I agree with Deputy Ó Laoghaire when he said then that the scenes were reminiscent of what happened during the famine and the land war, and that everything connected to those events is seared into our collective memory. It offends us emotionally to think of people being forced out of their homes because they cannot afford the rent or mortgage payments, for whatever reason.

We need to remind ourselves of the context for the Bill before the Seanad today. The loophole that was identified meant that there was no regulation governing the activities of the personnel who enforced court orders, including evictions. It was hard to believe that there was a legal vacuum that left homeowners and tenants vulnerable to the sharp end of banks and lending houses who appeared unconcerned about the consequences of bringing in heavies to enforce a court order. These individuals are not subject to oversight and there was no opportunity for the people who were being evicted to complain. This meant that the banks and financial institutions employing the evictors could act as they chose, without consequences, because there was no vetting system within the legal governing body, the Private Security Authority. This was a

completely unacceptable situation.

Generally, the Bill and the debate also need to take into consideration the precarious situation in which many thousands of people have been placed by the Covid pandemic. No-one should be facing or experiencing eviction or homelessness at any time, but especially arising from the consequences of this pandemic. Legislation is required to regularise the working practices of security firms, especially in circumstances where they are acting as bailiffs. The system must ensure accountability, registration, credentials, proper management structures, and proper training for security personnel to respect the dignity of those on the receiving end of the court order.

Evictions are not the only circumstances where security personnel are used. It can also be in the context of vehicles and business premises, for example. No-one is above the law. At all times An Garda Síochána must be the legal authority and protect those who face aggressive and threatening behaviour from security firms.

Minister of State at the Department of Justice (Deputy James Browne): I thank Senators for their contributions and for facilitating the quick progression of this Bill through the Seanad today. This amending Bill will address a gap that was necessary to close, and will bring the new category of “enforcement guard” under the remit of the Private Security Authority’s licensing regime. The Government has moved to ensure that private security firms and their employees who are engaged on foot of a High Court order are properly regulated. This will also ensure proper licensing and appropriate training to operate in this sector under the Private Security Authority.

We do not want to see the repeat of situations we saw in the recent past, which were recalled here today. Already challenging circumstances that led to the course of events requiring a High Court order have been put under further strain by this lack of regulation. I am pleased that we have been able to bring clarity to this element of a very difficult situation.

It is important that we address the concerns that have arisen at these flash points. Amending this legislation and broadening the remit of the Private Security Authority to include enforcement guards will address this lack of regulation. We are all at one that the court’s orders must be upheld, but they need to be upheld, if necessary, by persons who are properly regulated, who are identifiable, and who have been appropriately trained.

I have outlined the main provisions of the Bill previously in this House, and I thank the Senators for their engagement on the Bill. I reiterate the importance of this Bill. The Bill before us today is proof of the Government’s commitment to promote and ensure best practice in the industry. Private security staff occupy a position of trust. They engage in regular interactions with members of the public. With this in mind I strongly believe that those providing such security should operate at the very highest of standards. I am pleased that with the introduction of these amendments the Private Security Authority can continue to provide its important role in regulating the private security industry.

I am happy to give Senator Martin the update he seeks post enactment of this legislation. The legislation will commence as soon as possible. A number of regulations need to be approved on details that we had decided not to put into the legislation itself: namely to ensure they match with the Private Security Authority’s requirements. These are already in train and the legislation will be commenced as soon as possible. I thank the Senators.

6 July 2021

Question put and agreed to.

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

Senator Robbie Gallagher: Now.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Private Security Services (Amendment) Bill 2021: Committee and Remaining Stages

Sections 1 to 8, inclusive, agreed to.

Title agreed to.

Bill reported without amendment.

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

Senator Robbie Gallagher: Now.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Bill received for final consideration.

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

Senator Robbie Gallagher: Now.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Question proposed: "That the Bill do now pass."

An Leas-Chathaoirleach: I thank my colleagues for their co-operation. I congratulate them and the Minister of State on progressing this important legislation. Would the Minister of State like to say a few final words? We will not go around the houses this time, though, because Senators have adequately addressed the Bill already. I call the Minister of State for a few valedictory words.

Minister of State at the Department of Justice (Deputy James Browne): I thank the Leas-Chathaoirleach. I think this will be my last opportunity to contribute in the Seanad as the end of this term approaches. We have brought a great deal of legislation through both Houses, with the support and facilitation of the Seanad. I extend my gratitude to the Leas-Chathaoirleach, the Cathaoirleach and Senators. This is important legislation. Along with the Personal Insolvency (Amendment) Act 2021, which we dealt with in this House only some weeks ago, this legislation will help to support people who find themselves in difficult situations. If it is at all possible, I hope we can prevent people ending up in such situations in the first place. I again thank the Leas-Chathaoirleach and Senators.

An Leas-Chathaoirleach: I thank the Minister of State for how proactive he has been in bringing legislation through the Seanad and how he interacts wholesomely and properly with Senators. It is noted and appreciated. I also thank all my colleagues for their co-operation in the context of a recognition of serious legislation such as this Bill.

Question put and agreed to.

The Seanad adjourned at 12.42 p.m. until 9.30 a.m. on Friday, 9 July 2021.