



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**SEANAD ÉIREANN**

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

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# SEANAD ÉIREANN

*Dé Máirt, 21 Meán Fómhair 2021*

*Tuesday, 21 September 2021*

Chuaigh an Cathaoirleach i gceannas ar 2.30 p.m.

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*Machnamh agus Paidir.  
Reflection and Prayer.*

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## Gnó an tSeanaid - Business of Seanad

**An Cathaoirleach:** I welcome everyone back to the Seanad Chamber. It is good to be back. I thank everybody who has made it possible to continue our business in a safe manner in the middle of this pandemic.

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 Foreign Affairs to make a statement on the proposals published by the British Government to introduce a statute of limitations to end criminal investigations and prosecutions for Troubles-related incidents in Northern Ireland.

I have also received notice from Senators Lisa Chambers and Fiona O'Loughlin of the following matter:

The need for the Minister for Defence to make a statement on the allegations made in the "Women of Honour" documentary on sexual assault and harassment in the Defence Forces.

I have also received notice from Senator John McGahon of the following matter:

The need for the Minister for Transport to make a statement on his plans to introduce high-speed rail services between Belfast, Dundalk and Dublin.

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

The need for the Minister for Transport to make a statement on the DART+ west project, including the timescale and the non-statutory public consultation currently under way.

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

The need for the Minister for Housing, Local Government and Heritage to make a statement on recent Environmental Protection Agency reports of contamination at water plants

in Gorey and Ballymore Eustace and the preventive measures being put in place to ensure these problems do not recur.

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

The need for the Minister for Children, Equality, Disability, Integration and Youth to make a statement on the delivery of a living wage and sick pay for all early years professionals working in early childhood education.

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

The need for the Minister for the Environment, Climate and Communications to undertake a review of the grants available under the Sustainable Energy Authority of Ireland home improvement scheme, including the criteria for eligibility for these grants.

I have also received notice from Senator John Cummins of the following matter:

The need for the Minister for Housing, Local Government and Heritage to make a statement on the capital allocations made and committed to all counties under Irish Water's small towns and villages growth programme, and to outline the procedure for commencing water and wastewater projects under the programme.

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

The need for the Minister for the Environment, Climate and Communications to make a statement on rising energy prices, increased demand on the electricity grid and the potential for power outages during winter.

I have also received notice from Senator Lynn Boylan of the following matter:

The need for the Minister for the Environment, Climate and Communications to make a statement on ruling C 741/19 by the Court of Justice of the European Union regarding the Energy Charter Treaty.

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

The need for the Minister for Enterprise, Trade and Employment to make a statement on delays in issuing general employment permits for workers in the agrifood sector.

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

The need for the Minister for Education to make a statement on the new pay arrangements for hourly paid bus escorts, including a comparison with the previous pay arrangements, and to ask if these new arrangements will apply to all bus escorts employed by schools.

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

The need for the Minister for Children, Equality, Disability, Integration and Youth to make a statement on the review of the national childcare scheme to ensure funding is in place to provide equality of access to appropriate childcare for all children.

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

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The need for the Minister for Housing, Local Government and Heritage to make a statement on the necessity for regular water quality testing of Dublin Bay on a year-round basis.

Of the matters raised by the Senators suitable for discussion, I have selected Senators Boyhan; Chambers and O'Loughlin, who are sharing their time; McGahon; Currie; Byrne; and Gavan, and they will be taken now. I regret I had to rule out of order the matter raised by Senator Cummins on the ground that the Minister has no official responsibility in the matter. The other Senators may give notice on another day of the matters they wish to raise.

I thank Members for being here and I thank the Minister of State for coming to the Chamber today.

## Nithe i dtosach suíonna - Commencement Matters

### Northern Ireland

**Senator Victor Boyhan:** I thank the Cathaoirleach for selecting this very important Commencement matter. Indeed, he was one of the many people who travelled to Belfast on 30 August. I thank the Minister of State, Deputy Heydon, for coming in to address this Commencement matter. I am very conscious that this is an important and sensitive issue, and therefore I have given some consideration to my comments.

Senators and Deputies as well as representatives of the five parties in the Northern Executive met a cross-community group of victim campaigners in Belfast City Hall on 30 August 2021. This was a meeting of cross-community groups and all political parties on both sides of the Border. In July of this year, the Secretary of State for Northern Ireland, Mr. Brandon Lewis, announced that he planned to introduce a statute of limitations banning prosecutions of Troubles-related killings and other crimes as well as all legacy inquests and civil cases before April 1998. We met victims' groups and the North's five main political parties which, along with the Irish Government, are all opposed to these proposals. One of the things about this issue is the great unity on the island of Ireland in regard to it, and indeed in certain quarters in the UK. We discussed the issues and concerns. There was a view that this was a *de facto* amnesty, and it is something people have major concerns with.

Representatives from the DUP, Sinn Féin, the SDLP, the UUP and the Alliance Party, the Cathaoirleach of the Seanad, Senator Mark Daly, Senator Emer Currie and myself, along with Deputies Howlin, Costello and Lawless, signed a document of support stating that we totally reject the British Government's proposals for dealing with the past, including amnesties for those who committed murder, and supported the victims' campaigns and their efforts to stop the British Government's proposals. No individual group, organisation, state forces or agents can be immune from prosecution. Murder is murder and must be treated as such. Investigations, prosecutions, inquests and civil actions cannot be abolished and due process must take place, which the document we signed clearly states.

Listening to the campaigners, the common thread throughout was that they do not want the British Government closing off or closing down their opportunity to get truth and justice

for their families, neighbours and loved ones. Subsequent to that, 35 US Congress members, including Mr. Brendan Boyle and Mr. Brian Fitzpatrick, signed a letter to the British Prime Minister calling for the UK Government to reaffirm its commitment to the Stormont House Agreement, which is critical to this debate and to these discussions, and they asked that the British Prime Minister, Mr. Boris Johnson, to scrap his proposals to ban future prosecutions in relation to the Northern Ireland Troubles. US legislators expressed concern that the proposed legacy laws would strain the British-Irish relationship and cement widespread feelings that justice is being denied. The US politicians went on to say that it is a serious mistake by the British Government to renege on its commitment clearly laid out under the Stormont House Agreement in the search for justice and reconciliation.

The British Prime Minister said that this amnesty would allow Northern Ireland to draw a line under its Troubles. One can never draw a line under the Troubles when people do not have the right to an inquest, to take civil actions and so forth to address this issue. It must be clear that everyone must be held to account, including military veterans as well as ex-paramilitaries. We simply have to reject the British Government's proposal. The pathway to truth, justice and reconciliation must not be blocked.

I will be asking the Minister of State to take this back to the Government. Legal rights under European law and the Good Friday Agreement must be protected and vindicated. The Taoiseach is exceptionally supportive of this issue. That is encouraging and it encouraged the people we met in Belfast City Hall. They were highly impressed by the Government and the Taoiseach's solidarity with their plight and their concerns.

The Taoiseach is in the United States at the moment. The campaigners have asked that the Taoiseach and Government use their influence in respect of their European colleagues and the US Government.

I am also calling on the Cathaoirleach to write to our counterparts in the House of Lords and ask them for their support for the campaign for justice and truth. Many of us deal with them through the British-Irish Parliamentary Assembly. They are our counterparts in the British Parliament. I know we have many supporters in the House of Lords. We should reach out to them and engage with them. I look forward to hearing the Minister of State's response.

**Minister of State at the Department of Agriculture, Food and the Marine (Deputy Martin Heydon):** I would like to start by thanking the Senator for raising this most important matter. I wish to pass on the apologies of the Minister for Foreign Affairs, who is out of the country at present and unfortunately unable to attend this debate.

As the Senator has outlined, the legacy of the Troubles continues to impact upon many families and communities across the island and beyond as they continue to seek truth and justice for their loved ones. It has been the consistent position of the Government that each of those families should have access to an effective investigation and to a process of justice, regardless of the perpetrator. The Stormont House Agreement, agreed by both Governments and the political parties of Northern Ireland after intensive negotiations in 2014, sets out a comprehensive and balanced framework based on the essential pillars of truth, justice and reconciliation. Where the British Government is proposing significant changes to that framework, these must be discussed and agreed by both Government and the parties to the Northern Ireland Executive.

Only through a collective approach in line with international human rights obligations can

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we hope to deal with these issues comprehensively and fairly. As the Senator will be well aware, the Government has joined with the British Government and the political parties in Northern Ireland in a process of intensive engagement on these issues, with discussions beginning in early July which are ongoing. Importantly, this process has engaged fully with victims representatives and civil society. The intention is to find an agreed way forward that will allow implementing legislation to be introduced in both the UK and Ireland by the end of the autumn. As part of this process, we are committed to working with the British Government and the political parties in Northern Ireland to address the painful legacies of the Troubles. We must find a way forward on these crucial issues to support wider societal recognition, build greater community confidence in policing and meet the legitimate needs of victims and survivors in Northern Ireland and across the island of Ireland.

The Government has made very clear that any approach based on a general statute of limitations that would see an end to investigations and prosecutions of Troubles-related incidents would represent a very radical departure from the Stormont House Agreement. It is one that we cannot support. This view is shared and has been strongly expressed by every party and victims group and by people from all communities and with a wide range of experiences. It is for the British Government to take that response on board now. We have cautioned it strongly against unilateral action.

I welcome the work of Senators Boyhan, Currie, An Cathaoirleach and all the other Members of this House who engaged in that meeting in Northern Ireland. All of us working collectively from across the political spectrum get to make that point. It is a point that needs to be made loud and clear, because whatever the intentions behind the proposal, a proposal like this will not work if it does not have the support of all of Northern Ireland. It will undoubtedly be challenged in the courts, and if it fails, it will only add years of uncertainty and heartache for families with no gain.

We have consistently said that we are ready to engage with concerns or issues in respect of the implementation of the Stormont House Agreement, but any such changes must be discussed by the parties and both Governments. The Government is also committed, as was the case at the time of the Stormont House Agreement, to fully play our part in collective efforts that will deliver for the legitimate needs of victims and survivors across both jurisdictions and for society as a whole. Go raibh maith agaibh.

**Senator Victor Boyhan:** I thank the Minister of State for his comprehensive response. It is certainly something that I will send to the relevant people this afternoon. I wish to thank the Cathaoirleach for his support, and that of the Irish parliamentarians who went to Belfast. It was a very significant meeting. As the Minister of State will be aware through his many years of experience in politics, it is unheard of for there to be all-island, cross-party and none political unity on reaching a resolution.

When I left Belfast, having listened to and engaged with the people, my abiding thoughts were that I could have nothing but the height of respect for their patience, grace and determination to seek the truth. There were many tears shed in Belfast City Hall that day and many stories told on all sides of the fence and all sides of the Troubles. There were many heartaches, many sorrows and many stories of loss, hurt and disappointment. We must stand in solidarity with the people on all sides of this island and the islands we share. I know we will. I will take this opportunity to say that, since we met, Pat Hume, the wife of former SDLP leader, John Hume, sadly passed away. That was on 2 September, only two days later. She was an incred-

ible person who was influential in many aspects of the peace process. I pay tribute to Pat for her commitment, courage and compassion in the service of peace and reconciliation for the island of Ireland.

**Deputy Martin Heydon:** I note the Senator's comments, which I very much welcome. The irony is that the British proposals have managed to create more unity on this island than Britain might have expected. This has been very positive. All of us, across all sides, have a shared hurt irrespective of our political viewpoints and different backgrounds. Through the Stormont House Agreement, we also have a shared approach as to how to deal with that hurt in an inclusive way. There is an onus on all of us to see real progress for victims and survivors of the Troubles across the island. If we fail to do so, we allow grief to be deepened and that burden to be passed on to the next generation.

There must be a framework for dealing with the past that meets the legitimate needs of families, that provides a real pathway to reconciliation and that, crucially, upholds other human rights obligations, including those under the European Convention on Human Rights. Achieving this requires a collective approach and such an approach is already set out in the Stormont House Agreement. Progress on implementing a framework that is consistent with the framework and fundamental principles of the Stormont House Agreement is critical to ensuring that these issues are dealt with comprehensively and fairly, providing a route to truth and justice for those who have already waited far too long.

**An Cathaoirleach:** I thank the leader of the Opposition, Senator Boyhan, for raising the matter of the victims of the Troubles and their search for justice. I also thank Senator Currie for going to Belfast that day. It was truly a historic event given that it was the first time in the history of this island that all of the major political parties signed one document. It was a truly historic event in that respect but it was sad that it related to a cause that should not have to be fought for. The fact that Congressmen Boyle and Fitzpatrick, along with other members of the US Congress, signed a letter to the British Prime Minister asking the British Government not to go ahead with this legislation, that would deny justice and truth to families, shows the level of international outrage regarding this proposal. It should be borne in mind that a UK university has analysed this legislation and 300 other amnesties given since the 1990s and has described it as "Pinochet plus". It has said that it is a broader and more comprehensive amnesty than was given to the Chilean dictator, General Pinochet, and his troops who committed atrocities during his reign of terror in Chile. I do not believe the UK Government wants to be associated with that type of historic record. As Senator Boyhan has said, the families deserve truth and justice. I thank all Members for participating in that event in Belfast on that day. We were delighted to be invited by Raymond McCord, who was leading the effort to prevent this legislation being enacted. I thank the Minister of State for coming in and outlining the Government's response.

## **Defence Forces**

**Senator Lisa Chambers:** I am sharing time with Senator O'Loughlin. We will take two minutes each. The issue I want to raise relates to the documentary "Women of Honour" broadcast on RTÉ's "Saturday with Katie Hannon" programme a couple of weeks ago. It was with shock and horror that we listened to the accounts of the women involved. They were former serving members of the Irish Defence Forces. They spoke about horrific ordeals including sexual assaults, discrimination, rapes and many other injustices they suffered when they were

serving members of the Irish Defence Forces. These were perpetrated by other members of the Defence Forces. It was even worse to hear how they were treated subsequently when they raised those issues with their commanding officers and tried to bring them up the line of command. Their words fell on deaf ears. There were too many instances to be considered one-offs or rarities. Unfortunately, it seems to have been quite common, particularly in the early years when women first joined the Defence Forces. As a former member, who spent 13 years in the Reserve Defence Force, I can attest to there being quite a macho culture within the organisation but I was still extremely shocked to hear what those women had been through. We have to listen to the victims and we have to frame our response by taking into account what they are looking for in terms of redress and a resolution to this. What we cannot have is the Defence Forces or the Department of Defence investigating themselves. There must be a fully independent inquiry into all the allegations and the culture in the Defence Forces, with a view to stamping out and eradicating that culture and providing closure, compensation and resolution to the victims.

I also take on board that these women have the full support of the Dublin Rape Crisis Centre and the National Women's Council of Ireland for that independent review, one where they are fully involved in choosing how it takes place. I ask the Minister of State to confirm that the Government will initiate, through the Department of Defence, a fully independent review in consultation with the women of honour.

**Senator Fiona O'Loughlin:** As the Minister will be aware, the documentary programme, "Women of Honour", sent shock waves through the military and defence community right around the country, particularly in south Kildare where many members of that community reside. This documentary was a damning account by female operatives, both active duty and retired. These women detailed sexual assault and harassment from their male colleagues and supervisors in addition to a level of job discrimination against female members of the Defence Forces, especially those with children. These are not new allegations. Similar allegations have been made in the past. Recently on KFM Radio, Dr. Tom Clonan detailed his experience as a whistle-blower within the Defence Forces when he released his research into sexual misconduct in 2000. His allegations were not baseless or random but were contained within a full doctoral thesis that included in-depth interviews with more than 60 women who were soldiers, sailors and air crew. This research was presented to the Chief of Staff 21 years ago and nothing was done. Not only was nothing done, Dr. Clonan was treated like a pariah.

One of the most concerning aspects of this story is the alleged attempt by senior personnel to quash allegations of misconduct. It is clear the culture within the Defence Forces needs to be reformed and a more open and transparent mechanism is urgently needed to review allegations of any sexual misconduct. I acknowledge the announcement that an unbiased review will be conducted but it must be independent and transparent. That includes the personnel chosen to review the allegations. This review must have the confidence of every member of the Defence Forces and must be open to public scrutiny. The days of quiet back room dealings are over. The review must be transparent, must be public and must deal with the allegations effectively.

**Deputy Martin Heydon:** I am responding on behalf of the Minister for Defence who, unfortunately, cannot be present. The Minister, who is currently out of the country, has asked me to pass on his apologies to the House. On his behalf, I welcome the opportunity to respond to Senators Chambers and O'Loughlin on what is an important matter. The Minister and I have listened with concern to the women who recounted their experiences on the "Women of Honour" programme broadcast on RTÉ Radio 1 on 11 September 2021. Like many others, I was deeply struck by the personal accounts given in that programme. The Minister has reiterated

in the strongest terms that all members of the Defence Forces have the right to be treated with respect, equality and dignity, and to carry out their duties free from any form of sexual harassment, harassment or bullying.

As the Senators will be aware, progress has been made since the 2002 report of the external advisory committee on the Defence Forces, *The Challenge of a Workplace*. There have been three reports from the independent monitoring group, IMG, since the publication of the report in 2002, the latest in 2014. Practices and procedures have been put in place within the Defence Forces to address allegations of inappropriate behaviour, including sexual harassment, harassment and bullying. These practices and procedures are set out in regulation and policy documents. Support services have been put in place for members of the Defence Forces. Trained designated contact persons are available to provide confidential support services to personnel.

*3 o'clock*

In addition, a range of other support services are available to personnel and their families, including the personnel support service and the Inspire 24-7 helpline.

It is accepted, however, that further work needs to be done in this area. Extensive discussions have taken place in recent months on the terms of an independent review. This will examine the effectiveness of current policies and procedures for dealing with workplace issues such as dignity, bullying, harassment, sexual harassment and discrimination. As recently indicated by the Minister, the independent review will be conducted by independent and unbiased personnel. The draft terms of reference are being examined in light of the recent RTÉ programme, "Women of Honour". As the Senators may be aware, the Minister sought to meet the participants of the show, and he is very pleased they have accepted his invitation to meet them. A meeting will also take place this week between some of those participants and the Secretary General and senior officials in the Department of Defence. These meetings will provide an opportunity to hear the views of the women involved.

The Minister again urges those who may have suffered a serious wrong of a criminal nature, whether recent or historical, to report their concerns to An Garda Síochána, which has the lawful authority, skills and resources to investigate such matters. The Minister, the Government and the defence organisation are committed to providing a safe place of work for all employees. The proposed independent review and the outcome of the Commission on the Defence Forces, whose work is under way, will be important tools in fulfilling this commitment.

**Senator Lisa Chambers:** I very much welcome the fact there will be a meeting this week. Ultimately, those involved in "Women of Honour" will decide whether they are happy with the terms of reference and the review group that has been set up. We will take our lead from them, as I hope the Minister will as well. It is important to note that while the vast majority of the defence community love the organisation, they are disgusted and appalled by what they have heard, and they stand with those women, including all the representative organisations such as RACO, PDFORRA and RDFRA, which I hope will also be consulted and brought on board.

The power dynamic between a young recruit or cadet and somebody in a senior officer position is very unbalanced. What we heard in those stories was an abuse of that power, of authority and of rank. They have brought shame on the Defence Forces as an organisation and on those who have served and are still serving, and that needs to be addressed. We have to take our lead from the victims and ensure that whatever process is put in place is to their satisfaction, and

then we will support it.

**Senator Fiona O'Loughlin:** I would appreciate if the Minister of State could outline what specific support services he mentioned have been put in place. While I welcome the meetings that will take place between those involved in “Women of Honour” and the Secretary General and senior officials, it is important the issue of attempts by senior personnel to quash allegations of misconduct would also be discussed. What are Minister’s intentions in regard to dealing with that?

**Deputy Martin Heydon:** I assure the Senators the Minister, the Government and the Defence Forces are committed to providing a safe place of work for all employees. It is important the Minister meets the programme’s participants to listen to their views. I very much welcome that and take on board the points raised by the Senators in that regard. I reiterate that, irrespective of when such matters of a criminal nature may have occurred, the Minister has been clear in his advice that such serious allegations should be reported to An Garda Síochána, which has the powers and expertise to undertake the necessary investigations. I strongly urge anyone who may have been subject to any such alleged abuse or harassment to seek professional help and guidance, which is available from State agencies such as the HSE and from registered charities that specialise in this area.

To respond to Senator O’Loughlin, the designated contact persons within the Defence Forces are also available to support personnel. In addition, the personnel support service, PSS, within the Defence Forces assists members and their immediate family with the provision of information and advice on areas including stress management, counselling and referral options. I take on board the points raised by the Senators, and I am delighted to get the opportunity to have this matter aired in the House. I assure them of the process that lies ahead. It is important, in light of all the concerns raised, that the process concludes soon.

## Transport Policy

**Senator John McGahon:** I thank the Minister of State for attending the House. One of the reasons I bring up the concept of high-speed rail is that I have been a rail user for the past seven or eight years, commuting from Dundalk to Dublin. We have various issues with the rail infrastructure in this country. It is good to see a renewed focus from the Government in the programme for Government and in recent statements from the Minister for Transport, Deputy Eamon Ryan, and indeed the Minister for transport in Northern Ireland, Nichola Mallon, in relation to our all-island economy and a review of our all-island railway tracks.

Dublin to Belfast is about a two hour and ten minute journey, if you are going well. There are about eight direct trains between the two major cities on this island. For comparison, Liverpool to Manchester and Edinburgh to Glasgow are similar distances. They have up to 30 to 40 direct trains per day. What are the Government’s plans for high-speed rail? How ambitious are we about introducing high-speed rail on this island? What do we see as some of the pitfalls of it? What lessons can we learn from high-speed rail on the Continent, in China, Japan and Spain? They have faced issues we can use and take into the report that is being launched by the Government. I am keen to know how long the all-island report announced in April by both Ministers will take.

As research and preparation for this Commencement debate, I spent the past day or so

reading up on high-speed rail around the world. There are so many benefits. Clearly, there are environmental benefits. High-speed rail is comfortable, safe, flexible and, most important, gets people out of cars. It provides a safer transport alternative. The other issue is economic viability. The concept exists around the world that high-speed rail is a money pit but that is not the case. It has been profitable across the Continent and in Japan, which was the birthplace of high-speed rail in the 1960s. It creates jobs and provides a huge stimulus boost to local economies when it is being built. That is important to bear in mind. Naturally, there are energy savings associated with it.

By way of comparison, China has 26,800 km of high-speed rail, Spain has 3,100 km, Japan, 3,041 km, France, 3,220 km, and Germany, 3,038 km. High-speed rail provides a fast, reliable mode of transport. If we are to be serious about our climate commitments and the targets we have set for 2030 and 2050, high-speed rail has to play a part on this island. For me, that goes from Belfast, Dundalk, Dublin and then on to Cork. I would like an outline from the Minister of State and the Government of our views on high-speed rail, where we see it going and what we hope to achieve with it.

**Minister of State at the Department of Rural and Community Development (Deputy Joe O'Brien):** On behalf of my colleague, the Minister for Transport, Deputy Eamon Ryan, I thank the Senator for the opportunity to address this issue in the House.

The Government is committed to a fundamental change in the nature of transport in Ireland. As the Senator is no doubt aware, the Minister for Transport is a firm believer in the positive potential of increased and expanded sustainable transport options and the potential role for rail in that regard. The Minister has announced the all-island strategic rail review, which will be conducted in co-operation with Northern Ireland's Department for Infrastructure. This review will examine all aspects of interurban and inter-regional rail on the island of Ireland, including the Dublin to Belfast line. As committed to in the New Decade, New Approach agreement, the review will consider the potential for high and higher speed rail across various corridors, including the Dublin to Belfast line, and examine how to improve regional rail connectivity. The review will also consider the potential for rail freight on the island and examine the rail networks' connections to our international gateways, ports and airports. Another area of particular focus for the review will be examining the potential of rail to better connect the north west with the rest of the island. I am informed that the review has just commenced and will be completed by this time next year. I understand the Minister for Transport, Deputy Eamon Ryan, and the Minister for Infrastructure in Northern Ireland, Nichola Mallon, held a joint ministerial meeting with the consultants recently and both Ministers are hugely enthused about the review.

When completed, this review will provide the strategic backdrop to investment in our inter-urban and inter-regional rail network for the next 20 years or more and will be a hugely important piece of work. In the coming months, there will be a public consultation process as part of the review and I encourage everyone to make their voices heard during that process.

The review is not the only area in which Departments North and South are co-operating. As part of the development of the European Union's new PEACE PLUS programme, the Department of Transport, in co-operation with its northern colleagues in the Department for Infrastructure, submitted a proposal to expand and replace the existing Enterprise fleet on the Dublin to Belfast line. This is the largest single project included within the draft PEACE PLUS programme. Earlier this year, the Special EU Programmes Body proposed an indicative allocation of €165 million towards the project, which makes up almost 18% of the entire PEACE PLUS

funding available over the period to 2027. The project will see the Enterprise fleet completely replaced and expanded and facilitate a move toward an hourly service, which I know will be welcomed by all who live along the route.

The final PEACE PLUS programme is yet to be approved by the European Commission. However, I understand there is optimism that the strong support shown from both Departments and the Special EU Programmes Body should assist with the project being included in the approved programme. The timelines of that programme mean that, if included, we should see the new and expanded fleet on the network by 2027.

I look forward to hearing the Senator's views on what I hope we can agree are exciting developments in the context of North-South transport infrastructure. The longer-term framework to be established by the all-island strategic rail review provides an opportunity for us collectively to develop a vision for rail's potential on this island, while the shorter-term investment planned in the new Enterprise fleet will enable more and more people to choose sustainable options when travelling between the two largest cities on the island.

**Senator John McGahon:** That is a really excellent response from the Minister of State. I thank him for taking that to the House today. I will point out two things. We want to move towards an hourly service. That is exactly what we want to do and that is why it is so important that we have the review on inter-regional rail as well. For the Minister of State's constituency in north Dublin, the issue with the rail traffic coming from Belfast, Newry, Dundalk and Drogheda is the number of commuter trains that start in Laytown, Bettystown and Balbriggan. The problem is early morning commuter trains. Those commuter rails in the north Dublin and south Meath area block up the train line, which then slows down the intercity rail at the moment. It is, therefore, also about trying to resolve that issue in the wider context of this review. If we can resolve that, and one of the ways of doing so is through high-speed rail, it would make the issue easier for everyone involved.

The final point is that this is not just about providing faster commuter times from places like Dundalk or Drogheda into Dublin. It is about going the opposite way as well. We have very good companies and good jobs in the north east and if we can provide high-speed rail, we can attract people from Dublin out of our cities to live in our regions. That is the most important thing behind this whole debate.

**Deputy Joe O'Brien:** I thank the Senator. Again, on behalf of my colleague, the Minister of Transport, I assure the Senator that the potential for high-speed rail between Belfast, Dundalk and Dublin will be fully considered as part of the strategic rail review. As mentioned earlier, rather uniquely, this strategic rail review will be conducted on an all-island basis, in full co-operation with our colleagues in the Northern Ireland Executive, and will provide a holistic overview of the potential of rail, not just on this particular corridor but on the island. Importantly, it will also identify how we move our inter-urban and inter-regional rail services off fossil fuels and towards a decarbonised future, as we must, by 2050.

Having recently announced Arup as the successful consultant, work has now commenced on what promises to be a very important piece of work, and particularly so for the Belfast-Dundalk-Dublin rail corridor. The Senator should be assured that in the meantime, there will continue to be investment in the rail network on this corridor, be it through the previously referenced PEACE PLUS programme or indeed, the DART+ programme, which includes electrification of lines and services north of Dublin to Drogheda.

In conclusion, it should be noted that an important element of new projects in the years to come, including any developing of the Dublin to Belfast line and services, will, of course, be the revised allocations, as will be set out in the new national development plan. In this regard, a strategic rail review will act as an important framework to take the new projects forward in the year to come.

## **Rail Network**

**Senator Emer Currie:** I thank the Minister of State for coming here today. I wish to discuss with him the DART+ west upgrade. This is an extremely positive and essential project. It involves electrification of the line and an upgrade to the DART network which will bring services from the city centre to Maynooth, serving places such as Ashtown, Coolmine, Castleknock, Clonsilla and Hansfield. Capacity on the line will increase and the frequency of service will increase from six trains per hour to 12 trains per hour in each direction. Of course, it sets Dublin up as a sustainable city for housing development and economic development. It will also address the issue of the cost of congestion. The monetary value of the time lost to the economy is €350 million per annum and could increase to €2 billion by 2033.

There were reports last week of potential delays to MetroLink and DART+. I am seeking reassurance that the DART+ west project will go ahead as scheduled, that is, with capacity and frequency upgrades in 2025-27. That is really important.

Progress is not always straightforward and this project will involve the closure of level crossings. The report states that the closures are essential but it is very difficult for communities to potentially have parts of the community cut off by the closure of the level crossings or to have big infrastructure coming into the area and having an impact. As such, it has to be handled sensitively and transparently.

The first public consultation was held from 26 August to 21 October last year. That was in the middle of level 2 and level 3 restrictions. Only one of the areas that I engage with really mobilised as a community around those proposals because awareness of them was low and, of course, members of the community could not engage with each other. They did so under a cloud of stress. Of all the consultations I have engaged with, this was the one about which people were most stressed about because they were not allowed to meet or to knock on doors. The awareness generated by the leaflet was not very detailed and the devil is in the detail. How does one mobilise a team in those circumstances? The particular community to which I refer did so and two options were added post the consultation. That shows the importance of two-way engagement.

I was hoping that the importance of two-way engagement would be taken on board as part of the second public consultation. Unfortunately, it was launched during the summer. It started on 27 July and was to end at the beginning of September. The consultation period has been pushed out to 29 September but only because a lot of fuss was caused. The people who were not as involved in previous consultations may not have known that it was likely that the closing date would be pushed out, as has been the case for other public consultations. The Seanad is only just back from the summer recess and this is my first opportunity to raise this issue.

Many in the communities affected are relying on people who own businesses in the area, such as Ashtown Stables, to act on behalf of the communities. This is a community that is just

getting to grips with the changes that are being proposed but the members of the public who attended a public consultation meeting that was arranged last week were muted, so there was no facility for engagement apart from chat. I cannot tell the Minister of State how that made people feel. Many people in the areas cannot use the Internet to access information and they cannot meet up in the way they are used to doing. The consultation took place during the summer holidays and now they were muted for the second extended consultation. I would value the thoughts of the Minister of State on that.

**Deputy Joe O'Brien:** I thank the Senator on behalf of my colleague, the Minister for Transport, Deputy Eamon Ryan, for the opportunity to address this issue in the House. The DART+ programme will transform rail services in the greater Dublin area. It will double capacity and introduce DART-level all-day services across the network, stretching from Drogheda in the north to Maynooth and Hazelhatch in the west, with improvements also planned on the coastal line. It is important to note that the overall DART+ programme is made up of several projects, each at different stages of development and moving at different speeds. There are five major projects - DART+ west, DART+ south west, DART+ coastal north, DART+ coastal south and DART+ fleet. Of the various projects, DART+ west and DART+ fleet are the most advanced.

There are two key impending milestones. First, there is the Government's approval of the preliminary business case and, second, there is the submission of a railway order application in respect of DART+ west. On the first milestone, I understand the Department of Transport has received a preliminary business case and that the preliminary business case is under review, as required by the public spending code. For major projects such as DART+ the public spending code requires a Government decision and the Minister for Transport expects to bring the matter to the Government for its decision in the fourth quarter. If approved by the Government, that will allow the contracts to be signed in respect of DART+ fleet and will also allow DART+ west move into the statutory planning system, subject to the completion of the necessary planning and environmental documentation. The second impending milestone is the submission of the railway order application. As I mentioned, that application requires the finalisation of an extensive set of documentation, including environmental impact assessment reports. That work is ongoing.

In addition, Iarnród Éireann has been engaging with communities and stakeholders as part of the non-statutory public consultation process to better inform the development of DART+ west. Issues raised during this consultation process need to be fully considered by the company and appropriately addressed. This can take some time to complete. Following the first non-statutory consultation process on the emerging preferred route, Iarnród Éireann used the feedback received from citizens and public representatives to inform the design process for the preferred option, which is currently subject to another round of public consultation. I understand particular issues have been raised as part of this round of public consultation which will require further consideration by Iarnród Éireann before it will be ready to finalise the railway order. I am informed that the public consultation process is continuing to the end of this month. After that, Iarnród Éireann will reflect on the issues raised and consider an appropriate response.

These consultation processes have been held online as, obviously, they have had to adjust to the Covid restrictions imposed upon society over the last 18 months or so. There are those, including the Senator, who say online consultation is no substitute for in-person events. The Senator may well have a point, but the alternative would have been to postpone all progress on the project. I do not believe people were advocating that. However, I will refer the Senator's specific point regarding the inability to interact fully on the online forums to the Minister. Once

a railway order application is made there will be further opportunities for citizens, public representatives and stakeholders to make their views known during the statutory planning process.

Projects such as DART+ are transformative because of the change they will introduce to our lives and I assure the Senator that this Government believes in properly and positively communicating that change to citizens and communities. I encourage everyone to participate fully in these consultation processes and in the later railway order process.

**Senator Emer Currie:** This is about having confidence in the process. I agree that the restrictions meant that changes had to be made to the process. Irish Rail showed that it was listening to the concerns of Coolmine after the first consultation process. Although that has not solved all the problems, it has got us to this point. However, this is serious. People do not just want to know that one has listened, but also that one is listening. If there is a visible mute and a person is muted in a meeting where there should be engagement, that gives all the wrong messages.

The cost of making a submission on the railway order is €50. If this goes through in the planning application as part of the railway order, the community has to pay €50 for a submission. That is a huge amount of money. At present, the community is leading this, such as the people in Ashtown Stables, Navan Road Community Council and the community of Coolmine. It is too much pressure at a stressful point in everyone's lives, coming through Covid, during Covid and after Covid. The best thing to do is to extend this by another month and engage with them properly. If it is possible to do something similar to BusConnects, where there is a room that people can visit under Covid restrictions, with people fully vaccinated and managing the numbers, that might be a way to regain the confidence of this community.

**Deputy Joe O'Brien:** I believe we can all agree on the importance of DART+ and the importance of improved and expanded public transport generally. DART+ represents the largest ever investment in our rail infrastructure and services. The Minister for Transport will soon bring a memorandum to Government seeking approval for that programme to enable it to move forward to the next decision gate under the public spending code. This will be a significant step forward. Along with DART+ fleet, DART+ west is the most advanced element of the programme and the Minister will seek Government approval for it to enter the planning system. DART+ west is fundamentally important to the overall programme and is the key enabler of the rest of DART+. This is why I ask all interested parties to engage with the ongoing public consultation process to inform and be informed as regards the preferred option.

Once the current public consultation process is over, Iarnród Éireann will consider the views expressed by citizens and public representatives before it finalises its railway order application. With DART+ fleet at an advanced stage and the progression of DART+ west ongoing, the benefits of the overall programme, particularly as regards the capacity and availability of DART services, will soon be evident to all. In advance of the Maynooth line, train users will start to benefit from 2023 from the arrival of new carriages to the existing fleet, which will also be warmly welcomed by residents in the area.

I look forward to seeing the DART+ programme progress in the coming years in respect of the development of and the progressing of DART+ west as much as, I am sure, the Minister and the Senator do. I will bring her specific request in respect of public consultation directly to the Minister.

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## **Water Pollution**

**Senator Malcolm Byrne:** I wish to raise the contamination of the water supplies at Gorey and Ballymore Eustace recently. The Minister of State will be aware of the report of the Environmental Protection Agency, EPA, which was quite damning of the failures of the relevant authorities. What is particularly important is the need to restore public trust in our public water supply.

I will refer to the incidents in Gorey because I experienced them. From engaging with people in the local community, I know exactly what happened. It is now clear that between 19 and 24 August, following a systems failure at the Creagh water treatment plant in Gorey, contaminants entered the water and in subsequent days, significant numbers of people became ill. We understand that there can be systems failures but the difficulty in this instance was that as the illnesses began to be reported to Irish Water and Wexford County Council and as a number of local councillors and I also began to report them, we kept being told by the relevant authorities that there was no problem, the water was safe and there was no issue. We placed our trust in those agencies, yet, at the same time, we knew the evidence on the ground was mounting. It was clear it was coming from the western side of town, which was serviced by the Creagh plant. We knew from local GPs and hospitals. Pharmacies were selling out of Imodium tablets. We knew the stories were mounting. It was only towards the end of August and into early September that there was finally an acknowledgement that there was a problem. We have heard the reports about the 52 people who presented to GPs and hospitals but that does not capture the full story. These people are family and friends. There are people with whom I grew up and whom I know well who were seriously ill during this period, including pregnant women, a father and husband who is undergoing chemotherapy, elderly and vulnerable people who were simply coming for family dinner at various houses and people who had cramps and were vomiting and passing blood, which are the most horrible of experiences. I have been talking to people who have been experiencing all of this. There were people who, on the basis they were told there was no problem with the water, went and got Covid tests, assuming that they had Covid. There was a period when people were being told the water was fine and there was no problem. Subsequently we discovered there was a case. While the systems failure was bad, the failure in communications was particularly appalling. The difficulty now for those of us who, for a long time, have defended agencies on the basis that we place our trust in professionals is that the trust is not there. What happened in Gorey could happen in any other part of the country.

We have met the Minister, Deputy Darragh O'Brien. In fairness to him, he seized the issue and has ordered a review of all of the plants. There is now a serious question on the lack of public trust in our public water supply, certainly in the Gorey area, and how Irish Water and local authorities manage this. I am particularly concerned as more powers are going to be transferred to Irish Water that if instances such as this arise in the future what level of accountability we as elected representatives will have from this utility. This is something about which there is still considerable anger in my community. I certainly hope it would never be experienced by any other local area.

**Minister of State at the Department of Housing, Local Government and Heritage (Deputy Peter Burke):** I thank Senator Byrne for his Commencement matter on this very important issue. In a letter to the Department of Housing, Local Government and Heritage last week, the Environmental Protection Agency, EPA, outlined two serious incidents in recent weeks that occurred in drinking water plants. These were in the Ballymore Eustace water treat-

ment plant which serves parts of Dublin city, and the plant that serves Gorey in County Wexford, as the Senator referenced. In the case of Gorey, the incident included illnesses detected by the HSE in the community served by that water supply. It is important to note these incidents have been rectified and the water supply from the two plants is now safe to drink.

In its letter, the EPA stated an abject failure in management oversight, operational control and responsiveness at two public water treatment plants had allowed unsafe water to enter the public drinking water supply and endanger public health. As the Senator quite rightly pointed out, the Minister, Deputy O'Brien, and the Government find the failures identified by the EPA unacceptable. People's safety is paramount. Following receipt of the letter, the Minister, Deputy O'Brien, met the managing director of Irish Water as well as the chief executives of Dublin City Council and Wexford County Council at the weekend. The Minister has requested that Irish Water immediately undertake an audit of water treatment plants throughout the country. It will prioritise the largest 20 treatment plants, visiting each of them to ensure proper processes are in place to deal with and escalate any incident that may arise. This is key to having public confidence in our water treatment plants.

Irish Water's managing director and the local authority chief executives assured the Minister of their full co-operation and that their organisations would work together in full co-operation to put in place any urgent and necessary corrective measures. Irish Water will work with each local authority in the coming two weeks to conduct refresher training on incident reporting for all plants throughout the country. Where appropriate, Irish Water will put its own staff on site to ensure the continued safety of water treatment plants.

Ultimately there are limitations to the current working arrangements between Irish Water and local authorities and this is impacting on the delivery of services. One of the first initiatives the Minister advanced on taking office was to develop a Government policy paper on the steps required to transform Irish Water into a proper unified national utility. A process is under way with the Workplace Relations Commission to deliver transformation of this service. The Minister has also requested that Irish Water and local authorities take further steps to improve Irish Water's control of all water service plants in the immediate term pending the implementation of the agreed longer-term operational and staffing arrangements. On 4 October, the Minister will again meet Irish Water and local authorities on this very question.

**Senator Malcolm Byrne:** I thank the Minister of State, who is aware that reports will come quite soon from the HSE on the scale of the medical problems that arose in the course of this period. We know that at least 52 cases have been reported but there may be more. I hope the report will be published as quickly as possible. It would be appropriate at that time for the Minister of State or the Minister, Deputy Darragh O'Brien, to come to the House to discuss the report's findings.

I was on "Morning Ireland" on RTÉ Radio 1 yesterday and I heard the chief executive of Irish Water respond on the matter. There seems to be an effort there to try to shift some of the blame to Wexford County Council. I have spoken with the chief executive of the council and I hope there is no effort to shift the blame to Irish Water. The affected people want full accountability and a full explanation of exactly what happened and why, when all the evidence was mounting, their voices were not heard properly. They also want to know the measures being put in place. That report from the HSE should be published as quickly as possible and either the Minister of State or the Minister should come to this House to present both that report and the findings of the full review of the audit of all the water plants around the country. That would

restore confidence.

**Deputy Peter Burke:** I thank the Senator for his comments and for, quite rightly, pointing out the difficulties in this matter. I agree with him on the question of transparency and when the report is delivered it should be scrutinised by these Houses. I also mentioned the importance of people having confidence in our water supply and I can assure the House that everything is being done through this audit to ensure those processes are in place.

I also agree with the Senator about the chief executive of Wexford County Council. I have heard great reports about him and I know the local authority sector is doing major work in responding to many issues. We have witnessed throughout the Covid-19 pandemic how that sector has protected the most vulnerable people in getting community calls up and running within 24 or 48 hours. It was incredible work.

I am sure we can all work together with Irish Water and the Wexford and Dublin chief executives and their organisations. We will resolve this. That commitment is firm because public confidence and safety is paramount when it comes to our watercourses.

### **Childcare Sector**

**Senator Paul Gavan:** It is nice to see the Minister and I thank him for coming in. He will recall that last year I thought we had a good exchange on the crisis in the childcare sector and the urgent need to address overall funding and particular funding directed to worker wages in that sector. Currently, it costs parents €186 per week per child in childcare, which is a shocking amount. At the same time we have the worst-paid childcare workers in Europe. It equates to the most expensive childcare and the worst-paid workers in Europe.

Right now 55% of early years assistants are paid just €11.91 per hour. We can compare that with Germany, where rates vary between €18 and €30. In the Netherlands, the rate is €26 and, in France, it is €19. We are consistently bottom of the league when it comes to childcare. I commend the Big Start coalition, which comprises my union, SIPTU and a host of other actors, including the Irish Congress of Trade Unions, the Association of Childhood Professionals, the National Women's Council of Ireland and others. They have come together to address this matter.

This is my sixth year before a budget standing up to demand action on childcare, particularly for front-line childcare workers. The most recent survey from the Big Start coalition makes one thing clear, and it is something on which we disagreed last year. The Minister told me the sector was not in crisis but it most definitely is. The most extensive survey yet by the Big Start coalition tells us that right now the turnover rate is 40%. We can think about the impact that is having on the quality of childcare. A total of 44% of workers said they will not work in the sector for long and they are actively looking to leave. Worse than that, 80% have said that unless things change in the next year, they will leave as well. Let us make no mistake but that the sector is in crisis. Right now, unfortunately, there are crèches working below the required minimum staffing ratio. There are crèches that are, unfortunately, hiring staff that are not qualified. That is the extent of the crisis happening right now.

The good news, which I acknowledge, is that the Minister has been engaged in setting up what I hope will be a joint labour committee, JLC. That is crucial and the Minister mentioned

that to me last year. I want to understand something about this budget. Some six years on from me raising this issue and ten years on from the start of that campaign, is the Government going to deliver for childcare workers and is the Minister going to ensure not only that the JLC is set up for these workers but that adequate funding is in place? The asks are simple and I ask the Minister to confirm that the Government will meet these asks in the upcoming budget. The ask is that we lift all childcare workers out of the range of being paid below a living wage. That is an easy task to accomplish. It will cost €75 million.

At the same time, it is also imperative that the Government cuts the cost of childcare for hard-pressed parents. The ask from SIPTU is for €75 million to cut the cost of childcare by just €35 per week. That is a reasonable request in these circumstances. I was chatting to colleagues in the Council of Europe last week and they told me how childcare operates across the rest of Europe, where the state steps in, there is a national model of childcare and the average cost to parents is as little as €150 to €200 per month. We are paying that amount per week. We urgently need action.

The key point is that I hope the Minister will be able to tell us that he will deliver this year. I know he has put some of the building blocks in place but we need to see a JLC set up and we need to see childcare workers being able to negotiate their own pay and conditions, including sick pay. The Minister should not forget that so many of these workers have to suffer the indignity of signing on every summer. Let us bring that to an end. We have waited too long already. I am hoping that the Minister will give me positive news ahead of this year's budget and the negotiations the Government has had already and that the Government will deliver for childcare workers across this State.

**Minister for Children, Equality, Disability, Integration and Youth (Deputy Roderic O’Gorman):** I thank the Senator for raising this issue, which my Department is monitoring on an ongoing basis and through formal reviews. The level of pay in the sector does not reflect the value of the work that early learning and care and school-age childcare practitioners do for children, families, society and our economy. I am doing all that is in my power to address this issue.

However, as the Senator knows, my Department is not the employer, it does not set wage rates and it does not determine working conditions for staff working in the sector. That said, my Department has, over a number of years, provided a range of supports to service providers to enable them to improve wages and working conditions. These include a year-on-year increase in State funding, higher capitation payment rates for graduates working in the sector and support for school-age childcare to make it easier for providers to offer full-time and full-year employment contracts. The most recent published data from Pobal indicate that the average hourly wage in the sector was €12.45 in 2020, which was 4% higher than in the previous year. However, I am also aware that there is considerable variation in wages in the sector, and approximately 56% of early learning and care practitioners earned less than €12.30 per hour in 2020. As we know and as the Senator referenced, many such practitioners work part-time or on temporary contracts.

In order to see how we can address this, last December, working in conjunction with SIPTU and Childhood Services Ireland, which is an IBEC trade association, I began a short process in which interested parties were invited to discuss how best to address pay and conditions in the sector and how a JLC might support this. I appointed Dr. Kevin Duffy, former chair of the Labour Court, to be the independent chair of this process. Dr. Duffy made a clear recommendation that the JLC was the way forward. On foot of Dr. Duffy's report, I wrote to the Minister of

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State at the Department of Enterprise, Trade and Employment, Deputy English, recommending the establishment of a JLC. At the end of June, the Minister of State, Deputy English, signed the establishment order for a JLC for the early years sector. I see that as a significant and welcome development. That move has been welcomed by both employers and the trade unions in the sector. In addition to the JLC process, and following two years of in-depth work, an expert group is due to report this November with recommendations for a new funding model which will structure investment to deliver on the objectives of affordability, quality, inclusion and sustainability. The expert group's recommendations may offer new avenues through which the State can support service providers to improve pay and to meet the requirements of any future employment regulation order that may arise from the JLC, as well as addressing the issue of parental fees, which the Deputy focused on.

We discussed the question of sick pay last year. The best approach is the one the Government is taking in terms of a worker-wide approach to the issue of sick pay. As the Senator knows, on 9 June this year the Tánaiste announced details of the Government's plan to introduce legislation to give all workers the right to paid sick leave. It is to start next year with three days, and this is to increase to five days in 2023 and seven in 2024. That is a positive step for this sector, but also for all workers.

Childcare is a priority for me in my engagement on the budget this year. My officials and I were engaging very significantly with the Department of Public Expenditure and Reform on this particular issue. Obviously, as the Senator knows, I cannot tell him the outcomes of my engagements here today but the priority is a key one for me. I have met the Big Start coalition. I have had significant engagement with SIPTU on this issue, which I believe it would recognise, but all of this is subject to a budgetary process of which we are still very much in the middle.

**Senator Paul Gavan:** I thank the Minister. I acknowledge that it is a good, positive response from him. It is really important to acknowledge when Ministers engage fully and sincerely with workers and their representatives. I acknowledge that the Minister has done that.

Let me outline my key ask. The Minister has put the building blocks in place. A joint labour committee is essential. That is how we address the issue of low pay in the sector in a way that allows for the establishment of a floor in terms of wages and decency for the very first time. The key negotiation now for the Minister is with the Department of Public Expenditure and Reform and the Minister for Finance. I put it to the Minister for Children, Equality, Disability, Integration and Youth very directly that he has to deliver. All the work he has done is significant but if the Department of Public Expenditure and Reform is going to say "Not this year, not this time", it will be too late for the workers in question, who have already waited too long. I am aware the Minister said addressing this is his top priority, and I believe him in respect of that, but he needs to deliver because there will be no hiding place for the workers at the front line in the sector if he does not deliver on this budget.

**Deputy Roderic O'Gorman:** I hope we can continue to grow the very significant amount of investment the State already puts into childcare. We have to remember that €638 million is going into the sector right now, plus the supports-----

**Senator Paul Gavan:** Bottom of the league in Europe.

**Deputy Roderic O'Gorman:** -----we are providing in the context of the employment wage subsidy scheme, in respect of which, as the Senator knows, I was able to negotiate a sector-

wide exemption. The Senator is absolutely right, however, that we are not putting enough into childcare as a country. We started investing in childcare only ten years ago. Those countries that the Senator rightly makes a comparison with identified years ago, as part of their social model, the importance of childcare. That has happened only recently in Ireland. Therefore, we are running to catch up from a standing start. Previous Ministers have brought us to a position where we have €638 million. I want to ensure that future investment is giving us outcomes, those outcomes being better wages for those in the sector, affordability for parents and quality. That the expert group on the funding model will be reporting in the coming months will give us a mechanism for achieving these.

*Sitting suspended at 3.48 p.m. and resumed at 4.05 p.m.*

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

**An Cathaoirleach:** I thank Members very much for coming in this afternoon on our first day back in full session in the Seanad Chamber. I particularly thank Senator Moynihan for coming back after getting married at the weekend. It shows dedication to the cause that she would-----

*(Interruptions).*

**An Cathaoirleach:** I congratulate the Senator. As is traditional, we mark not only Senator Moynihan's wedding, but the national days of our European colleagues. Malta today celebrates its independence day, having gained its independence in 1964. As two island nations on the periphery of Europe, Ireland and Malta share certain historical experiences. Ireland and Malta struggled for a long time for independence. Our two countries share a rich maritime heritage and, of course, we are both neutral nations. Our diplomatic relationships were established in 1990 and the long-standing relationships between our people and our shared membership of the European Union make sure that our friendship grows stronger each year. The Maltese city of Floriana has a football club affectionately known as Tal-Irish, the Irish. The reason for this is that, when the Royal Dublin Fusiliers were playing football against the local team in the 20th century, the fusiliers donated their kit, which was green and white, to the local team. Ever since, and to this very day, the club has worn those colours. I wish the ambassador, H.E. Leonard Sacco, and the Maltese people in Ireland and around the world a very happy independence day. *Viva Malta indipendenti.*

To add one more welcome, I welcome Senator Norris back to the House. It is always a pleasure to have the father of the House here. I call on the Leader to outline the Order of Business.

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

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**Senator Regina Doherty:** I thank the Cathaoirleach and welcome everybody back. I am looking forward to a very fruitful session.

Today's Order of Business is No. 1, motion regarding the taking of divisions in the Seanad Chamber, to be taken on conclusion of the Order of Business, without debate; No. 2, motion regarding the address to the Seanad by the MEPs representing the European Parliament Midlands North-West constituency, to be taken on conclusion of No. 1, without debate; No. 3, motion regarding the appointment of a member to the Committee on Parliamentary Privileges and Oversight, to be taken on conclusion of No. 2, without debate; No. 4, motion regarding pre-legislative scrutiny waiver requests, to be taken on conclusion of No. 3, without debate; No. 76, motion 1, regarding bullying and sexual harassment in third level institutions, to be taken at 5.30 p.m. or 15 minutes after the conclusion of No. 4, whichever is the later, with the time allocated to this debate not to exceed two hours; and No. 5, motion regarding Ireland's opt-in to a proposal for a Council decision to extend the time period to exchange DNA profiles and fingerprints with the United Kingdom, to be taken at 7.45 p.m. or 15 minutes after the conclusion of No. 76(1), whichever is the later, and to conclude after 45 minutes, with the opening statement of the Minister not to exceed five minutes, the time allocated to group spokespersons not to exceed five minutes and the Minister to be given no less than five minutes to reply to the debate.

**An Leas-Chathaoirleach:** At the outset, I join with the felicitous remarks of our Cathaoirleach. I will not repeat them as that is not helpful but nobody would take issue if I again mention that we are delighted about Senator Moynihan's good news. The Deputy Leader will not have an issue with me calling on the father of the House first. It is great to have Senator Norris here.

**Senator David Norris:** I thank the Leas-Chathaoirleach very much. It is nice to be back here among all my friends. I will raise the issue of the controversy surrounding the appointment of Katherine Zappone. I am not terribly close to her, although I know her reasonably well, but I believe she has been treated extremely badly. Curiously enough, I was the person who introduced the amendment committing the Government to advertise government positions, so it is an unusual situation to find myself in. I cannot think of anybody who would be better suited to the role than Katherine Zappone. She has a very remarkable record in gay rights in Ireland, she has an international reputation and she has contacts. Who will replace her? I suggest to members of the Government that they look at the people who were involved in the "Yes" side during the marriage equality referendum campaign because they have a great deal of talent. That they succeeded in getting the "Yes" idea through to the Irish people was a remarkable achievement. I wanted to come to the House today to remark on the situation regarding Katherine Zappone and to say that she has not been treated terribly well. We have missed a great opportunity for somebody with her talents, contacts and knowledge to represent us at the United Nations.

**Senator Lisa Chambers:** It is great to be back in the Chamber and to have our home reinstated. I have raised this first issue on many occasions with the Leader and with colleagues in this House, which is the maternity restrictions that still exist in our 19 maternity hospitals and units throughout the country. I thank the Leader for taking the initiative in bringing together an all-party Oireachtas group of female Members to try to bring this matter to a resolution and to advocate on behalf of women and their partners throughout the country, who have been subjected to very cruel restrictions that are still in place while other restrictions are being lifted across the board. We have been talking to, and liaising with, the campaign group Better Maternity Care, which is doing fantastic work in providing a voice for women and their partners throughout the country.

All Members will agree that when we saw the story that came to the fore about an RTÉ camera crew and staff being allowed into the Rotunda Hospital to record a television programme, while partners and fathers waited in the car park outside as their babies were being born inside, was less than satisfactory. I would still love to find out the clinical reason why that was permitted and considered safe, yet it was not considered safe or appropriate for partners and fathers to be inside.

I would welcome the Leader again using her office and the collective strength of this House to try to get a resolution to this matter. I pose the question - who is making the decisions? We have clear, national guidelines from the director of the HSE, Paul Reid, the Minister for Health and the Taoiseach, yet hospitals continue to exercise a considerable degree of discretion locally that, in my view, is way beyond their remit. If additional capacity or new measures need to be put in place, then let us hear the plan because simply saying restrictions will stay in place until it suits hospitals for them not to be, is not a plan at all.

The second issue I will raise is the return of workers to the office yesterday. I wish all of them, and their employers, well, but issues are already starting to emerge around the return to the workplace. One of these is the difficult position employers find themselves in in that they cannot ask a worker if he or she has been vaccinated because it is seen as infringing on that person's civil liberties. That is fine, but there is a different approach to somebody who has been a close contact of someone who has Covid-19. If you are vaccinated, you do not need to self-isolate; if you are not vaccinated, you do. In the workplace, we do not know who should be adhering to what regulation because nobody knows the person's history, nor should they.

There is a considerable grey area around how workplaces will now function with the regulations that are still in place. Employers are finding themselves in a very difficult position, as are employees. We promised employees we would take to a new way of working, that there would be a facility to work from home where possible and that we would put legislation in place to facilitate workers' requests for a work-from-home situation to their employers. That is not in place yet but people are back in the workplace so there is a gap that needs to be filled by Government. Clearer rules and regulations around how the new workplace will now work are needed to give employers and employees the certainty they very much need.

**Senator Seán Kyne:** As Members know, Ireland has set a target to achieve 70% energy generation from renewables by 2030. With that in mind, there was some recent news regarding the Macquarie Green Investment Group, GIG, having acquired Fuinneamh Sceirde Teoranta, the developer of a project off the west coast, namely, a proposal for a 400 MW offshore wind farm capable of generating enough energy to power the equivalent of up to 295,000 homes. This development was recently designated as one of seven developments with relevant project status by the Department of Environment, Climate Action and Communications and it positions the Sceirde Rocks development to be in the first wave of offshore wind projects in Ireland for delivery by 2030.

Cuirim fáilte roimh an nuacht go bhfuil togra na Cloiche Sceirde ainmnithe mar cheann de na seacht tograí le stádas ábhartha ag an Roinn Comhshaoil, Aeráide agus Cumarsáide. Tá an comhlacht a thosaigh ag obair ar an togra seo ceannaithe ag Macquarie GIG. Tá sé molta sa togra seo feirm ghaoithe 400 MW a thógáil a bheadh in ann fuinneamh a ghiniúnt d'os cionn 295,000 teach. Táimid dóchasach go mbeidh an togra seo mar bhuntáiste do chás calafort Ros an Mhíl. Freisin, tá sé geallta leis an togra seo go mbeidh ciste éigin nó maoiniú a rachaidh chun tairbhe do cheantar Iorras Aithneach agus Chonamara theas.

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I certainly welcome the acquisition of this development, which will put Galway on the cutting edge of offshore wind technology. We know the importance of offshore wind capability in regard to Ireland's plans and targets for renewables. Nevertheless, we have recently seen in the media concerns about energy security and these plans for offshore wind are for the medium to long term, although legislation on the planning process for these developments is due to come through the Houses this autumn, which is welcome. Decisions have been made regarding peat burning and there are questions regarding the future of Moneypoint. The Celtic interconnector with France, which aims to provide that energy security, has been progressing for some time, and there are some wonderful projects to address issues with solar and wind grid connections throughout the country.

I call for a debate on the issue of energy security with the Minister, Deputy Eamon Ryan, and whoever else is needed. Speculation on energy security is a concern in the context of certain projects. Intel, for example, is considering locating a new plant in Ireland and there may be concerns regarding our capabilities to provide a consistent, constant and regular supply of energy. We should, therefore, invite the Minister to appear before the House for a full debate on the issue as soon as possible.

**Senator Pippa Hackett:** I congratulate Senator Moynihan on her marriage and wish her and her husband every best wish for the future. I echo Senator Chambers's statement on maternity restrictions and concur with everything she said.

It is a real thrill when places we know or are dear to us are recognised. I felt pure joy, as well as a strong sense of pride, when I saw that three midlands towns had made it onto *The Irish Times's* list of the 20 best places to live in Ireland. Tullamore, Abbeyleix and Ballinakill were all there, on a list of only 20 that covered the entire country. That is pretty impressive and it emphasised to me the need for us to take time every so often to recognise and celebrate what we have. I think we know instinctively how important it is to do this. When we are abroad or we meet people who have visited here, we are only too ready to lap up and agree with their insights into how easy it is to feel at home here, but when we are at home, we perhaps slip a little too easily into focusing on the negative. While there are things we can and must do better, and ways in which we could and should improve, in so many ways Ireland is a wonderful place, and the midlands has much of what is best about it.

Accordingly, I congratulate Tullamore, Abbeyleix and Ballinakill and will now tell those who do not know much about them why they are so special. Tullamore is a large town located in the middle of the country. The Grand Canal runs through it and it has a harbour. While there are still some empty premises, the town centre is busy and bustling, with pilot pedestrianisation, outdoor dining and wonderful streetscape enhancement works that brought it to life this summer. Ballinakill has much to offer too. It is known as the town of the woods and has an entrancing 18th-century landscape in Heywood Gardens. Its most unusual feature, an outdoor heated swimming pool, thrived this summer thanks to the work of the dedicated community there. As for Abbeyleix, it is a pretty heritage town and is leading the way in the fight against climate change. Its town centre has a fantastic NeighbourWood project while its precious amenity bog will host the community wetlands forum next week.

Tullamore, Ballinakill, Abbeyleix and many other towns like them are places where people feel connected and part of the community. We need more of that and this Government is working hard to provide it. We have a rural future policy as well as a town centres first policy. We are connecting people with broadband and active travel infrastructure and supporting job cre-

ation through the just transition fund. The sense of community can easily get lost in cities, as well as in isolated rural homes miles from a local village. However, in many of our towns and villages, community is thriving. Let us recognise, value, celebrate and nurture that.

**Senator Niall Ó Donnghaile:** Ba mhaith liom mo chomhghairdeas a dhéanamh leis an Seanadóir Moynihan agus a fear cheile nua. Congratulations. I acknowledge and commend the President, Michael D. Higgins, on his many acts of reconciliation and peace-building over many years in elected office, with a majority of people-----

**An Leas-Chathaoirleach:** Under the separation of powers, the situation in this House and in the Dáil is that we are not allowed to comment on the President or his office. I am not impugning anyone. I am being helpful.

**Senator Niall Ó Donnghaile:** Ceart go leor. The Leas-Chathaoirleach's role is to keep us right, so he can consider me kept right. I will try to be as creative as other colleagues in making my next contribution, seeing that it is the first day back and all. There is no leeway, it seems.

**An Leas-Chathaoirleach:** The Senator can speak about events, etc.

**Senator Niall Ó Donnghaile:** I suppose "events, dear boy", events have proven that the debate as we mark our way through the decade of centenaries is live. The debate around partition, not just the historic legacy but the malign impact it still has on our lives, is in the political realm 100 years later and should not be shied away from, but should be addressed.

**An Leas-Chathaoirleach:** Ten out of ten for creative work.

**Senator Niall Ó Donnghaile:** I noted some discussion in the public discourse around the correct use of titles. Without commenting on the President or the office-----

**An Leas-Chathaoirleach:** The Senator cannot even imply----

**Senator Niall Ó Donnghaile:** I could not even imply. I think it keeps me on safe political ground to say that, while the President is in office, not all of us can vote for the President. As I have raised often in this House, I think it is a programme for Government commitment. We have reached a time past the restrictions where the referendum committed to to extend voting rights to citizens in the North and among our diaspora should be outlined. I ask the Leader to raise that with her Government colleagues as a matter of urgency. It is an issue that needs to be addressed and one the Government has committed to.

I did not want to let today pass without noting the tragic death of Antrim GAA hero Anto Finnegan at the weekend. Anto was a GAA hero for the county on the pitch. In recent years, following his diagnosis with motor neurone disease, he became an ardent campaigner in raising awareness about that horrible and awful disease. I extend what are, I am sure, our collective sympathies to his wife Alison, son Conall and daughter Ava. I hope I will get an opportunity at a further Order of Business to reflect a bit more on Anto and the contribution he made in life.

**An Leas-Chathaoirleach:** I thank Senator Ó Donnghaile very much. Indeed, we all want to be associated with those words. I also thank him for his co-operation on the other very sensitive matter. It is my pleasure to call Senator Moynihan and again congratulate her.

**Senator Rebecca Moynihan:** I thank the Leas-Chathaoirleach and all the Senators for the warm congratulations. I have not used this term yet but I am going to tell my husband. He will

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be delighted to know he will get onto the record of the House on our marriage. It was a great day and we are very lucky to live in a lovely village where our neighbours sent us off with a street party and we were able to walk down to the venue and the pub. I felt like I was getting married in the 1960s rather than having a big fancy wedding.

I wish to raise the issue of rents, which has been a popular topic in the news today. Before we left this House before the summer, one of the things the Government put through in the Affordable Housing Bill was linking rents to the consumer price index, CPI, which was, and still is, very welcome because, over time, that will ensure rents do not run away with themselves. How far they ran away with themselves in Ireland has been well documented. In a EUROSTAT report in 2020, rents in Ireland were up 61.8% whereas the European average was 14.9%. That points to a real crisis in terms of rent in this country. Even last year, it was up 7% outside of Dublin. In addition, we see worrying signs that inflation is rising again because of energy costs and we will potentially have the same increase in rents we had in the rent pressure zones, which were becoming a target.

I ask the Government to look at that issue again. While linking it to the CPI is welcome, I propose a temporary rent freeze. We in the Labour Party are calling for a three-year rent freeze. I ask that Government colleagues consider supporting our renters' rights Bill, which is being brought before the Dáil tomorrow by Deputy Bacik. There are many very constructive points in that Bill. I believe everybody across the board would like to see more protection being given to renters. Small things are also included in that Bill, which will have a big impact on people's quality of life, such as being able to keep pets. I am dealing with a case at the moment where a family has had their dog for seven years and they are being told they have to give up their pet to stay in their rental accommodation. There are many very constructive points in the Bill that will bring rental standards in line with European norms and give people security of tenure. I ask, therefore, that the Government allows that to go through to Second Stage and Committee Stage and works with us on bringing our rental standards in line with European norms.

The second issue I wish to raise is about a creeping development that is happening. I am sorry; I have run out of time. I will raise the issue again.

**Senator Robbie Gallagher:** I wish to raise the issue of rights of way, the deadline of which was due to expire at the end of November. I am delighted the Cabinet made a decision today to defer that deadline. I brought this issue to the House last November, where I raised the concerns not only of landowners but of the entire legal profession that this was a cliff edge that needed to be avoided. I am delighted the Cabinet, through the recommendations of the Minister, Deputy Humphreys, has decided to defer that. It allows for a very stressful situation for all involved to be deferred and gives people a little bit of space to ensure the rights of way are registered, which is vitally important.

The other issue I wish to raise is the current crisis that hangs over the horticultural sector in this country. As Members will be aware, the horticultural sector employs more than 17,000 people, most of whom work in rural jobs located in different parts of rural Ireland. One of the sectors involved is the mushroom industry, which is of great significance to the economy of County Monaghan, where thousands of people are employed. There is a ridiculous situation whereby, due to the ban on peat harvesting in this country, boatloads of peat are now being imported and transported to various parts of the country, with all the carbon footprint that goes with that. I ask that the Minister come to the House for a debate on this issue so that we can reach a common sense resolution to this very serious problem.

**Senator Aisling Dolan:** Is it not great to be back? The feeling of excitement is returning again as we are back on our first day. As I am sure the Leader will agree, it is great to be back in our rightful home here in the Seanad Chamber. I hope all Members were able to take a few days holiday for a restful break with family and friends. Congratulations again to Senator Moynihan on her phenomenal news. I think she spent her time very well. I hope she had a honeymoon as well.

I look forward to us working hard in the Seanad on the many challenges we will have ahead of us, especially after an incredibly difficult 18 months. To get businesses back up and going is crucial and encouraging people to continue to shop local as we move in a safe way to the final stage of full reopening will be extremely important.

Ballinasloe is looking outstanding with its new regeneration scheme and streetscape. It has given the town a real boost and it has been so important for local businesses. I wish to acknowledge the Minister, Deputy Humphreys, and the roll-out of the shop enhancement fund under the Department of Rural and Community Development. Six towns in County Galway received this funding and the businesses in the towns in question - Oranmore, Oughterard, Loughrea, Headford, Glenamaddy and Ballygar - will all have the opportunity to upgrade their premises and get a significant amount of support from the local authorities. It is a phenomenal scheme. In County Roscommon, Athleague, Knockcroghery, Roscommon town, Ballaghaderreen and Boyle will benefit. Behind the projects in each of those towns in the Roscommon local authority area were the Tidy Towns associations. They all came together and put in these submissions. It will be phenomenal. It was really important to try to tackle the issue of vacant units in many of these towns. That will drive investment and new retailers, people with an idea for setting up a shop in the town.

There is also construction taking place in Roscommon town. Anyone who lives in the town or has driven through it recently will know that significant roadworks are under way. That is the result of more than €9 million in investment from the urban regeneration fund. It is absolutely incredible. There will be a brand new square, as well as all the other works on Main Street.

I encourage people to grow remote, shop local and come and find a home in the west. There is lots to see and do and we want to welcome them to our brand new cities and towns in the west.

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

**Senator Sharon Keogan:** What a pleasure it is to be back in our own Chamber. I hope that as we approach the lifting of restrictions on 22 October, other aspects of life in Leinster House will likewise return to normal.

I wish to call for a debate on what is to be done about the horrific instances of murder-suicides in rural farming communities. Yesterday morning, a woman and her 24-year-old son were laid to rest in County Kerry. They were kind and gentle people taken from us by a wanton act of violence. The tragedy comes while the terrible happenings in Kanturk, County Cork on 26 October last year, when father and brother turned on their own family and then on themselves, are still fresh in our minds. Although the prevalence of firearms in these communities enables these vicious acts, it is all too often land or farm ownership disputes that cause them. We need to examine critically the processes or programmes in place to educate farming families on their rights in respect of disinheritance and land ownership protection. We need a dedicated support

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process for families engaged in disputes over wills. We need to look at the role that can be played by the Minister for Agriculture, Food and the Marine, Deputy McConalogue, and his Department, as well as the Irish Farmers Association, in the provision of mental health supports in rural communities. The increased attention being paid to mental health in recent years is of immense importance but we cannot allow it to be confined to students' unions and Twitter campaigns. These senseless killings and suicides will only become more prevalent if the underlying issues are not addressed. It is safe to say that in every parish in the countryside there is a family farm affected by land disputes and farmers listening to these proceedings will know someone affected. We have seen in the past year and a half the lengths to which we will go to protect lives. Let us protect these lives also.

**Senator Malcolm Byrne:** Senator Hackett waxed eloquently about the towns in the midlands on *The Irish Times* shortlist of best places to live. I remind Senators that Gorey is also on that list. However, I will let its reputation speak for itself.

During the summer, we experienced the passion and joy of the Olympics. On behalf of the House, I congratulate all our Olympians and Paralympians on their achievements and how proudly they represented us. The House should write to the Olympic Council of Ireland to express that view.

It is also appropriate for the House to remember the recent passing of Mrs. Pat Hume, a woman who made an enormous, and quiet, contribution to the peace process and to building collaboration and co-operation between all traditions on this island.

I wish to raise what we saw at the weekend, which was a protest by a fringe element outside the home of the Tánaiste's partner. It included a lot of homophobic abuse addressed to the Tánaiste. This follows a protest in recent months outside the home of the Minister for Health, Deputy Stephen Donnelly. We are fortunate in this country to have access to politicians, not just Deputies and Senators but also Ministers, right up to the office of Taoiseach. All office holders have always been accessible, and we have always respected the right to peaceful protest. However, in recent times we have seen fringe groups on the far right and sometimes on the far left resort to violent tactics and now they are engaging in protests outside private homes. Some of this is driven by social media, which I hope we will address in the context of the online safety and media regulation Bill. However, I believe we in this House must stand up for politics and talk about how our office holders can be protected in their home environment. We must send out a strong and clear message that politicians' private homes are off limits.

**Senator Barry Ward:** In the first instance, I entirely agree with what Senator Byrne said about the privacy of politicians' homes. We have a system where politicians are accessible only because people treat them in a civil and human way.

I welcome the decision by the Department of Education, in principle, to agree to the purchase of Booterstown parish hall. This is an issue I raised as a Commencement matter with the Minister of State, Deputy Madigan, last June. I am delighted to see progress on that and we look forward to the special needs class being made available as part of St. Mary's Boys' National School, subject to final agreements and so forth.

I also wish to raise the fact that there are major problems with water quality in Dublin Bay. There are discharges of raw sewage into the bay on an ongoing basis and sometimes, it appears, there are also discharges from industrial centres. People swim there, more often than they did a

couple of years ago. There is plenty of sea swimming happening in places in my area, such as the Forty Foot, Sandycove, Seapoint and Hawk Cliff. People are swimming in the sea daily and when the warning comes that there is a problem, it is often too late. It might come 24 hours after the discharge or after a water quality test shows bacteria or whatever else might be in the water. There must be a step up on dealing with this issue. There must be regular testing not just in the summer but throughout the year, because people are swimming in the sea all year round. It is a wonderful opportunity for them to get out and exercise. It is good for everybody involved. The State, the local authorities in Dublin and the Department must set out a safe regime for them to do that, to ensure they know when they go swimming in the sea that they are swimming in water that is clean and will not make them sick. We heard earlier today about problems with inland water, but the seawater, which should be clean and pristine, is not always so. When it is not we need to know, and that can only happen through regular testing throughout the year. I hope the Leader will consider having a debate on that issue so we can clearly convey the need for that.

**An Cathaoirleach:** I congratulate Senator Ward on his engagement. I forgot to mention that earlier. I call Senator Gavan.

**Senator Paul Gavan:** I join you, a Chathaoirligh, in extending congratulations both to Senator Ward and Senator Moynihan.

It is nice to be back. This morning I heard an intriguing debate on the radio about budgetary options and whether the Government could afford to raise social welfare rates or whether it should focus on the pension rate. As we know, we are just coming into the run up to the budget. As the Leader knows, I always like to be helpful to the Government. The good news is that it does not have to make that choice. It can actually do both. Indeed it is very important that we see a significant rise in welfare rates. Bear in mind that in 2009, the welfare rate was €197. It is only €204 now so we certainly need to see a significant lift in rates.

For the past nine years, we have had an outrageous scheme called the special assignee relief programme. This programme subsidises the richest people in the country - the top multinationals - who can write off 30% of their PAYE tax bill to the tune of €1 million earnings per year. It is quite shocking. It involves subsidising the richest people in this country who are being subsidised by ordinary workers and taxpayers. It is important to raise this before the budget because, of course, we will all be voting on the budget in October. I appeal to my colleagues on the Fianna Fáil and Fine Gael benches to face up to the fact that it is an outrageous subsidy to the richest people in this State. These are people who earn millions each year and yet they are able to write off 30% of their PAYE tax bill because this Government and successive Governments since Michael Noonan introduced the measure nine years ago thought it was a good idea. In terms of the suffering and hardship we see across the country, there is no justification for subsidising the richest top executives in this country so let us deal with it and let us use that money to ensure decent rates of welfare for people in this State.

**An Cathaoirleach:** Sometimes Members, no more than myself, leave their phones on so I remind everybody to turn their phones back on when they leave the Chamber.

**Senator Mary Fitzpatrick:** It is great to be back. Comhghairdeas to Senators Moynihan and Ward. Romance is clearly in the air. I wish them a lifetime of happiness with their life partners. It is great to be back - largely because of the vaccination programme. More than 7 million doses have been administered. We have led the way in Europe, it is a huge success story and I thank everybody involved in the administration of the vaccines. There was a lot of

scaremongering and criticism but everybody involved has done a tremendous job in Grangegorm in my constituency, Croke Park and DCU. It is not just the vaccination programme. The testing and tracing programme has been phenomenal. Everybody with whom I have engaged has been incredibly professional but also really sensitive because it has been a hugely stressful time so we owe them a huge debt of thanks. I would like the Leader to convey that when she meets with Paul Reid later today on behalf of the Oireachtas women's group. I thank her for taking that initiative.

I would like the Leader to raise the ongoing guidelines for primary school students if they are identified as close contacts. Under the guidelines, if a child is a primary school student and has been in contact with somebody identified as being positive, he or she must restrict his or her movements even if he or she is not showing any symptoms. This is resulting in a massive loss of school attendance for primary school children in my constituency and around the country. It is hugely damaging to their academic education and their social skills. It is creating enormous anxiety for the children, is over-medicalising this situation for very young children and is a cause of major inconvenience and stress for their parents. I know NPHEC has agreed to look at it. We have had falling rates of infection four weeks in a row. We were told repeatedly that schools are safe environments and our vaccination levels are at over 90% among 16-year-olds so I ask the Leader to appeal to Paul Reid and NPHEC to review that and relax the restrictions.

**Senator Tim Lombard:** It is great to be back in the Chamber. I acknowledge the good news we heard from Senators Moynihan and Ward and offer my congratulations. I wish to raise the current guidelines relating to Covid. We have had an amazing vaccination programme. So much good work has been done in the past six months in particular but we need to get our institutions back on an even keel when it comes to delivering services to the general public.

The issue I am raising is with regard to the Road Safety Authority, RSA, and driver licences. There is a huge backlog at present, in particular with theory tests. The biggest issue my office has come across, over the past week in particular, is with regard to dyslexic people who want to sit a theory test. Traditionally they have had a reader provided but this has been taken away. This limits the ability of these boys, girls and people to get through the process. This is a huge issue for a certain cohort of society as 10% of people are dyslexic. Normally they have a reader to work through the theory test with them but this has been taken away. We need to make sure the institutions of the State and semi-State bodies look at such protocols and have the ability to change them rapidly. It is unfair and discriminatory. It is not appropriate. Because of it, people are being denied the opportunity to sit a driving test. In my part of the world if people cannot pass a driving test, they do not have the ability to go anywhere or do anything.

This is a major issue for us as a society. I call on the Leader to contact the RSA regarding this issue to ensure it provides readers. I spoke to the RSA this afternoon and the service is not available today. This is a major setback for a certain cohort of society who want to be able to sit a theory test.

**Senator Shane Cassells:** Several weeks ago, my colleagues in the Fianna Fáil Parliamentary Party and I met the eminent Dr. Harry Barry who, as an expert on mental health, gave us a detailed presentation on the anxiety and emotional distress faced by young people at this time in our country. This has been exacerbated because of Covid-19. It was frightening to hear him speak, in particular about the rise of emotional distress among young people in our country, the challenges they face and the realisation that much more needs to be done. The very culture of how we deal with this is also an issue. Considering we are such a nation of talkers, it is not

spoken about half enough. Dr. Barry spoke extensively about the need for a wider conversation about self-care, whereby we look after ourselves in our own lives, emotional resilience and how to manage our anxiety. He also spoke about the range of anxieties faced by young people, from acute anxiety to social anxiety to general anxiety. All of these have a very damaging impact on people's lives.

None of these issues gets discussed half enough, but when issues boil down to a point of self-harm, we end up speaking extensively about the need for State intervention and more support. Last Sunday morning, I met a woman in Blackwater Park in Navan who spoke to me about the battle she had when she was trying to get mental health support for her daughter. She had to go round the houses for people to take the issue in hand.

At present, there is no end to the amount of money being spent in this sphere. I pay tribute to the Minister of State, Deputy Butler, in this respect. We need to see a change in attitude in tandem. The most effective way to help this process is through dialogue and conversations in our schools, and not having a sense that speaking about these issues is a sign of weakness, particularly among young boys and, indeed, men. Men's mental health is simply not spoken about enough. I have paid tribute in the House previously to Rory O'Connor of *Rory's Stories* fame, who has been a huge advocate for positive mental health action in this country.

At the same meeting with Dr. Harry Barry, the Minister of State, Deputy Butler, who has responsibility in this area, addressed the range of actions being taken by the Department. I would like to see the Minister of State come to the Chamber so these issues can be discussed and thrashed out in full. In conjunction with the Minister, Deputy Foley, we can discuss how a very positive set of actions in school settings could be pushed, whether in classrooms or schoolyards, so those who are suffering with anxiety and emotional distress as a result of everything that is happening will know there is somewhere, and someone to whom, they can turn.

**Senator Michael McDowell:** This is our first occasion to meet for some time. I want to put on the record that, earlier in the year, Second Stage of the Seanad Bill was adjourned until the end of the year. The Minister, Deputy Darragh O'Brien, and I had a conversation after that. He indicated it was his intention to have a small group among the parties of the coalition in government consider whether they had alternative suggestions to those set out in the Manning report. Time is going by. We are in September and we are coming up to the end of the year fairly quickly. Second Stage will be due to resume. I just want to put on the record of the House that the matter has not gone away.

There are people in this country who should be given a say in who comes to this House. One does not need to go to university - or even a minority of our universities - to merit a vote in the elections for this House. There is nothing to be feared from giving people a vote. I just want to put on record that I had the honour of getting approximately 8,000 first-preference votes, more than the number of first-preference votes garnered by more than half the Members in Dáil Éireann. I long for the day when the Members of this House will be chosen by citizens, regardless of their educational status and by reference to the need in this House for a wide variety of different kinds of people, including protected representatives for minorities, special interests and special needs.

I am just putting it on record that the Minister, Deputy Darragh O'Brien, made that undertaking to me that he would progress the matter in the period of the postponement of the Second Reading of the Bill. I remind him publicly that I have not gone away, you know.

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**Senator Maria Byrne:** I congratulate Senators Moynihan and Ward and wish them all the best for their future. Today is a unique day as this week many first-year university students came to campuses. I pay tribute to the people in different universities and institutes of technology who made campuses safe for students to come back on site. For many students even in second year it is their first time setting foot on campus.

I raise the serious matter of the shortage of student accommodation. There have been many reports about this, particularly in my area of Limerick, which has three third level institutes. A kitchen was advertised as being suitable for student accommodation which had a bunk bed beside the cooker. That was clearly not suitable accommodation. There is accommodation that was once used by asylum seekers and approximately 200 yd from the front entrance of Mary Immaculate College there is a boarded-up unit. We must think outside the box and for the long term. Many people might have taken in students in the past but are not doing so now because of Covid-19. It is certainly something we must consider seriously as the matter is not confined to Limerick. The problem is across the country.

I was alarmed by three phone calls I received from three businesses today. They are all being sued by people who entered the small business premises but were asked to leave or put on a mask. They are being sued because people were asked to put on a mask. The businesses have received solicitor letters and they are being backed by the workplace commission. Small businesses have suffered so much throughout the pandemic. Regardless of whether people want to wear a mask, if a business displays a sign that a mask must be worn, the instruction should be followed.

**Senator Gerry Horkan:** It seems that Senator Maria Byrne and I will be following each other around for the rest of our lives after the by-election. We always tend to speak before or after each other. It is interesting being on this side of the Chamber. I was the final Fianna Fáil speaker in the previous Seanad, sitting on the opposite side, and that was on 27 March 2020 and the start of the pandemic. We were wrapping up the emergency legislation. I did not think I would be gone a week later and be back this fast. It is nice to be here.

I will touch on a couple of points now we are back in this beautiful Chamber. I was not going to refer to the topic referred to by Senator McDowell but I know the Minister in question, Deputy Darragh O'Brien, is incredibly busy delivering a housing programme. I am sure many Members in this House would not want him distracted too much from that particular task.

I was not here for the entire contribution because I was attending a committee meeting but I heard Senator Fitzpatrick referring to the vaccination programme. We have come so far in that respect, and even in the few months since we last sat. It is a fantastic programme.

The Seanad must also discuss some other matters. I very much welcome that soft plastics are now allowed in recycling bins. That is a great improvement in recovering and being able to recycle product but we need the Minister in here to discuss how we will reduce the amount of packaging we get in every way, reuse what we can and then recycle everything else. We should not be allowing products that cannot be recycled through the packaging chain at all.

We need to talk about the issue of passports. It is improving but every one of us had queries over the summer about delays and about children's passports. However, we do not want people who should not get passports getting them.

We need to have a debate about post-pandemic Ireland. There are many people for whom

working from home did not work but there are an awful lot of people for whom it did work. Many people benefited from not having to spend 15 to 20 hours per week in the car, saved on fuel charges, got to spend more time with their families and saved on all the costs that are involved in commuting long distances every day. We need to see that aspect of it as well as looking at the people who need to get back to offices.

I congratulate Senator Moynihan on her wedding last weekend and I congratulate Senator Ward on his engagement.

**Senator Ned O'Sullivan:** It is nice to be back in familiar surroundings. I have spoken here many times in the past about energy security. Without being a Cassandra, it has reached a critical stage. Several times during the summer, our warmest months, the warning register was showing up in amber. That means we were close enough to being at full supply and being maxed out. It is a real worry as to whether we will have an energy supply and confidence in the winter. The Minister, Deputy Eamon Ryan, was unable last week to give a categorical assurance that we would be able to meet all our energy needs. The Minister of State, Deputy Joe O'Brien, said more or less the same thing on television at the weekend.

It is time we woke up and started doing something about it. Moneypoint power station is just across the river from me. In the last 24 hours, Moneypoint, which is coal-fired, was putting up over 21% of the total national usage of power. In the same period, all of the renewable energies combined, including wind, came up with 14%. I am not knocking wind power. It is important and last year upwards of 40% of our requirement was met by wind power but there were many days last year when wind power contributed almost nil and several days when it contributed zero to the grid. In that context, what are we going to do? We all know, particularly those in the Green Party, that there is a problem with fossil fuels. I thought we had an understanding that in the interim period we would make use of the resources that are available to us.

There is a project which I have mentioned here many times, namely Shannon liquefied natural gas, LNG. It proposes to import gas in liquefied form into the Shannon Estuary in County Kerry. That project is before the planners so I will not say a whole lot about it. I know I am running out of time but it is important that the planning process would be allowed to proceed without any interference from outside bodies, including the Government. The promoters of the project are quite happy to accept a condition that only non-fracked gas will be used. This is important and needs to be stressed. They are quite happy to rule out fracked gas, which is something one cannot say about our current supply as it is coming from Russia. Much of it is fracked gas and a lot of it is dubious. I am speaking on behalf of the constituency I live in and which I represented at local level for 25 years but I am also speaking in the national interest. We must be mature enough to realise that despite what is in the programme for Government, we have to be able to vary it and deal with situations that are in front of us. I hope the planning process will be allowed to proceed unhindered.

**Senator John Cummins:** I would like to join my colleagues in congratulating my colleague from the Committee on Housing, Local Government and Heritage, Senator Moynihan, on her marriage last week and I also congratulate my colleague, Senator Ward, on his engagement.

I welcome the initial details of the Government's new redundancy initiative, which was announced at lunchtime today and is seeking to ensure workers do not lose out financially as a result of being laid off during the pandemic. At the same time it is seeking to prevent businesses

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being forced to the wall due to the costs of meeting the entitlements of staff who regrettably have to and will have to be let go. The scheme will have to be underpinned by legislation, and I look forward to it coming before the House in due course.

*5 o'clock*

A special payment of up to €1,860 will be available to employees to reflect the lay-off period. Employers who are facing difficulty in meeting redundancy costs will be offered loans which will initially be interest free.

To continue where the Minister of State, Senator Hackett, who mentioned the midlands, and Senator Malcolm Byrne, who mentioned Wexford, left off, I was delighted to see that Waterford city was listed as one of the five best locations in Ireland to live. Obviously, not everything is perfect, and there is plenty of room for improvement, but often we do not realise what is on our doorstep and the level of funding provided by Government to regional Ireland under such schemes as the urban regeneration and development fund and the rural regeneration and development fund. Yesterday there was a significant announcement of €540,000 which was allocated by Fáilte Ireland to Waterford city under an animation scheme which will illuminate 21 historic buildings across Waterford city. This is part of a very good initiative by Waterford City and County Council to make Waterford city the city of light. I look forward to that project taking hold in due course, and seeing that investment realised in Waterford city.

**Senator Regina Doherty:** I thank the Cathaoirleach and colleagues. It is absolutely lovely to be back and to be talking about any issue other than Covid-19. We have been consumed by that for the past 18 months. There is certainly romance in the air in the Seanad. On behalf of colleagues, I wish Senator Moynihan every happiness. I also wish Senator Hoey, who got married a couple of days after we went into recess, every happiness. I congratulate our colleague, Senator Ward, on his engagement. He has all of our support and good wishes.

As Senator Cummins said, there was an important announcement this morning by the Tánaiste and Minister for Enterprise, Trade and Employment with regard to the new redundancy initiative. The reason we introduced the legislation that paused the ability of people to seek redundancies during the pandemic was that it would have put businesses to the wall. The initiative announced by the Tánaiste, Deputy Varadkar, this morning is very welcome because it will support businesses that are struggling to get back up and running. That is a debate that would be relevant for us to have in the coming weeks given the numbers of vacancies across the different business sectors in Ireland. However, the redundancy initiative is most welcome and I want to acknowledge that.

We need a debate on energy security, so I will ask the Minister to give us a date that would suit in the next week or so, because there are a number of issues which are very relevant to different sectors and we need to have a proper, lengthy debate on where we are going as a country.

Senator Horkan talked about needing a debate on post-pandemic Ireland. There definitely are some specific topics. Rather than just give the topic to one Minister, we should break it down into education, well-being, health delivery, economic recovery and so forth, and organise the debates over the next couple of weeks, if that is okay with the Senator.

Senator Maria Byrne raised the most bizarre thing I have heard of businesses being sued because they asked their patrons to abide by the rules to keep them safe. I wish those businesses well. Senator Byrne also raised an important issue with regard to the vast shortage of student

accommodation this year. It probably highlights, more so than in any other year, our reliance on people renting rooms in their houses. I listened to some people on the radio last week explaining why they are concerned and nervous, and it makes perfect sense. Those who have those rooms are probably older people who do not have children or adults in their house anymore, but it certainly highlights the need for new, sturdier education facilities and accommodation for our universities.

Senator McDowell raised the issue of the Seanad Bill. There will be a date for its Second Reading very soon but I will talk to the Minister and come back to him on what the plans are.

Senator Cassells talked about a presentation received from Dr. Harry Barry, who is well-known to me, particularly because of some instances in my household. I have four children. The older children seem to be far more resilient than some of the younger ones. I do not know whether it is time they are living through. Maybe it is the proliferation of social media which seems to be available to our children at all hours of the day and night. A debate with the Minister of State at the Department of Health, Deputy Mary Butler, will be arranged in the next couple of weeks. I am aware she is meeting a number of organisations in the coming weeks with regard to her plans. We will wait until she has had those meetings so that she can update us on her plans, of which she has many.

In response to Senator Lombard, I will send a letter to the RSA regarding the reinstatement of readers to that process. We have a bigger issue, however. We have more than a 12-month delay in any young adult, or anybody else for that matter, getting a date for a driver licence test, which is simply not acceptable. I appreciate the world has only started to awaken, with people returning to their workplaces this week, which is very welcome. What we need to see is an absolute impetus behind State agencies and State services, catching up on the backlogs built up over the past 18 months. Plans and announcements have to be made by Ministers and heads of Departments to show us what they are going to do ensure that this backlog is caught up with.

Senator Fitzpatrick spoke on the vaccination programme. We are all aware of some of the difficulties raised here week in, week out, some of which still exist. The HSE and all the administrators in the HSE, be they medical practitioners or support staff, who delivered the vaccine programme deserve all the praise we can heap on them because they have done such a wonderful job. I wish to put that on the record of the House but I will send a letter to Mr. Paul Reid and Professor Brian MacCraith on behalf of us all thanking them for and acknowledging the wonderful job they have done.

Senator Gavan will not be surprised that I agree wholeheartedly with him. There were some very pertinent reasons, some of which he may not have agreed with, over the last number of years that it was not possible to have across the board welfare increases. There is absolutely no doubt in my mind that this is required this year, not least to keep up with the inflation rates we are seeing at the moment. An analysis of that special assignee relief programme would certainly be worthwhile and timely and maybe it could be brought to the attention of the Minister for Finance. I would encourage the Senator to do that.

Senator Ward talked about Dublin Bay water quality, which is an issue in many of our sea-side resorts. Sea swimming took off enormously in the past year because there was nowhere else for people to swim until the pools opened. People braved the elements and have now become addicted to it in many cases. It is absolutely imperative that the water quality is A1, and that we should not be swimming in the sea where there is raw sewage. I encourage Senator

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Ward to work with his council to make sure it has a safe regime.

Senator Malcolm Byrne talked about the wonders of Gorey and he is absolutely right. More importantly the Olympians' success, both in the Olympics and the Paralympics, gave us enormous joy and pleasure during the summer months. Every one of the Olympians needs our thanks and praise and every single one of them was a winner. I will send both organisations a letter on our behalf. The Senator was right about the protests. Quite a number of us have been subject to these and it is not pleasant. Whether you have children or not does not really make any difference. It is just not pleasant. It is your home and your place of sanctuary where you want to put on the slippers and be yourself. You do not have to put up with that kind of nonsense outside your door. Nobody should be expected to put up with that. I want to acknowledge that.

Senator Keogan raised what I can only describe as awful tragedies, which are obviously happening far too often in certain parts of the country. She is right that we probably need a debate on how best to help people recognise that there are other ways to deal with the challenges they face in different circumstances in life. I can only extend my heartfelt condolences to the families and friends of the people who have passed away because it is just an awful tragedy.

Senator Dolan should probably work for Bord Fáilte with her talent in describing the wonderful towns of Roscommon. I wish her well and congratulate all of those towns, particularly Ballinasloe which received State and Government funding over the last number of months because it was very well deserved.

Senator Gallagher brought up something which has been brought to my attention in the last number of weeks and we have been working on it. We all understand the international targets that have been set for us, as a country, to try to reduce our carbon footprint. In the main, everybody agrees it is something that has to happen. However, we find ourselves in a situation where yesterday a very large shipment of 3,600 tonnes of horticultural peat was imported from Latvia. Two hundred truckloads of peat were taken off that ship because we refuse to allow people harvest peat from our bogs purely for the production of food or plants. I understand that if there were a replacement or stockpile ready then absolutely we should be using it but there is not. The stockpile has run out. The replacements are not ready. The science and technology have not kept up with the pace of what we have expected. The peat we used to harvest accounted for 0.6% of the carbon footprint of the country. We will now continue to import peat from Latvia and Poland and it will account for 2.6%. What we have done to stop producing a carbon footprint will produce a significantly higher carbon footprint. I do not believe this was ever anybody's intention and I do not believe it was ever envisaged. It is certainly something we need to sort out and do so soon. As Senator Gallagher has suggested, I will organise a debate in the House to ensure we can all be aware of what we are doing.

Senator Moynihan spoke about the rent Bill being brought to the Dáil tomorrow by our former colleague, Deputy Bacik. I wish her well and I hope it will be in the Seanad to be debated by all of us in the very near future.

Senator Ó Donnghaile spoke about the wonderful fine man that is the President of Ireland and the recent unwelcome attention he received. I acknowledge he has done the State an enormous service in his recent visit to Italy and Rome. I wish him continued good support from all of us.

Senator Hackett spoke about the 20 best places to live in Ireland and cited that three of them

are in her area. I make reference to the former Minister of State, Boxer Moran, for the Ireland's Hidden Heartland initiative he brought forward when he was in office. It has probably helped to put Tullamore, Abbeyleix and Ballinakill on the list.

Senator Kyne began today looking for a debate on energy security because of our target of 70% of energy to be generated from renewables by 2030. I will organise a date, as I suggested earlier.

Senator Chambers opened today's debate on pre-pandemic access, which is the demand by the women of Ireland that we received at a meeting last week. I was contacted by a number of women arising from a tweet I sent regarding the programme on the Rotunda broadcast last Tuesday week. It is a wonderful programme and normally something I would absolutely be absorbed in watching but the outpouring of hurt and anger after the programme last Tuesday week was so palpable and raw that female Oireachtas Members arranged to meet the women. What struck me most was a young woman called Ciara who was taken into hospital in Letterkenny on mother's day, when she was 27 weeks pregnant. She did not see her husband for the six weeks before she gave birth to her baby, Jack, whom she did not see for eight days because he was taken to the NICU. She did not kiss him or hug him for eight days after he was born because of the independent restrictions being imposed on some or all of our 19 institutions. It is just not good enough. I do not say this disrespectfully to any of the men in the Chamber but I guarantee it would not bloody well happen if it were men delivering services for men. Enough is enough. We met last week and we have agreed to draft a letter on behalf of all female Oireachtas Members across parties. It is in my office at present waiting to be signed. Some people have signed it and I am awaiting other signatories. Tomorrow, we will present the letter to the Minister, Deputy Stephen Donnelly, and Paul Reid on behalf of the women of Ireland and in solidarity with them. What we want is a return to pre-pandemic access for one nominated partner for the duration of a woman receiving maternity services by and on behalf of the State. I thank Senator Chambers for raising it today.

It is wonderful and lovely to see the father of the House back here and please God we will see him far more often. Senator Norris opened today with his expression of good wishes to the former Minister, Katherine Zappone. I reassure him I do not have a clue who will replace her but I am absolutely sure the process to replace her will be transparent and open because by Jove have we learned our lesson the hard way.

Order of Business agreed to.

### **Taking of Divisions in the Seanad Chamber: Motion**

**Senator Regina Doherty:** I move:

That, until further notice in the 26th Seanad, for the purposes of any division claimed, the Public Gallery and the Distinguished Visitors' Gallery shall be considered to be encompassed within the Seanad Chamber for the purposes of such a division only.

Question put and agreed to.

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## **Address to Seanad Éireann by Members of the European Parliament: Motion**

**Senator Regina Doherty:** I move:

That, in accordance with Standing Order 57(1) and the approval of the Committee on Parliamentary Privileges and Oversight, Seanad Éireann agrees that, in respect of the European Parliament Constituency for Midlands-North-West, Mr. Luke Ming Flanagan MEP, Mr. Chris MacManus MEP, Mr. Colm Markey MEP, and Ms. Maria Walsh MEP, may attend and be heard in Seanad Éireann on Wednesday, 22nd September, 2021, and that the following arrangements shall apply:

The proceedings shall commence at 2:30 p.m., shall not exceed two hours, and shall consist of—

- (a) a speech of welcome by the Cathaoirleach;
- (b) an opening address by each MEP which shall not exceed 8 minutes in each case;
- (c) a contribution not exceeding five minutes by a spokesperson from each Group;
- (d) questions from Senators in accordance with the sequence set out in the Schedule to this resolution, which shall not exceed one minute in each case, and a reply not exceeding two minutes from each MEP;
- (e) a concluding response of not less than four minutes by each MEP;
- (f) a speech of thanks by the Leader of the House;

and the members of the European Parliament may take seats on the floor of the Seanad Chamber.

Schedule

Fianna Fáil Group

Fine Gael Group

Independent Group

Green Party

Sinn Féin Group

Labour Group

Civil Engagement Group.

Question put and agreed to

**Appointment of Members of Committee of Parliamentary Privilege and Oversight: Motion**

**Senator Regina Doherty:** I move:

That, in pursuance of Standing Order No. 98 of the Standing Orders relative to Public Business, Senator Rebecca Moynihan be appointed to the Committee on Parliamentary Privileges and Oversight.

Question put and agreed to.

### **Pre-legislative Scrutiny Waiver Request: Motion**

**Senator Regina Doherty:** I move:

That, notwithstanding anything in the Standing Orders relative to Public Business, until further notice in the 26th Seanad, a member of the Government or a Minister of State may request a waiver in relation to the pre-legislative consideration of Government Bills and the following procedure shall apply:

(a) where a member of the Government or a Minister of State wishes to initiate a Bill pursuant to Standing Order 144 or 145 without pre-legislative consideration, he or she shall request a waiver in that regard from the Committee empowered under Standing Order 71 to consider any matter relating to legislation of a Government Department (in this Resolution, referred to as the ‘relevant Committee’);

(b) where a relevant Committee declines a waiver request made under paragraph (a), the member of the Government or Minister of State may request the Committee on Parliamentary Privileges and Oversight to make a determination on the matter; and

(c) where, following consideration pursuant to paragraph (b), the Committee on Parliamentary Privileges and Oversight determines that pre-legislative consideration should not be waived, the Leader of the House may table a motion on notice in the following terms:

‘That initiation of the [insert short title of Bill] may proceed pursuant to Standing Order [144 or 145] notwithstanding that pre-legislative consideration of the Bill pursuant to Standing Order 143 has not been waived.’

Question put and agreed to.

*Sitting suspended at 5.15 p.m. and resumed at 5.30 p.m.*

### **Bullying and Sexual Harassment in Third Level Institutions: Motion**

**An Cathaoirleach:** I welcome Senators to the Chamber for our first panel and university Members forum debate. These debates are a new departure for the Seanad and give effect to

some of the recommendations made in the reports on Seanad reform, including the 2018 report of the implementation group on Seanad reform, which was chaired by Senator McDowell. As we all know, consensus regarding Seanad renewal and reform is hard to come by but the implementation of this recommendation is one of the ways we are moving forward in giving effect to the reports on renewal and reform. The 2015 report, which was authored by former Senator Maurice Cummins, adopted a principled approach to developing and strengthening the vocational panel nature of the Seanad. The 2018 report put flesh on the bones regarding the objective and recommendation that greater prominence should be given to our panels - the cultural and educational panel, the administrative panel, the labour panel, the agricultural panel and the industrial and commercial panel - as well as our universities - Trinity College and our national universities. Our Standing Orders have been amended and adopted to make sure we give effect to this particular form of debate. Contributions by Senators elected through these various panels will no doubt add to the debate on important topics, to the engagement between our universities and our nominating bodies and to the distinctive role they play in the formation of the Seanad and its make-up.

I thank Senators Ruane and Norris, both of whom were elected through the University of Dublin, and other Senators who have tabled motions regarding this process. I think this evening's topic is very timely. It is an issue that has been in the public domain. I know Senator Ruane has done a lot of research nationally and internationally on bullying and sexual harassment in third level institutions, something we all believe must be tackled in a way that punishes the perpetrator and protects the victims of these unacceptable behaviours that have gone on for far too long and have seen virtual immunity from prosecution. In many cases, the perpetrator goes on to commit more acts of harassment and bullying against not only staff members but students as well. I ask Senator Ruane to begin our first panel forum debate.

**Senator Lynn Ruane:** I move:

That Seanad Éireann:

- calls for a debate on the bullying and sexual harassment that exists for faculty, students and staff in Ireland's third-level institutions;
- notes that third-level institutions should not support the use of non-disclosure agreements, which limits accountability of perpetrators, in such instances; and
- calls on the Minister for Further and Higher Education, Research, Innovation and Science to commit that such issues when they arise, will be dealt with in a holistic and trauma-informed manner, through formal institutional processes and that priority is being given to tackling the issues of bullying and sexual harassment in third-level institutions without the use of non-disclosure agreements where there are accusations of sexual harassment, discrimination or bullying.

I welcome the Minister, Deputy Harris, to the Chamber. I begin this evening by thanking the Cathaoirleach for introducing the panel debate format to the Chamber. It marks a welcome addition to our parliamentary procedures and I believe it will open the door to important debates such as this evening's debate. I thank Senator O'Loughlin, who will be seconding the motion.

This week saw the return of thousands of students to campuses across Ireland. These are campuses in which the ideals of free speech and accountability as a means of challenging bullying, discrimination and abuse have long been championed - ideals championed unless, as I

have unfortunately found, they are used to challenge the institutions themselves. For those who are unaware, a non-disclosure agreement, NDA, which is also known as a confidentiality agreement in Irish law, is a binding contractual agreement that prevents one or more parties from disclosing knowledge designated by the institution as confidential even when this information concerns a complaint of bullying or sexual harassment. Originally, NDAs were designed to act as a legal tool to protect business and industry secrets. However, they are increasingly being used in the third level sector to silence victims of bullying, discrimination and, most concerning, sexual assault.

This issue came on to my radar in 2017 for the second time. The first time was in the community sector. The second time, I received communication from a group of academics in a particular university who wanted to make me aware of the use of NDAs within their department or school within the university. Their concern was that NDAs were not just used once in the case of a particular perpetrator but were used a number of times with the same perpetrator, who had obviously managed to go on to other universities with a glowing reference and take up employment elsewhere under the guise of a reference written under an NDA where nobody could share what really happened.

On receiving this information, I sat on it for a while trying to figure what role I could play and how I could address it. I did not really understand the issue so I did not come out right off the bat. I tried to think about where I could place this conversation and how I could understand it more. It was not the first time I had heard of an NDA but I definitely did not understand the full ramifications and legal contexts in which NDAs were being used. Over the past number of years, I have carried out numerous pieces of research. Through that research, we have found that NDAs are used in almost every sector in this way and are becoming increasingly common to the point where people are not even questioning whether they are a good tool to use in respect of the potential cover-up of criminal activity, which could be anything in respect of the nine grounds of equality within the workplace. One piece of research involved a small sample in universities while others involved personal testimony. There have been numerous calls to my office in the past two days, since people became aware of what was coming up in the Chamber this week through “The Week in Politics”. I got several calls. One woman was offered an NDA that she did not sign but it was offered to her before she even managed to make an official complaint to be investigated by the institution. The way it was framed to her was that it was “you against him” and “we can find you a new supervisor”. This involved a postgraduate student and an academic member of staff who was a supervisor. NDAs are even being offered at the point of pre-investigation so that somebody could move on to a different sector. I am not sure if universities at the highest level are aware of this, but these personal aspects are definitely happening at a lower level, within the school level. I do not think there is any mechanism to feed that up, meaning no data are collated at the wider institutional level to understand the prevalence of the use of NDAs.

Much of the research and many of the conversations I have had have shown that somebody’s reputation or potential employability will be negatively impacted if they are seen as somebody who pursues complaints in such cases and that it is actually to their benefit to sign a confidentiality agreement. Students are being told that as they are only starting out on their career, they do not want to be known as difficult or as somebody who brings conflict.

I am aware of some NDAs in the university sector that have been reframed in language where it does not state the NDA was sought, engaged in or signed because of a complaint of sexual harassment. It may come up as something like a clash of personalities or a breakdown

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in working relationships. This is how it is being framed in the official context of an NDA being signed, but actually the victim in this case knows exactly what is behind the breakdown in working relationships.

Compelled by the horrific stories of NDAs and disappointed at the lack of data surrounding their use in Ireland, last year, along with my office and Toby Lowall, I undertook a survey of bullying and discrimination within the Irish third level institutions. It is a small sample but even the existence of one person is enough to indicate their prevalence. As you might imagine, people are frightened to engage in this because they do not have an amnesty in any sense of the word to engage and give the data. They are obviously in fear of the ramifications of that.

We carried out a survey of about 35 people who have engaged in conversations about NDAs in the university sector. The results of the survey confirmed what we already know, that NDAs are used in Irish third level institutions. In addition, the survey found 30% of respondents reported experiences of discrimination, 36% of respondents reported cases of sexual harassment, and 7% of respondents stated they had experienced discrimination based on their gender identity within Irish third level institutions.

Most concerning is that in almost two thirds of these cases, the survey found the perpetrators of these acts of discrimination and abuse were members of academic staff. This is a staggering figure which raises deep concerns regarding power dynamics within these institutions, but when this figure is coupled with the fact the survey found 30% of respondents were forced to sign an NDA following their reporting of these abuses, it is simply unacceptable.

We should pause for a moment to consider what this figure actually represents. It represents a lack of justice. It represents a bully, an abuser, walking away, free to join another of our third level institutions. Worst of all, it represents a victim of abuse and discrimination being silenced.

In addition, public money is often used to silence victims of discrimination and sexual abuse. I have repeatedly shown the prevalence of NDAs within Irish third level institutions. Our UK counterparts paid more than £90 million since 2017 to silence victims using NDAs. It therefore begs the question how much our institutions are willing to pay. What is the price these institutions are willing to pay to silence victims of discrimination and abuse to protect their own reputations? We need to stop for a moment and consider the broader social impact of NDA payments.

Instead of a formal investigation being carried out into accusations of abuse or discrimination and the subsequent termination of the accused's contract, NDAs allow abusers to continue their career elsewhere, with little or no reputational damage and the real possibility of abusing again. We use NDAs to cover up abuse and then we pass on the trash to somewhere else so that it is no longer our problem. We have managed to remove the problem from in front of us, but we just move it to somewhere else. Obviously, it is detrimental to third parties who have to encounter that person when the new institution has no understanding of what has come before that.

From the victims' point of view, our survey showed those presented with NDAs had a mixed knowledge of what they were agreeing to. These respondents acknowledged that they signed the agreement without understanding the true scope of what they were agreeing to. Those who question why anyone would sign a document which they did not fully understand, need to put themselves in these victims' shoes and consider the power dynamic that exists. Those in the

room are suggesting this is the best, and only, thing they can do to be able to move forward with their careers and lives. I have been told personally of people signing NDAs because the victims of these horrendous abuses were convinced if they did not sign, they would be made unemployable and, therefore, it was in their best interest to sign the NDA. They have just experienced what in many cases is the most traumatic moment of their lives. As they summon the courage to report the discrimination or abuse they have suffered, often at the hands of a peer, they are presented with a document to sign before proceeding. They are promised the document will allow them to move on from their ordeal. However, this same document traps them.

Some 25% of respondents reported that a clause was inserted into their NDA which prevented them from disclosing the abuse suffered to a therapist. The Government simply cannot preach a culture of mental health and speaking out while simultaneously allowing a legal document to permit such things to exist.

Will the Government continue to put its head in the sand on this matter and maintain the *status quo*, or will we begin to take responsibility and meaningful action to stop bullying, discrimination and sexual abuse on our campuses? Will it do what so many of our governments of the past have done and deny this abuse of power is happening and simply sweep it under the carpet?

I am asking the Minister to speak to the matter in hand but also to outline what we can do. Currently, the use of NDAs is still legal. I have introduced legislation in the House to make that illegal. In the interim, how do we begin to change and challenge that culture? How can a union representative, an academic advocate supporting a victim, a college institution or indeed a solicitor brought in to negotiate an NDA begin to challenge that culture while we wait for legislation to move along?

I thank Senator Norris, who unfortunately cannot join us in the Chamber this evening. However, he asked me to say he is very saddened to learn of the prevalence of this kind of unacceptable behaviour at third level institutions. He said it is an underground thing which needs to be recognised and challenged.

**Senator Fiona O'Loughlin:** I formally second the motion before the House this evening. I congratulate Senator Ruane on all her work in this area. I also take note of what Senator Norris said. I acknowledge that the former Senator, Deputy Bacik, was involved in the initiation of this. Obviously, she has moved Houses.

I welcome the opportunity Senator Ruane has afforded to us all to speak on such important issues. Bullying and sexual harassment have no place in our third level institutions, workplaces, homes or anywhere in our society.

We have seen the issue of sexual harassment and bullying in the headlines more often in recent times than ever before. It is good a light is being shone on it. Addressing sexual violence and harassment must be a priority for all of us in these Houses and all in the third level sector. We must be leaders in this field in calling out unacceptable behaviour.

Senator Ruane spoke very eloquently and at length on non-disclosure agreements. I completely agree these agreements should not be used by third level institutions where instances of bullying and sexual harassment arise. They run completely contrary to the values of transparency, consistency and integrity which are embodied in the framework for consent. I acknowledge the Minister is due to introduce legislation. I ask him to strengthen that legislation to ensure the intentions expressed by this Bill and amendment would be put in place.

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A report conducted by the European Union Agency for Fundamental Rights on violence against women found women between the ages of 18 and 29 are significantly more vulnerable to sexual harassment than the general population. The World Health Organization estimates one in three women worldwide has experienced either physical or sexual violence in their lifetime. We cannot allow this culture of abuse to continue and we must do everything in our power to protect and support victims of sexual abuse.

The treatment of victims who come forward is a very pertinent aspect of our discussion. According to the National Women's Council of Ireland, 21% of Irish people think there are understandable reasons for having sexual intercourse without consent. That is rape and we should call it what it is. It is shocking that 23% of Irish people believe women often make up or exaggerate claims of abuse or rape. We must tackle this stigmatisation head on and we absolutely must ensure that when matters of sexual harassment and violence are reported in the third level sector, the victims are met with appropriate compassion and empathy; we must not deter people from coming forward. We must ensure the communication channels within our third level institutions are open, compassionate and victim-centred. Consent is a fundamental aspect of this debate. Our young people must know what is and is not consent. They must know what is and is not acceptable. They must know what is and is not harassment. We must protect our students, staff and young women and men in this country.

In June I welcomed the publication by higher education institutes of their action plans aimed at ending sexual violence and harassment. It is really important each institution sets out for staff and students what is intended in the area. It is important that institutions report to the Higher Education Authority every year on the progress being made because accountability is very important. It is vital that staff and students have faith in the plans implemented by each institution, and each institution must be held to account on commitments. We must see a wholesale culture shift within the higher education system. We must start teaching and speaking about these matters earlier. Education on all such matters must be updated to better represent the reality of life for our young people today.

Implementation is the key metric and we must see real reforms that have a real impact on the ground. We must see our young people protected and supported. I commend this motion and again I put on record my gratitude to Senator Ruane for all her work in the area.

**Senator Erin McGreehan:** I thank the Minister for being here and congratulate Senator Ruane on her work in the area. I thank her for bringing this motion before the House. I also acknowledge Senator Ruane's work bringing the Employment Equality (Amendment) (Non-Disclosure Agreements) Bill 2021 to the House last June. I was very much educated in the area of third level sexual harassment internationally and nationally with the webinar Senator Ruane organised before that. To my embarrassment, it was an issue on which I was not well briefed before that debate and I am grateful to her for highlighting this work and advocating for this change to create a safer and more just place for everyone.

The facts raised last June were shocking and it is really outrageous that non-disclosure agreements are used against victims to reduce their rights. The law should always be actively weighted in favour of and not against the victim. It is never in the public interest to bury abuse cases. Currently, as was noted, no legislative provisions govern non-disclosure agreements or confidentiality clauses in settlement agreements and the extent of the use of these agreements in Ireland in these circumstances is unknown. The use of non-disclosure agreements to protect the abuser and assist the institution perpetuates the power imbalance of abuser over victim. Let us

hope we can get to the bottom of that with the Minister's co-operation and lift the lid on some of what is happening.

Sexual harassment, as we know, is rife in many parts of our society, and the third level sector is only one example. Sadly, time and again we hear testimonies from women in the main highlighting their lived experiences. Most, unfortunately, go unrecorded and I can add myself to the list of women who have suffered sexual harassment and said nothing. Why did I say nothing? Well, you do not want to be that person and that is not what you want to be known or remembered for. It is hard enough for women to get on in their careers without being known as the person who brought a sexual harassment charge against someone else. We just do not want to go there. A younger Erin McGreehan would just think, "Erin, put your head down, work hard and be remembered for what you did and not for what someone else did to you." That is wrong and I am thankful the older, perhaps brasher, Erin would not tolerate it.

So many people are silenced by society or a legal silencing through non-disclosure agreements. This has been perpetuated by the State for more than 100 years now, including through the abuses that happened and were covered up in institutions, which we have discussed many times in this House. Unfortunately, we are seeing it again. Decades ago, sexual harassment was highlighted in the Defence Forces. I wrote to the Department months ago on the matter and received no response. I am sure the Minister agrees it is shocking and upsetting to think individuals, victims, researchers and even public representatives were ignored when they asked the Department of Defence about sexual harassment in the Defence Forces. It feels that wrongdoing is only acknowledged in this country after the victims have to scream to be heard and shame the authorities into acting. Women of honour had to scream to shame authorities into acting. They had to go on national radio and relive their harsh experience to be heard and get the State to act.

We need a zero-tolerance attitude to sexual harassment at every level in our society. The State must provide safety, whether that is in our homes, schools, colleges, workplaces or streets. To be honest, I am sick of the onus always being put on women or victims to change or take a stand on this. Newstalk radio published the results of a survey this week about safety on our streets and how women feel unsafe when alone on our streets at night. Why is the onus always on women to change? It is often "the woman's fault" and I often hear that women should have changed their route home, changed their clothes, should not have been drinking or had that many sexual partners. There are endless amounts of excuses.

To hell with that attitude; I am over it. I demand safer workplaces and safer streets. Let us make this country a place where there is enough protection for people and they feel safe. We must make this a country where that creep knows such action will not be tolerated and that people are protected. There must be adequate deterrents with victim-centred structures as opposed to a system focused on mitigating against any bad press or which puts the onus on the victim to prove he or she did not just ask for it. We need to prevent those creeps from abusing and from harassing. We must take the power from them and not the victim. We always see two ingredients that enable abusers, which are power and silence. We must remember the singular most important factors are the victims, their suffering and their needs. To put it simply, prevention is better than cure.

**An Cathaoirleach:** I thank the Senator for sharing her story and outlining the challenges facing society, with silence allowing perpetrators to go unpunished. We must encourage victims to come forward and know they will be protected. Unfortunately, all too often they end up

being punished by society. That must change.

**Senator Aisling Dolan:** I welcome the Minister, Deputy Harris, and thank Senator Lynn Ruane for bringing this to us today. It is such an important topic. It is also important that women can speak freely about their experiences, as Senator McGreehan has just demonstrated. I thank her for that.

This motion concerns bullying and sexual harassment at third level, which is incredible when we think about it. These are colleges and places we go to so minds can be opened and challenged and where we can have new experiences to explore and discover. It is such a special time in a person's life and it makes someone the type of person that he or she goes on to be. It is so important. Thinking back, I was fortunate to have an incredible experience as a student, but so many people have had other types of experience. I have heard, anecdotally, about people having these experiences and having to move elsewhere. It is shocking. When students and staff have such experiences, it leaves a major impact on their lives, careers and mental health. As a member of the Oireachtas committee dealing with mental health, I stand tall on measures to ensure it can be protected for people in colleges and universities.

I am sure the Minister supports the idea that it is unacceptable to have non-disclosure agreements as a method of silencing bullying cases.

*6 o'clock*

It is not acceptable to have NDAs to silence abuse on equality grounds or to silence anything to do with sexual harassment. It is also not acceptable, as Senator Ruane has mentioned, if people are moving on to different careers or institutions. That cannot be possible.

It is important that we have the initial forms of the survey Senator Ruane has conducted. Perhaps it would be useful to have a wider survey taking in wider samples across all of our universities, including our new technological universities. It is a precarious nature of employment in third level. As a previous researcher in the universities, I know that it is contract work. One could get six months, one year or two years of work. One could be working with a research team, and there are great research teams out there, but these are niche areas and it is a small world. If one is in a particular area of research it can be a small world and one's career is dependent on good recommendations and word of mouth and so it is difficult for some of those people to come forward with this type of experience. The Minister is probably conscious of that.

I want to point out some of the things I have seen in the last year that have been heartening to me. For example, a year ago we had no female provosts or presidents in the universities and now we have four coming forward. We have a female interim president of the University of Limerick, Professor Kerstin Mey; Dr. Linda Doyle in Trinity College Dublin; Professor Maggie Cusack in Munster Technological University; and Professor Eeva Leinonen in the National University of Ireland, Maynooth. Change has to happen from the ground up, from our students and staff. We also have to have key people in positions of authority and decision makers who are aware and who are able to act. We need to bring more balance to our leadership within our university structures.

I was glad to be able to meet and see some of the research team in the National University of Ireland, Galway, on the active consent programme that is being rolled out. This is part of the behavioural change that we have to see and that has to happen. It is behavioural and it has to change. In the active consent initiative in the National University of Ireland, Galway, they

work with both students and staff. There are information talks for staff, parents or community groups and consent workshops for third level colleges. They are using drama and different types of educational resources to reach people and target different groups. They are also looking at working with schools and youth groups on research and development.

The Joint Committee on Education, Further and Higher Education, Research, Innovation and Science recently rolled out a report on bullying at primary and post-primary level. It was shocking to me that there are seemingly more instances of bullying in primary school than in post-primary school. It shows that this behaviour and idea that one can somehow manipulate and abuse people has to be changed and that change has to happen at an early stage. I have just come from a meeting of that committee at which the Minister for Education, Deputy Foley, indicated that measures will be rolled out to support anti-bullying and to tackle bullying within our primary and post-primary sectors. It is crucial that we tackle that from an early stage. The Minister has also just launched the “#UnmuteConsent” campaign. It is important that we communicate that, share it and work with our student unions to ensure that message is being rolled out and that people feel safe to come forward. I also know we have that number, 50808, for any students, staff or anyone who has a concern to be able to text someone and to speak in confidence. That is crucial. I look forward to the Minister’s response and I know he will be supportive of Senator Ruane’s measure.

**Senator Malcolm Byrne:** Like others, I would like to compliment Senator Ruane, not just for bringing forward this motion but for her continuous work within this area. I know to praise the Minister as well because he has taken a specific leadership role on this. It is essential that our universities and higher education institutions, as Senator Dolan has said, are safe spaces, regardless of one’s background, gender, sexual orientation or race. They should be safe places if one is a student, a member of staff, a researcher or a visitor to a campus. Of any place, our third level campuses should be guaranteed to be safe spaces.

I would pay tribute to Aoibhinn Ní Shúilleabháin, who came forward a year ago and bravely and honestly told the story of what had happened to her in University College Dublin, UCD. This is an extremely gifted researcher and academic, who went through something nobody should have had to go through. The honesty of her story shone through and I am glad to say that she forced changes in what was happening in the rules and procedures in UCD. As others have said, it is not good enough just to change rules and procedures; it has to be about changing cultures within an institution. If the culture and attitude of an institution are correct, then in many ways it does not need to refer to the rules and procedures. I compliment a lot of the student unions for taking leadership roles on this. It has to be pervasive across the entire institution.

Universities are not like top-down companies. An order cannot always be given from the top and a president of an institution cannot always know everything that is going on within every school and Department, as has been said. It is like being the mayor of a city or the conductor of an orchestra. One is trying to keep control of many different things that are going on at once so it is difficult to know what is going on in every area. If the president and leadership of an institution lead by example and if the culture is set within an institution, then we will look to stamp out a lot of these problems.

My colleague, Senator McGreehan, speaks honestly in many of the contributions she makes around this and she brings her own personal experience to this. She is right in saying that it is not just about a culture in our higher education institutions. This is about a culture more widely within society. There is a responsibility on the media as well. In the context of this debate, I

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was particularly disgusted by the *Irish Mail on Sunday* in its recent coverage of how a number of my party colleagues dress and of their appearance. One can criticise anybody in politics for what they say or for what their views are but they should not be criticised on the basis of how they choose to dress. My female colleagues are some of the finest dressers one can come across and I would say that for Senator McGreehan in particular. Part of the reason people are discouraged from getting involved in politics is that discriminatory language is used that puts people down.

Whether it is in an academic, political or media environment, there is a responsibility on all of us to be careful in what we say and do. The challenge within our higher education institutions is to ensure we create safe spaces so that anybody who walks onto a campus environment knows that the only test they will have will be on the basis of their academic ability and performance. That should be the only way they are judged over whatever length of time they spend in our universities or higher education institutions.

We should be proud in this country. We have excellent places of learning in higher education and research and they have good academic records but the purpose of a higher education institution or university is about more than simply academic achievement. It is about setting the standards for the country as a whole and informing our public debate and culture. We need to change the procedures. I agree with the points that have been made around NDAs. They should not be permitted in circumstances like this. At times, those at the top of the university may not know everything that is going on at ground level. What is more important is that we ensure the culture of the institutions changes. Our higher education institutions can then play a lead role in society in informing the public debate around how we make this a safer society for all of us to live in.

I speak strongly in support of the motion and I commend Senator Ruane on her excellent work in this area. We will probably pretty much have unanimity in this House on this but it is a bigger debate than what is happening within the Chamber today.

**Senator Mary Seery Kearney:** I congratulate Senator Ruane yet again on a really fine piece of work. It is utterly intolerable that any bullying or harassment should happen in a third level college. Wherever there is a power imbalance, systems and procedures must be in place to ensure that those who would exploit their positions are curtailed in the extreme. It is utterly unacceptable for non-disclosure agreements, NDAs, to be used in these sorts of contexts. I can appreciate the sensitivities but there are ways and means of dealing with those, not the least of which is tackling such a culture at the very start. In the past year, the Minister has declared zero tolerance for bullying and harassment and he has set in motion a series of measures to ensure that campuses are safe places. The mandatory requirement to record and report statistics on bullying and harassment complaints not only gives us a basis to gather metrics to educate us on how best to target supports and anti-bullying measures, but also gives us a measure of how the colleges themselves are engaging in the subject. From the general data protection regulation, GDPR, end of things, I have always felt that if you do not have a disclosure or complaint, you are not really managing the system properly. I laud the colleges that record statistics regarding complaints as being actively engaged in dealing with the culture.

On sexual harassment, we absolutely need to move to a position where people feel safe. It should never ever occur. I wrestle with the concept of teaching consent. I absolutely 100% support it but, on the other hand, there should be a basic floor level of human dignity and respect. Consent should not need to be taught. Respecting other people, the autonomy of their

bodies and how they are spoken about, including our Fianna Fáil colleagues, in every possible way shows basic human respect. It is therefore shocking that people have to be taught it but, nonetheless, that is happening and I appreciate what has been put in place.

When it comes to bullying and harassment, in an employment setting, the basis of grievance procedures is set out in SI 146 of 2000. Under that statutory instrument, if an employer does not adhere to the proper procedures, which are objective and which can be looked at objectively, the presumption is always against that employer regardless of the substantive complaint and of whether the employer made the right decision in sacking somebody. I urge the putting place of a similar system at the end of the survey, when we have statistics, so that if people make a complaint against a college and if there is not a transparent system for investigating that complaint, the presumption will be against the college resulting in automatic redress for the students. In employment terms, the High Court has ruled that taking someone's job away is the same as taking away their liberty. To undermine a student's ability to achieve his or her full potential in university is just as detrimental. Students go into third level environments to ensure that they will have a future. They invest. There is a duty of care on the part of their third level colleges that should be discharged fully and transparently.

Last year, I brought the case of a family whom I was supporting to the Minister's office and his office supported them fantastically and was great in doing so. A student's mother had come to me. He had made a complaint against his lecturer regarding the manner in which the lecturer was treating him in observations on projects and on the work he was doing. The lecturer retaliated. The matter was investigated by the very people to whom the complaint was made in a manner that was utterly replete with conflicts of interest. The situation was looked at and examined in a subjective way, which was most appalling. By any employment law standards, the findings would have been thrown out. The Workplace Relations Commission would have had a great time with it. The only choice this young person was left with was to go to someone else. He was promised an external examiner and a whole heap of other things but none of it was put in place. There was no effective objective third party to whom he could bring his complaint. At the end of all of the work the Minister is doing, the surveys and so on, a system like that will be needed. I know we have the Ombudsman and that there is a requirement to have procedures but we need a statutory instrument. We need some sort of measure of this kind which is utterly objective and which would mean that the presumption is against the party holding the power if those procedures are not fully adhered to.

I will mention apprenticeships. There has been an impressive ramping up of apprenticeships. We saw an agony aunt-type letter to the papers this week regarding a young person who is again in a powerless position in a culture of misogyny, sexual comments and lewd remarks and who is feeling disempowered. We need a similar provision in that regard, although this case is in an employment context so there are systems in place. I thank the Minister for all the work he has done in the last year and I say "well done" to Senator Ruane.

**Senator Mark Wall:** I welcome the Minister to the Chamber. Like other Senators, I congratulate Senator Ruane on her considerable work on this very important topic over a period of time and on bringing this motion before the House today. I also want to quote my own party colleague, Senator Hoey, and to tell her that we are all thinking of her and her family at this time. As we all know, Senator Hoey spoke on this matter recently and I want to quote what she said. She said:

Too often when people are harassed, they feel they do not have the power or the support

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to report it, and even some who do report it are given inadequate support to work through it. There are students, and staff, across the country who have to share campuses with people who have harassed them, assaulted them, and continue to cause them great distress. We need to make consent training the norm in all places of education. However, the first conversation students have about healthy relationships and consent should not be at third level. We need to get talking about this issue at a much earlier stage in formal education.

We in the Labour Party fully support the motion brought forward this evening, particularly the provision regarding non-disclosure agreements. Given the very welcome return to campus living and college life, this is very timely and welcome. The conversation initiated by Senator Ruane today is about our need to highlight how important it is that those attending third level, whether staff or students, have the support to speak out should they become the victims of sexual assault or bullying. It is essential that their voices are not taken away from them at such a difficult time, which is what non-disclosure agreements try to achieve and what this motion tries to discuss and address.

We also acknowledge the proactive work being done in the sector, which I am sure the Minister knows about. I refer to, for example, University College Cork's bystander intervention programme which aims to highlight the danger of normalising and accepting abusive behaviour and, through education, to inform and empower programme participants to better understand their capacity to intervene as prosocial bystanders. Another example is the Start Here campaign in the National University of Ireland, Galway, which focuses on active consent and which is in run in conjunction with the Galway Rape Crisis Centre. This provides students and staff with resources on how to support someone who makes a disclosure.

In supporting this motion tonight, we must also acknowledge and, more importantly, learn from the recent research carried out by the Union of Students in Ireland through its 2020 national sexual experience survey. This revealed that 79% of college students who disclosed sexual misconduct, including rape, sexual assault and sexual harassment, have told a friend about it. Some 29% of females, 10% of males and 28% of non-binary students reported non-consensual penetration by force or threat of force. Some 57% of females had experienced offensive remarks about their appearance, body or sexual activities. These findings should concentrate all of our minds on the need to have conversations such as the conversation we are having today but, like my colleague, Senator Hoey, has previously suggested, we need to have those conversations much earlier in our educational system.

A very important part of the conversation we are having here today relates to how we are going to fund urgently needed training for dedicated campus staff in how to deal with reports of sexual harassment and assault. It is vital that in talking about consent we also find ways to support victims through these situations when they arise. Funding must be prioritised by Government and the Minister. There must be avenues of support on campus now. As has been said by other speakers tonight, this issue is not exclusive to higher education. Right across Irish society, victims do not feel safe or empowered to report and perpetrators trade off that silence and experience, experiencing little or no consequences for their actions. Following what Senator McGreehan said, I take this opportunity to raise the RTÉ programme presented by Katie Hannon, "Women of Honour". The horrific treatment of female members of our Defence Forces through sexual harassment and bullying must be stopped, and the silence and power the perpetrators had over these women must be called out. I welcome the fact the Minister for Defence has agreed to meet the "Women of Honour" representatives and that he has agreed to an independent inquiry, but the terms of reference of that inquiry must include the experiences

of these women and they must be consulted on those terms before it begins. I strongly suggest that PDFORRA and RACO, the Defence Forces representative organisations, should also be included in drawing up the terms of reference of this urgently needed inquiry. Is it any wonder, at a time we need additional members in our Defence Forces, with all that has gone on in the past, that only 7% of them comprise female members?

I reaffirm our support for the motion. The history of this country is littered with victims whose voices were silenced throughout their sexual exploitation and bullying. I was taken aback by what Senator Ruane said about how non-disclosure agreements allow people to move among different educational organisations, and I am sure the Minister has taken that very much on board. This is a reflection of what has happened in the past in this country, and the main issue I have taken from this debate is that we cannot allow this to happen again. Our third-level institutions must be free from this enforced silence, and if it has to happen, supports must be put in place urgently. No victims should be afraid to come forward; they must be supported at all times in the process, and any funding needed must be provided and forthcoming from the Minister and his Department.

**Senator Lisa Chambers:** I welcome the Minister to the Chamber. I congratulate Senator Ruane on bringing the debate to the House. It is important that we have this conversation. Many of the points I was going to make were made by Senator Wall. Having the conversation when a student reaches third level is probably a little late and we have a big job to do. The issue is getting worse. There is far more aggression now than there ever was. One of the challenges we face relates to that level of complacency, whereby we think we have achieved everything we need to achieve, that equality has been achieved or that the streets, universities or workplaces are safe places for women, but we find time and again they are not. Many of these complaints are very recent. I commend Dr. Aoibhinn Ní Shúilleabháin, who highlighted this at the outset. She is a fellow countywoman of mine, a friend and someone I admire greatly. It took great courage for her to come forward and tell her story in great detail in order that we could all learn from her experience. She did so because she is in a position where she can now help others, but for many years she was not listened to. Her employer fell far below the standard expected of an employer in regard to protecting her in the workplace and other people in her position.

An important task for the Minister and his Department is to try to understand and figure out why victims do not come forward and what prevents them from making a complaint in the first instance. We can all guess as to why that might be the case - I have never experienced it myself in the workplace or at third level - but we need to listen to victims and frame our response by taking our lead from them. Why do victims not come forward? Why do people not go through the complaints process? Is it just that the complaints process is inadequate? That is probably part of it, but there is also a stigma attached to making a complaint. The person might feel like a troublemaker, embarrassed and ashamed. Worst of all, the person may wonder whether others will not believe the complaint or what will happen, after the complaint has been made and all the person's dirty laundry is out there for everybody to look through, if there is not a resolution at the end of it and others believe him or her over the person making the complaint. I imagine that is the greatest fear for many people who have experienced this in the workplace. It is important that we advocate for victims and understand, first, what the changes are that we need to make. We do not know exactly where we need to go on this. That is the point I am making, perhaps in a roundabout way.

It is important that universities embark on a campaign on their campuses in respect not just of consent but also of the complaints mechanisms that are in place, such as whom a complain-

ant should inform and to emphasise that it is confidential and that there will not be a retaliation against the complainant by the perpetrator or his or her group. Very often, and especially in the Defence Forces scenario Senator Wall outlined, the person carrying out the harassing or bullying is in a position of power and the person being targeted is often in a weaker or vulnerable position, and the former may play on that relationship of having more power. The perception to the victim, very often, is that it is not just the complainant that the victim is up against but rather all his or her colleagues, friends and the entire institution that is built to protect. We have seen in many organisations and institutions that when a complainant comes forward, people batten down the hatches and protect their own. That is the culture we need to stamp out and get rid of. It is not just at third level but it is prevalent there. When somebody is there long enough, he or she will be somebody's buddy or somebody's colleague, and there is a reflex to try to protect that person and just get rid of the matter, rather than deal with it head on.

In light of this debate and of all the people who have stepped forward to tell their story - I have no doubt we will hear more - let us find out why people do not come forward. Let us identify the problems and get the universities to be proactive and take measures. Only then will we see real results for future generations coming through, whereby they will be truly safe and inclusive spaces for people to come into where they can feel safe in making a complaint.

**Senator Micheál Carrigy:** I welcome the Minister. I thank Senator Ruane for highlighting this issue and bringing it to the fore. I fully support her motion. I also praise the Minister and his departmental staff for making this issue a priority and highlighting the issues facing staff and students in higher education, with ongoing initiatives to create safe campuses for all. Indeed, last year, the Minister confirmed that a survey was to be carried out into sexual harassment and bullying of both staff and students in our institutions. The survey will remain open for a number of weeks and its findings are due to be published by the end of the current academic year. This is very important. Dublin City University, DCU, has carried out a great deal of work on the issue but that seems to have concentrated on primary and post-primary levels, so I am delighted this survey is happening.

In 2021, colleges throughout Ireland will implement a range of steps to fight sexual violence, including consent classes, disclosure training and anonymous reporting tools. In this ever-changing world, however, we need to focus on educating our young people, so why not start in secondary school? We need to start the conversation, perhaps earlier than we would like to, but it needs to be done. A study published by Rape Crisis Network Ireland in July this year warned that Irish teenagers experience high levels of sexual harassment, with 80% of adolescents reporting they had been subject to some form of harassment in the previous year. This was based on a survey of 600 teenagers and interviews with 93 adolescents and 21 youth workers. It asked participants about their experiences during the previous 12 months, with ages ranging from 13 to 17. The findings showed that 24% of the teenagers surveyed had been subjected to physical or extreme forms of sexual harassment, while 83% had witnessed some form of sexual harassment, which is a staggering figure. More than 40% of the sexual harassment reported by the teenagers surveyed had occurred online, while 12% had taken place in school. The report also found that almost 70% of LGBT teenagers had experienced serious sexual harassment, while girls were almost twice as likely as boys to have experienced unwanted sexual touches. Girls were also twice as likely to have faced sexual harassment online.

I am not in favour of the use of non-disclosure agreements. We need to listen to victims, not silence them.

I sit on the Oireachtas joint committee that is conducting pre-legislative scrutiny of the on-line safety and media relations Bill, along with Senator Byrne, and we have been discussing the issue of online bullying and digital safety with a number of companies. The issue of bullying has been highlighted by all the members of the committee with the various social media companies when their representatives came before us. We have asked that an education programme be funded by those companies. Facebook, Twitter and TikTok have appeared before us and we have had varying levels of commitment, but I must compliment TikTok, which has engaged with me since its appearance before the committee and is prepared to put funding behind such a scheme. It is important to recognise that positive engagement.

I support the recent comments of Senator Byrne in defence of his colleagues following the Fianna Fáil think-in. We are all colleagues in the Oireachtas and comments such as those he raised are completely out of order. They reflect a poor standard of journalism. It is hard to put oneself forward for public life and the way one dresses, one's family and one's sexuality are off limits. That point needs to be put out there and the media should apologise to our colleagues for those comments.

I will refer to comments the Minister made recently that touch on the whole issue. We need to work together to create a culture of zero tolerance where education around consent is a requirement and not an option, not just for students but also for those teaching and guiding them. The very least our young people deserve is a safe environment to study and work free from harassment or violence.

**Senator Fintan Warfield:** I welcome the Minister to the House. He is always generous with his time in the Seanad. I commend Senators Ruane and Norris on putting this motion on the Order Paper. I also commend the Cathaoirleach on facilitating these new slots for debate, which allow for panel or constituency debates on specific issues.

Too many students, and women in particular, experience sexual harassment and sexual violence at third level. I commend the Union of Students in Ireland, USI, on its work, research and campaigns on this issue, and on being, alongside others, the driving force behind cultural change in this country over many decades. Students have been at the forefront and running educational campaigns around consent, which I will come to later in my contribution. They have always lobbied for policy development at their higher education institutions. They have rallied in support of survivors. They have challenged narratives and comments in the media. Long may that continue.

I will come straight to the issue of non-disclosure agreements, NDAs, referred to in the motion. There has been consensus here tonight that using NDAs to keep victims quiet should not be tolerated. I welcome that the Minister for Children, Equality, Disability, Integration and Youth has committed to commissioning research into the prevalence of NDAs in cases of sexual harassment and discrimination. I wonder can the Minister, Deputy Harris, on behalf of the Government, give an update on that research.

In cases of sexual harassment and discrimination, it is apparent that NDAs are being used to protect third level institutions primarily and, by extension, the perpetrators of sexual harassment and discrimination. It follows that the use of NDAs is not in the interests of the victim or victims of sexual harassment and serves only to silence staff and student victims. Of course, if a victim requests confidentiality, that should be facilitated and I understand that Senator Ruane might have legislation that would achieve that. It says an awful lot about how business-like our

third level and higher education sector has become that there appears to be widespread use of NDAs, which are commonplace across businesses. That shows how business-like our colleges have been forced to become.

Figures obtained by the BBC show that British universities spent about £87 million on pay-offs associated with NDAs between 2017 and 2019. A former music professor at the University of Liverpool broke her NDA in order to show people that they are not alone. Ms Anahid Kassabian said, “We all think we’re isolated and alone, sobbing over past wrongs, when in fact there are many, many of us, and if we could speak to each other it would feel very different.” Ms Kassabian felt that she had been bullied out of her job after being diagnosed with cancer. Victims must be able to speak with each other. They must be able to speak with therapists. They must be able to speak with their families. Using NDAs to keep victims quiet should not be tolerated.

I am glad to be following Senator Carrigy because I also want to talk about relationship and sexuality education, RSE. We are not equipping young people with sex education and relationship education that is robust, comprehensive and inclusive. I am not the only one saying this. In December, it will be two years since the National Council for Curriculum Assessment released its report on a review on RSE. Students were unanimous about the importance of RSE. This quote is from the report and it is about students’ perspectives of RSE:

There is unanimous agreement among students about the important of RSE. While students frequently cite friends and the internet as sources of information about relationships and sexuality, they were aware of the shortcomings of these sources. They want schools to provide comprehensive, relevant and age appropriate RSE through all stages of education. Students have a sense that this is hindered by RSE’s low status and low priority in schools. They expressed frustration that they are not receiving comprehensive RSE and that their needs are not being met. There is a strong perception among students that provision of RSE is uneven both within and between schools which means that students cannot be guaranteed the same quality of experience in RSE as they can expect in other subjects.

Sexual consent, which can also be left out of discussions completely, should be absolutely central to RSE reform and school is where the process should begin. In May, a spokesperson for the Minister for Education, Deputy Foley, said in the *Irish Examiner* that, “Should legislative changes be needed, the Minister is committed to making appropriate legislative changes as set out in the programme for government”. I say to the Minister, Deputy Foley, that legislative change is needed and I ask what will it take for her to realise that legislative change is long overdue. An Irish Second-Level Students’ Union, ISSU, survey of 1,500 fifth and sixth year students found that only 35% of second level students received RSE so far during their second level education.

I welcome this motion of Senators Ruane and Norris and offer Sinn Féin’s full support.

**Senator Pauline O’Reilly:** I welcome the Minister. I thank Senators Ruane and Norris for bringing forward this motion. I also thank the Cathaoirleach because it is his innovation to have these kinds of debates on panels in the Seanad. It is welcome and I look forward to more of them. This is an important topic for a first debate. We all have something to say on the matter. There is cross-party support. I commend my party colleague, Dr. Aoibhinn Ní Shúilleabháin, on bringing this issue to the fore. It should not take someone like Dr. Ní Shúilleabháin coming forward.

I am going to split the issue into two different components. I know that Senator Warfield and I speak about RSE a lot so I am not going to repeat everything that he said but I would like to split up the issue. There is an understanding of sex, relationships and consent, on the one hand, and, on the other hand, there is power and control. It is important that we look at it from both perspectives. There is an element of power and control involved when we are talking about consent but there is also a lot of learning there for children and young people. It is not just that they arrive into third level education and adulthood not understanding about relationships and consent, there is also the fact that people in their workplaces need to feel safe, regardless of where they are. Harassment, and sexual harassment in particular, is used as a form of power and control over others, particularly women and those who are more vulnerable. Those in more senior positions are typically responsible. I absolutely agree with Senator Chambers that we need to ask people what the reasons are but something that spring to mind, and about which people often speak, is that third level institutions are closed loops. Even if one is to look internationally, it is a very small pool of people. It is difficult within a small pool of people to put your hand up because you could be marking your card for your career and it may be somebody in a powerful position who you are marking your card with. That is quite a daunting prospect for someone who has spent a long time getting to a position in their career and who is potentially going to risk it all. One should never feel like that. Someone who is bringing something up is always in the right and is really supporting other people, as Dr. Ní Shúilleabháin has. As I say, one should not have to do that.

I sat on a board of management and the údarás of National University of Ireland, Galway, NUIG, as a councillor. I was discussing this issue with other Senators in the canteen earlier and it is interesting that this motion prompted those discussions. One can feel somewhat removed from what is actually happening, department by department, when one is on such a board of management. That needs to be addressed. We have discussed this in the education committee. Senator Dolan was there, and I know that she also has strong views on this. We need to look at giving independence to third level institutions. However, what does that mean when it comes to our responsibility as a State? We have to make sure that people working in those institutions have some element of their own identity and their own decision-making powers. How can we then ensure as a State that all the staff is looked after? We must have that discussion on an on-going basis.

I remember when the Minister came to what was possibly the first joint Oireachtas committee on education. My very first question was on consent. The Minister spoke at length about the importance of addressing consent in this term of Government. That is one of the Minister's top priorities. We all support that. I am looking forward to hearing the Minister's comments. I know he brought forward the survey, for instance, which is a good step.

To go back to the issue of relationship and sex education, RSE, we just do not have it right in primary schools and secondary schools. I believe that is partly because of our patronage system, although I know it is not the only reason. Every child in every school needs to have the same education. That is the State's responsibility. Children need to recognise themselves in the kind of education that they are receiving, whatever their sexuality, and whatever the sexuality of their parents. That is the only way that we can deliver a proper RSE programme to every child going to school - and it has to start in primary school - where their own cultures and social lives outside school are recognised.

I have heard so many stories. I want to commend the great, pioneering work that NUIG has done on active consent. It is now a model around the country. There are so many stories

of children who, by the time they leave school, have no understanding of what it is to have a natural relationship with someone else, which is built on mutual respect. Many of those stories came out in some of the surveys done by NUIG. They are quite harrowing and difficult to read. As a parent, you want to make sure that your boys, girls and children of all genders are getting an understanding that equips them. A parent does not want anyone to feel that they are in a relationship where their partner is not actively consenting. Children just do not have that educational background. Everyone deserves to have it, whether they are victims or perpetrators. We owe it to the whole of society. We are not getting this right. Again, I thank Senator Ruane and the Minister for coming in.

**Senator Frances Black:** I want to start by thanking the Cathaoirleach for providing this space for us to hold this important debate this evening. I also thank the Minister for joining us to be part of the conversation. Most importantly, I want to commend, congratulate and thank my colleague Senator Ruane for introducing this motion and for encouraging this conversation. I also want to commend the work of Senator Ruane's office, as well as the work of the international experts with whom Senator Ruane consulted in drafting the proposed legislation. I am honoured to have Senator Ruane not only as my colleague but my friend.

While non-disclosure agreements, NDAs, might not have sinister origins, it is evident that they are being misused in contemporary society to silence victims of abuse, discrimination and harassment. While there may be merit in protecting trade secrets from being shared, there is no merit in silencing victims of abuse and, in turn, protecting their perpetrators. By normalising the misuse of NDAs, all that has been achieved is the *de facto* normalisation of abuse, discrimination and harassment in our workplaces, schools and colleges. This has been highlighted by the research undertaken by Senator Ruane's office in Irish universities and the high-profile patterns of abuse which were exposed by the Me Too movement. Despite the fact that we know that NDAs are widely misused, we cannot be sure as to the full extent, due to the secretive nature of the agreements themselves. As a result we cannot be certain as to the precise number of incidents of abuse, discrimination or harassment that have occurred in our places of work and study.

Maintaining the *status quo* will not only continue to silence victims, but it will permit perpetrators up this sort of abuse to cause harm to others in the future. That is a huge concern. We must protect those who have suffered abuse of this nature by allowing them to tell their story, if they choose to do so. We also have to protect those who may be at risk of suffering this kind of abuse in the future by dismantling the systems which uphold the perpetration of this behaviour in our workplaces, schools and colleges. It is in everyone's interest to know where abuse is being perpetrated and by whom. It protects us all.

The misuse of NDAs essentially allows an employer to cover up instances of abuse which harks back to the damage inflicted on communities all around this country by the Catholic Church. This has become known as "passing the trash" in the years since the Me Too movement. It was a practice utilised by the Catholic Church for decades in Ireland, where abusers were moved from parish to parish. Simply moving the problem did not solve anything in Ireland. Covering up similar behaviour with an NDA is likely to achieve a similar end, as the patterns of abuse in the Me Too movement so clearly demonstrated.

We must also consider the impact of NDAs at the individual level and acknowledge that an NDA can trap victims with their abuse with absolutely no way out. The trauma of an abusive incident does not end with the signing of an NDA, but it is instead carried by the survivor of

abuse throughout their life. Many NDAs preclude an individual from speaking about abuse they suffered with anyone, whether that is a partner, family member, friend, doctor or mental health professional. How can someone be expected to heal from an abusive incident if they are not allowed to speak about it and if they are not allowed to seek help to deal with the impact that the incident continues to have on their life?

The trust that we often place on people who are in positions of power has been taken advantage of too often. We cannot allow this to continue. While organisations and institutions may commit to ending the use of NDAs to silence victims of abuse, their misuse cannot be precluded unless we change the law. Our trust has been taken advantage of by powerful organisations and institutions previously. That is why we need legislation, as proposed by Senator Ruane. Anything less than that risks the perpetration of abuse and discrimination in our places of work and study, as well as the NDAs used to cover this abuse up.

By having this conversation, and by signing legislation such as recently proposed by Senator Ruane into law, there is an opportunity to set an international standard for responding to instances of abuse and discrimination in workplaces, schools and colleges. We can be an example to other jurisdictions in condemning abuse of all kinds, empowering victims and survivors, and holding perpetrators to account. That seems like a worthwhile endeavour in my mind. I trust that the Minister and my colleagues in the Seanad and Dáil will agree.

**Senator Barry Ward:** Cuirim fáilte roimh an Aire. This is a scenario in which the Minister has done much work. He has progressed many ideas that we all recognise will improve the *status quo* for people who have been the victims of sexual harassment and of, as other Senator said, power games, and of the abuse of power by certain individuals in workplaces and third level institutions.

In my professional capacity, as a criminal barrister, I have seen many people who have been prosecuted as a result of behaviour that they have committed. In far too many of those cases, this behaviour is actually born out of ignorance. There is an astonishing level of ignorance but it does not forgive the behaviour. However, if there was a greater understanding of the effect the behaviour has on individuals and the consequences that arise from the behaviour, people would think twice. Much of the work that the Minister's Department has been doing has been effective in bringing to the fore the issues around things like consent, and an understanding of what it is consent in real terms, as opposed to acquiescence or submission. That is an important difference. It applies, in particular, to young men. They are not always the perpetrators, but invariably, or usually, they are, and their victims are usually female, although of course it spans all kinds of people. It is so pervasive.

Recently, I have been watching a Netflix programme called "Sex Education". Of course, it is a dramatisation, but it is refreshing how openly the programme explores the issues that affect young people and how it talks about what young people are doing in real terms. In Ireland, we have come from a history where we are desperately afraid of discussing these issues because we think that if we talk to young people about sex it will somehow encourage them to do it. Well, the news is that they are doing it anyway. We think that if we talk to young people about sex, somehow that is going to inform them in a way that encourages more sexual activity. As I said, they are doing it anyway. Would we not be much better off if they knew about the pitfalls? One of the storylines in the programme is about a girl who is sexually assaulted on the bus on the way to school. The programme explores the deep psychological effect it has on her. She stops getting the bus, she feels bad about herself and no longer wants to be with her boyfriend. Many

young men, in particular, do not understand how a casual act that they commit has a deeply damaging effect that they do not intend on the person who is the victim of that act. The wonderful thing about this programme is that it shows the real effect of sexual harassment, sexual assault, bad behaviour in a sexual context and criminal behaviour in a sexual context.

One of the things that we need to look at, and I recognise that the Minister's Department has been working in this direction, is how education is key to stopping much of this behaviour. Rather than dealing with it after the fact when the harm has been done, both to the victim and in terms of the consequences for the perpetrator, we can stop it much earlier if we address these issues, do not run from them and acknowledge that we need to talk about them. Having that open forum is a tremendously important step that we could implement, particularly in third level institutions and also in second level institutions. It does not just start when people go to college. Kids are interacting with each other in a way that they often do not understand. The presence of sex counsellors and independent, dispassionate professionals - not friends, the Internet or pornography - who can inform them about what they are at and the consequences of it, and not in a condescending way or in a way that tells them not to do something, but in a way that encourages them to understand what they are doing and informs them about all kinds of aspects of sexual activity, is something that we really need to be putting in place. Gone are the days of the old Ireland where nobody mentioned sex as if it did not ever happen. We need to address this head-on, acknowledge that it is happening and take the same kind of approach that we see in "Sex Education" - an open discussion, a recognition of the reality and an addressing of issues that we have hidden from in the past. Without wishing to drag it on, that is the main point I wish to make. Although this motion concerns sexual harassment, and there has been much discussion about NDAs, and I agree with what has been said about them, there is an educational strand here that will help us stop a lot of this before it ever starts. If we can instill in young men, in particular, an understanding of the damage that they do when they behave in a certain way, we could stop it before it every starts and also stop the damage that it causes.

While the Minister is here, I wish to state that there are many other issues that we need to address in terms of an open discussion, for example, on VAT on condoms. Young Fine Gael is conducting a campaign currently to have VAT on condoms removed. It seems to me to make perfect sense. The notion that we do not make condoms as available as possible is to somehow belie the notion that they are being used by young people - or not being used by them, which is even more dangerous. In respect of period products, there is a good organisation that is based in Limerick and is working on this issue. It is campaigning to have the VAT on period products removed. These are all issues that affect young people. We should be helping them in every way that we can. There is an inconsistency insofar as VAT has been removed in respect of some period products but menstrual cups, for example, still have VAT attached to them. I do not understand that.

A multi-strand approach can solve problems and stop them before they start. I praise the Minister for the work he has done so far, but here is so much that we can do to shine light on these issues and stop them before they start.

**Senator Joe O'Reilly:** I thank the Cathaoirleach for the opportunity to speak at relatively late notice. I was distracted elsewhere. At the outset, I wish to welcome the Minister and to say in a genuinely non-partisan and objective way, which I hope people will recognise, that he is the first person in public life in a long time that I am aware of to confront this issue head-on, bring it into the public domain and take action on it. I salute him for that. I will make the point later that it must be vigorously pursued, but I congratulate the Minister. I also wish to warmly

congratulate my colleague, Senator Ruane, for bringing forward this issue. She is an excellent Senator who pursues real, deep issues for people. This is yet another example of that. I salute Senator Ruane for that. It is actually the main reason that I was doing other things, but I wanted to come in just to say that, because it is important that we show solidarity in these instances.

Obviously, sexual harassment is a despicable crime. It is heinous and all the adjectives you could think of. Tragically, as my good colleague, Senator Ward, said, it was swept under the carpet and ignored for a long time. That is wrong. Bullying is wrong and was a feature of traditional Irish schools. That does not mean that it was present in every school but it was there, and for many years, it was ignored. It was perceived that by ignoring it and allowing it to continue, people were toughened up. It was a perverse logic and caused huge damage to people for many years. It is a pernicious thing. Within bullying, homophobic bullying is particularly wrong dimension of it.

The Minister's speech contains three words: "prevent", "reduce", and "support". That is what it is about. I am glad that the framework was launched in 2019. The Minister talked about action plans and said that he has urged the presidents of colleges to produce action plans based on the framework. I do not know what carrot and stick the Minister can use, but the proof of the pudding will be in the eating. I would love for the Minister to come back to the House, and we could invite him here in a year's time, to tell us that there is actually an action plan in each institution. Many primary and secondary schools have confronted this issue satisfactorily, but more action is needed.

The Minister was with me recently when we visited third level, post-leaving certificate and Youthreach institutions. We met wonderful people there and saw that they are articulate and confident and how they are developing as individuals. Sexual harassment and bullying has the potential to put all that to nought. Action plans must be put in place. People will want to see those action plans. They should be in the public domain. The Minister should insist on that. To be honest, these plans should be linked to grants. There should not be Government support for institutions without them. That should be the case.

If I understand the Minister's speech correctly, and he should correct me if I am wrong, I believe that the psychological counsellors will be committed to each college and resourced. The presence of these counsellors needs to be flagged and they need to be used.

Senator Ward said a lot when he said that for too long we brushed this under the carpet. We did it collectively and individually. It was done across all strata of society and by everybody. It was wrong. There is no point in just condemning it as being in the past. It needs to be condemned. We need to call it out, name it and not be embarrassed about doing so. We did the wrong thing. It is part of our history. There is no point in celebrating wonderful events in our history, and of course we should, but we must be fit to face up to what was not right. This is one of those things. We have faced up to that, but the logical progression from that, as the Minister is doing with the framework, the action plans and the psychological counsellors, is to see results. We need to see results from this. It was brushed under the carpet for too long.

I have a background in teaching and I am also a parent of three wonderful sons. I really get this. I get the horrendous implications for people who are the victims of bullying, sexual harassment, sexual bullying or all of it. The damage can be inter-generational.

*7 o'clock*

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That person is damaged and their capacity to form relationships and be adequate parents is damaged. It damages their entire existence.

There is no point in labouring the point. All I say to the Minister is that what he has done so far is wonderful. I ask him to see it through to the bitter end in A, B, C terms, with definable, objective and clearly visible goals. I congratulate our colleague, Senator Ruane, for what she has done today. It is great work.

**Minister for Further and Higher Education, Research, Innovation and Science (Deputy Simon Harris):** I thank the Cathaoirleach for inviting me in to be part of the inaugural debate under these new structures. As a Minister who gets invited into Seanad Éireann to speak in debates, it is better to speak after hearing everybody's contribution. It is not for me to advise Seanad Éireann on its business, but it is a more informative way of approaching these matters. It has been an honour for me to sit through this debate. We all attend debates in the Oireachtas from time to time that are a little bit flat - tonight was anything but. I am struck by the passion and strength of feeling across the political parties and groupings in the Chamber. I am proud to stand here on behalf of the Government to wholly endorse the motion put forward by Senator Ruane and thank her for her leadership on this issue. I always try to listen closely to what colleagues have to say but I listen particularly to what Senator Ruane has to say on matters like this. I know she has a lifetime of work behind her. I thank her for bringing that expertise, for the way she did not just rush in with a motion and for the clear body of work she did to arrive at this point. I thank our dear friend, Senator Norris, as well and everybody who has contributed.

There is probably not a more timely moment for this motion. I was on college campuses yesterday in Kerry and the thing that struck me was the noise. When you walk into colleges, you hear the noise of students and staff, the noise of excitement, hope and giddiness of people being back on college campuses and seeing each other. There is an obligation on all of us to make sure that the campus is a safe place and that excitement, joy, hope and optimism are maintained throughout the college experience. This is not always the case, and that is the challenge confronting all of us. I thank Senators for the opportunity to be here. We should, in passing the motion, not just acknowledge the motion. We should make a commitment to each other. I make a commitment to this House, considering the strength of feeling on this matter, that this is not a once-off debate. We should look at ways in which we can work together, as Members of Seanad Éireann in the Senators' case and as a member of the Government in mine, to try to make real, discernible, concrete progress on this. I look forward to working with Senator Ruane and all colleagues across Seanad Éireann on achieving change and reforms for victims of bullying and sexual harassment.

Before I speak on the specifics of my Department's work, I will say a few words on the broader context of sexual harassment and sexual violence. It is a statement of the obvious but it is important to say that no country, community or institution is immune to the occurrence of sexual harassment and that it can happen to anyone and anywhere. I was struck by a number of Senators who made the point that starting this conversation at third level is too late. I share that view. How do we have this conversation at a much earlier stage in an age-appropriate way? My colleague and friend, Senator Carrigy, made the point about social media. I think it has a real role. I launched the Dublin Rape Crisis Centre's annual report a couple of years ago and was struck by the centre's fear and concern in relation to how young people, particularly young men, are now learning about sex. It is on mobile apps and they are getting a very perverse view of the world. It is a frightening time to be a parent. There is an obligation on us as a Government, I say to Senator Warfield's point, to move forward with the reforms that need to take place in rela-

tion to RSE and, to Senator Joe O'Reilly's point, in our primary and secondary schools, as well.

We know sexual harassment affects men and women but sexual harassment and sexual violence against women and girls is an issue of gender equality. Without a sustained, consistent and ambitious effort to eradicate sexual violence and harassment, real gender equality remains elusive. As for bullying, this act of aggression and dominance cuts to the bone of the victim and, like cases of sexual violence and harassment, it can have a profound impact on an individual's life, livelihood, relationships and participation in communities. It must be our collective aim to work together in partnership to build a society, culture and institutions where these behaviours are not tolerated. To protect victims and ensure accountability, we must prevent through information and awareness-raising, especially on matters such as consent, we must reduce through putting in place structures, procedures and policies that severely limit the potential occurrence of sexual harassment and bullying and we must support. We must ensure that every victim of sexual harassment and bullying is given the right supports and the space to heal and that people in institutions are held accountable for bullying and sexual harassment.

Tackling sexual harassment and violence in third level is a key and explicit commitment in the programme for Government. My Department, like the Government as a whole, remains committed to addressing this issue. Experiences of sexual harassment and violence have a hugely negative impact on each individual, affecting overall well-being and academic and professional attainment. They also impact at the institutional level, permeating the cultural norms and having a direct effect on student and staff retention, as well as on institutional reputation. Higher education institutions have a responsibility to their students and staff and must foster a campus culture that is clear in the condemnation of unwanted and unacceptable behaviours. They must set out their stall that every student and staff member is entitled to safety and to active participation in all parts of college life.

I will share with Senators a few initiatives my Department has advanced since it was founded a little over a year ago. Senators will be aware of the framework for consent in higher education institutions, launched in 2019. Its core values are transparency, consistency and integrity, and these underpin all aspects of the framework. It is key to the creation of an institutional campus culture which is safe, respectful and supportive and where students feel safe, empowered, confident and capable in their relationships with fellow students. However, I think it is too easy to hide under a national framework. One can publish glossy documents and say, "Here is this framework document". It is well intentioned, a lot of work went into it and I do not mean to be flippant or dismiss it, but more important is how that framework is applied to each institution, and what the president of college X or college Y does to make sure all of his or her staff and students are safe. I think that is at the heart of what Senator Joe O'Reilly was suggesting.

The first letter I wrote to the presidents of every higher education institution when I took up this role was not about traditional issues like funding, safe returns to college and all those important matters. It was on the issue of how they will strengthen their individual and collective actions at institutional level. I wrote to every president of every higher education institution and asked them strongly to develop individual institutional action plans on tackling sexual violence and harassment and to align it with the framework. What are you going to do about it? I asked them to submit their action plans to the Higher Education Authority and to report against them every year. That is the only way we can measure the progress. I am pleased to say every institution has now published an action plan, has published the institutional plan on their website and is reporting on progress in implementing the framework and the action plans. They are due to submit that first progress report in the first quarter of this year.

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I was taken by the point made by Senator Chambers that it is important that there are on-campus campaigns to communicate these so that every student and staff member understands what they can expect, what they can do if they have a complaint, and, in response to Senator Seery Kearney's point, how the procedure works and the steps they can expect to be followed.

The reason I wrote that letter in August 2020 and that I have prioritised this issue, in addition to the fact it is a key commitment in the programme for Government, is down to Dr. Aoibhinn Ní Shúilleabháin. I met her and was taken by what she had to say. She put it to me clearly that there were simple steps. She did not just come and tell me her story. I do not mean to be dismissive about that because her story was powerful and compelling and what she encountered was disgraceful. She also came to me with a concrete list of things we needed to do. That is how Dr. Ní Shúilleabháin works. One thing she said was that we needed an evidence base and data. If we are serious about eradicating sexual violence and harassment, we need to know its prevalence and type. Work to build the evidence base on issues of sexual violence and harassment is under way and, earlier this year, I launched surveys for the first time into staff and student experiences of sexual violence and harassment in our higher education institutions. This will be an annual survey.

I praise the USI, which has done work in this space. I do not think it is acceptable that we leave it to, or put the burden on, a student union to carry out these things. We should be doing them as part of the core business of a Government Department and a higher education authority. The Higher Education Authority expects to be able to report to me on these surveys shortly and we will use this information to further develop the most effective and targeted policies to tackle sexual violence and sexual harassment.

A number of projects and initiatives are under way in relation to how we raise awareness about harassment, consent and reporting. My Department and the HEA have funded Psychological Counsellors in Higher Education in Ireland to develop that speak-out tool. This will enable students and staff to report anonymously incidents of bullying, harassment, sexual harassment and sexual violence. People will want to report in different ways. The tool will also assist in recording the prevalence of the incidents on campus. I am pleased to say it will be launched in the coming weeks and rolled out during this academic year.

My Department has partnered with the Department of Justice, and with NUIG on its active consent programme. I was pleased to be at NUIG with Senator Dolan recently. We now have the very first online learning hub, which will, for the very first time, provide an integrated, publicly available resource on sexual consent awareness and learning. This builds on a very substantial body of work that has been undertaken through the active consent programme and comes as part of the Government's initiative to improve the understanding, meaning and importance of consent in sexual activity, communication and violence prevention. Senators may have noted that, just yesterday, I was delighted to launch the #UnmuteConsent campaign. This is really going to make a difference to awareness levels and encourage more conversations on consent. I thank all the institutions, namely, the IUA, THEA, HEA and USI, involved in this campaign.

As all of these projects progress, my Department will continue to work in partnership and collaboration to raise awareness and provide training on sexual consent. I take Senator Wall's points on training staff, providing the resources and providing information on sexual violence and harassment to students in higher education. I am positive and excited about some of the initiatives. I feel genuine energy and momentum from so many stakeholders. I thank them for

and commend them on their leadership and want to work with them in that regard. I also want to take a more proactive approach to the issue of bullying. I am aware the motion refers to that. I am proud that the National Anti-Bullying Research and Resource Centre in DCU hosts the UNESCO Chair on Tackling Bullying in Schools and Cyberspace and the International Journal of Bullying Prevention. As we gather more data on the issue of bullying, I intend to outline several measures that we intend to take, specifically on the issue of bullying, later this year.

I want to turn to the specific and important issue of non-disclosure agreements, NDAs. It might be helpful to mention when it is appropriate to use an NDA. There can be times when it is appropriate, but it is never when there is anything to do with sexual harassment, violence or bullying. Senator Warfield, in making a broader point about our higher education institutions, stated NDAs are often used in the commercial world. An NDA or confidentiality agreement can be signed between two companies when they are doing business with each other and need to exchange business to benefit the partnership. That is the purpose of it. The Government and Oireachtas are fully against the use of NDAs in cases of bullying or sexual harassment in the third level sector and, I would suggest, any other sector. As stated in Senator Ruane's motion, NDAs limit the accountability of perpetrators. That is why we are very happy to support this motion tonight. At a time when Irish society is challenged to really listen and take action to stop sexual violence and bullying, NDAs have absolutely no place when cases such as those in question arise within institutions or the workplace. NDAs have the effect of silencing victims and, in doing so, can prevent healing and recovery. Crucially, they damage the prospect of accountability for perpetrators.

Let me quote a woman whose words I came across in researching for this discussion. She is a victim of sexual harassment. Her words were captured in the Australian Human Rights Commission's report from 2020 entitled *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces*. Referring specifically to an NDA, she said:

All the while going through this heinous process, I had no voice. I was silenced. I couldn't [because of my NDA] speak to friends, current and present. I had, and still have, no social media participation ... I cannot, without severe implications, tell my story to either assist my healing or to help other survivors.

I will not be standing over the silencing of any victim of sexual harassment or bullying in Irish higher education institutions. The use of NDAs runs contrary to the values of transparency, consistency and integrity that I said were in the framework of consent.

My Department is engaged with the representative bodies of the higher education institutions, namely, the IUA and THEA. We have been advised that these representative bodies also do not support the use of NDAs in their responses to incidents of bullying or sexual harassment. Individual complaints of sexual harassment or bullying should progress through the formal investigative and, if necessary, disciplinary procedures within a third level institution. I am deeply concerned to hear any account of the use of an NDA by any Irish higher education institution.

Next month I will be introducing legislation to modernise governance laws in higher education. It will be an interesting debate. Senator Joe O'Reilly touched on the matter. I value educational and institutional autonomy so much. We all do, but that is not some sort of fig leaf whereby, as legislators, members of the public, taxpayers, citizens or human beings, we do not have to exercise our right to demand a certain standard. Maybe Senator Ruane's legislation might present an opportunity to discuss these issues. I intend to propose in legislation that the

HEA will have the ability to set guidelines in key areas and sanction non-compliance. Please do not come at me saying that it is an attack on institutional autonomy. It is not, and saying so is complete baloney. Having the ability to set guidelines is exactly what we should expect to be able to do in a modern republic. I really look forward to discussing that with the Senators.

The composition of governing authorities is important also. I look forward to discussing that with the Senators. It also sets the culture. In my time as Minister, I have been honoured to have been able to appoint the brilliant Noeline Blackwell to the governing authority of UCD, where she brings her expertise in Dublin Rape Crisis Centre. I was also delighted to have appointed in NUIG somebody from the Galway Rape Crisis Centre, its CEO. Who we appoint to our governing authorities says something about our values in terms of what is important to us. It is not just about being an accountant or addressing those important matters concerning financial probity; it is also about other issues, including inclusion. This is such an issue.

Senator Warfield asked me about the broader work being done by my colleague, the Minister for Children, Equality, Disability, Integration and Youth, whose title is nearly as long as mine. He is preparing an important report that explores the prevalence of the use of NDAs more broadly in sexual harassment and discrimination disputes. I understand that the report is primarily concerned with the potentially unethical use of NDAs in cases of alleged sexual harassment or discrimination, with reference to the nine characteristics protected under the Equality Act. I very much look forward to the Government receiving that report shortly.

I thank Senator Ruane and all the other Senators. We have kicked off or, hopefully, taken forward a really important debate tonight. I look forward to working with the House seriously, including on the legislation, to get these matters right over the coming weeks and months.

**An Cathaoirleach:** I thank the Minister for attending and listening carefully to the contributions of Members. His having done so is timely given the legislation proposed by him and Senator Ruane. The most important proposal is that every university would have to report to the Minister and appropriate authorities on their annual number of NDAs. That, in itself, would do a lot to shine a light. What has been happening has all the hallmarks of what happened within the Catholic Church. We have to learn the lesson that what happened in the Catholic Church just allowed abuse to continue and victims to be victimised further by the silence imposed upon them by NDAs. I thank the Minister. I call on Senator Ruane to close the debate.

**Senator Lynn Ruane:** I thank every single person for contributing today. The motion, the NDA Bill and work of this kind are my next steps in moving on from purging and purging myself of my experiences and trying to be heard, to get an education and to get people to understand. It does not happen easily because each and every time I work on something in this area and have a telephone conversation with someone who tells me of an experience they have had, it takes another little piece of my energy or triggers my own trauma. When I come into the Chamber, the support, awareness, understanding and solidarity in respect of work like this help on the healing side that we have all been talking about. When I do not have to justify or explain why something is so necessary, I can then seek healing from my own experiences throughout my life. The legislative work being done in parallel with the other work in this area is so important because others are being denied healing. I have been very lucky in that, like Aoibhinn Ní Shúilleabháin, I have been able to speak. There are so many people affected. A couple of Senators asked why people do not come forward, but what about those who have whom we will never know about? There are hundreds upon hundreds of them. The message that today's debate sends to the universities is that they now need to create a space in which they must undo

and unravel what has happened, whereby people cannot speak out.

It is important to note that there was no conversation today that triggered me. That is unusual in that I have heightened senses for this stuff at this stage. None of the conversation triggered me, and that is such a signal that we can move forward and work together in this area.

I am involved in an international conversation on this now. I do not know how it happened but, all of a sudden, there are all these women from around the world who meet every few weeks. These include MEPs from the UK and representatives from Australia and the US, including California. A movement has come together and, out of all the sectors, the university sector is the one that comes up most, which always stands out to me. That is why the motion is important. Even though the Department of Health and other Departments all have to examine the different sectors they fund that are probably using NDAs, the university sector seems to come up time and time again.

Recently, the International Bar Association published a brilliant piece on NDAs. *The Financial Times* has focused on the proposed legislation in Ireland, as have several US newspapers. They are all now looking at Ireland's NDA legislation and the conversation we are having. They are all asking me about it because they are coming up against barriers all the time and I am saying that I think we are good in Ireland. Everyone seems to get the wrongness of this. That is very much down to the women who have come before us, especially on the issue of institutional abuse and Magdalen laundries. This issue cannot be seen in isolation from those women. It is because of their willingness to keep putting themselves out, and how they had to sign confidentiality clauses to access redress and all those different things, that they have raised the social consciousness so much, they have also carved out the space for us to be able to have this conversation in the wider sense. I thank them for that in the context of this debate.

I will finish by referencing the Department of Children, Equality, Disability, Integration and Youth, which has been brilliant. Since the first debate on this issue, officials have been in contact. We have had several meetings about what research should look like, how we can get the data, how we can access it and what is the prevalence. The officials have gone away and got stuck into it, which is good. If every Department did that, we could move this conversation along to protect victims in all sectors, beyond the universities and into every type of employment. The message I will send today is that we should move forward and not put the onus completely on people to tell us about their NDAs. That is where we lack data because people are frightened. At the end of the day, the people signing the NDA are not the only ones in the room. Other lecturers, advocates, barristers, solicitors and union representatives are also present. They also know about the prevalence of NDAs and can speak up about their use. They do not have to reference a particular case or person. They do not have to do any of that but they can speak up instead of saying, "Oh well, we didn't sign an NDA so that doesn't apply to us", even though they are aware of its existence. We should begin to encourage those conversations in the university sector where those in it speak up.

I have a couple of examples of NDAs as we have been collecting them and trying to identify the variations between them. Everything is redacted in one in terms of identifying anybody. Another states that the consent of the other person who signed it must be sought if the complainant is to tell anybody about it. We have spoken so much about consent, but let us imagine having to go to the person you made complaints about to seek consent to, potentially, talk. I cannot believe people write this stuff. These are educated people - what is going on? We are talking about consent at primary level age but these are top academic staff and this cannot be real.

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Some of the stuff I have seen written in NDAs is quite baffling to me. Sometimes it is framed as a matter of victim protection and it is not. We need to move away from that because if it was about protection of the victim, then only the confidentiality of the victim would be protected. A perpetrator and the reputation of the university would never be protected and a perpetrator would never receive a glowing reference allowing him or her to move around. That is protection of something else. We have convinced people they are protecting the victim by introducing NDAs and that is just inaccurate. I thank everybody. Senator Ward will be delighted to know that season 3 of “Sex Education” is now available on Netflix.

**Acting Chairperson (Senator Pauline O’Reilly):** I thank the Senator for giving all of us the opportunity to speak about an issue that matters to everyone. Her lengthy work is evident and the sharing of her experiences is something for which we are all grateful.

Question put and agreed to.

*Sitting suspended at 7.25 p.m. and resumed at 7.45 p.m.*

### **EU-UK Trade and Cooperation Agreement: Motion**

**Senator Barry Ward:** I move:

That Seanad Éireann approves the exercise by the State of the option or discretion under Protocol No. 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, to take part in the adoption and application of the following proposed measure:

Proposal for a Council Decision on the position to be taken on behalf of the European Union in the Specialised Committee on Law Enforcement and Judicial Cooperation established by the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, regarding the extension of the period referred to in Article 540(3) of the EU UK Trade and Cooperation Agreement (Prüm) during which DNA-profiles and fingerprints can be exchanged with the United Kingdom,

a copy of which was laid before Seanad Éireann on 13th September, 2021.

**Minister of State at the Department of Justice (Deputy Hildegard Naughton):** I am speaking today on behalf of the Minister for Justice on a motion referring to a draft proposal by the Council of the European Union relating to the extension of the period defined in the EU-UK Trade and Cooperation Agreement, TCA, to allow the continued sharing of DNA profiles, fingerprints and vehicle registration data, also known as Prüm data, with the United Kingdom. This is an essential tool for law enforcement across the EU and, of course, is of particular value to law enforcement co-operation between Ireland and the UK. I trust Senators understand the urgency and necessity of the motion passing this evening. It is anticipated that the European

Commission will have completed an evaluation of the UK by 30 June 2022 and a mechanism will be the subject of a separate decision, which will come before the Houses in advance of that date.

I will give some background information on this measure that emphasises why it is necessary for Ireland to take part in this measure. The EU-UK TCA stipulates that member states may continue to supply Prüm data to the UK pending the outcome of evaluations required by the TCA until 30 September 2021. This interim period can be extended once, until 30 June 2022, by the specialised committee on law enforcement and judicial co-operation.

An evaluation of the UK by the European Commission to permit ongoing sharing of Prüm data will not be concluded by the end of September. Consequently, the Commission has published this proposal to facilitate the extension of the period to ensure the continued exchange of Prüm-related data. Without the extension to the interim period, as set out in the TCA, Prüm data will cease to be shared between the EU and the UK from midnight, 30 September 2021. As Senators will understand, if this was to happen, it could have serious repercussions in the investigation and prosecution of criminal cases. The views of the Office of the Attorney General were sought and the legal advice received has confirmed that Oireachtas approval, under Article 29.4.7° of the Constitution, is required.

I emphasise that the effective implementation of the EU-UK TCA is an EU priority and Ireland will play its full part in that. I have previously mentioned that this is a necessary measure to ensure there is no break in the sharing of Prüm data between Ireland and the UK, data that is vital for law enforcement. Ireland's role in the EU has changed in recent times and will continue to evolve in the coming years. Full implementation of the TCA is necessary for us, not only to play our part as a member state but to ensure that our post-Brexit relationship with the UK continues to grow and develop. Part of this relationship is ensuring that the safety and security of our citizens is protected and this measure is necessary to do that. I trust that the House can support the exercise of Ireland's opt-in in respect of this measure.

**Senator Barry Ward:** The Minister of State put her finger on the importance of the motion. The exchange of Prüm data is an essential part of law enforcement and the criminal justice consequences of that in respect of detection and, ultimately, prosecution. It is a shame that as I understand it, next year will be the final date - 30 June - to which this can be extended and thereafter, extraordinarily, there will not be such an exchange of data between us and our nearest neighbour. There is no doubt that dealing with criminal offences and investigations will be more difficult after that date. It makes sense, therefore, that we would extend this for the greatest possible period. It would be cutting our nose off to spite our face to do anything else or allow this agreement to lapse on 30 September. It is exactly details like this that bring home to us how important connectivity with our neighbours is, not just in terms of criminal matters or investigations but in a range of other activities such as trade. We benefit enormously from our membership of the EU in that regard. We benefit enormously from what we bring together as a union of countries rather than as stand-alone states.

The fact that this comes under Protocol No. 21 and is subject to the provisions of Article 29 of the Constitution is another important recognition of the fact that at every step along our journey with the EU, in a healthy way, the State and body politic have referred to the people and the Oireachtas and brought questions to them to be decided instead of them only being done by the Executive, as happens in many other member states. This is one of the factors we can point to as to why there is such extraordinary and continuing support for our membership of the EU.

In respect of this motion, I agree entirely with what the Minister of State suggested in terms of the continuation. I am confident Senators will agree with that. It makes sense for us to continue to share this data so we can continue to the greatest extent to deal with criminal investigations in as effective and fruitful a way as we can. I am happy to have moved the motion and I hope it will pass.

**Senator Robbie Gallagher:** The Minister of State is welcome to the Chamber. Fianna Fáil very much supports the motion, which allows for the continuation of the supply of Prüm data to the UK. Serious crime does not recognise any borders and we need the co-operation of all member states and indeed those outside the EU, such as the UK in this instance, to fight crime in all its forms across all borders. For that reason, I fully support the motion and am confident that other Members will do likewise. It is just another example of the fallout from Brexit and the UK leaving the EU, which is disappointing across many facets. Where we can have co-operation, we must have co-operation and this is an example of where we can co-operate. For that reason, I am happy to support the motion.

**Senator Niall Ó Donnghaile:** Sinn Féin supports this motion to opt into the Prüm convention decision for an extension on the time period to exchange DNA profiles, finger prints and vehicle data with the UK. In doing so, we wish to highlight a number of concerns, some of which relate to civil liberties and the need to subject the strictest oversight to particular types of technology that are associated with the measures contained in the Prüm Convention. For example, there are plans to build similar databases such as Eurodac, which traces migrants. This is a worrying development. However, Sinn Féin accepts the need for a co-ordinated, EU wide approach, including the post-Brexit UK, to deal with the threat posed by criminals.

The Prüm convention and decision are a series of measures that cover cross-border co-operation. This State is not a full signatory to the convention and decision but voluntarily opts in to certain aspects. This motion is an interim measure approving the sharing of data with the UK for a further period. Ironically, given the anti-EU Brexit obsession of the British Government in its desire to leave the EU, it was the one state, more than any other EU state, that used certain shared crime databases administered within the EU. As with so many areas, the disastrous Tory Government put the UK in the position of talking out of both sides of its mouth with the UK Government talking tough on crime while tying its own hands in trying to get the resources to do so. Where agreement is possible, however, we should enable it but not at any cost. The Taoiseach's approach on the protocol and Brexit more generally is to appeal to what he wrongly believes is pragmatism on the part of the British Government and the DUP. This approach has not worked and like everything to do with Brexit, the Irish Government must have its own view based on the needs of the people of Ireland, North and South, working in conjunction with the rest of the EU.

Cross-border criminal networks are becoming an increasing issue of serious concern with signs there is collaboration among the larger and better organised and more threatening criminal organisations. Accordingly, while it is important to expose the anti-Brexit contradictions in the British Government's approach to co-operation across the EU, the UK cannot be allowed to become a blind spot for crime within the EU. That is the risk the consequences of Brexit pose and this is a situation not of Ireland's making, North or South. We need to deal with the issues as they present themselves and in supporting this proposal, with the stated concerns, I believe we can do precisely that.

**Senator Mark Wall:** I welcome the Minister of State to the House. The reason we are here

is, unfortunately, another example of the fallout from Brexit - a fallout following more than 40 years of co-operation that has seen our nearest neighbour remove itself from agreements and co-operation that were by all reports and particularly in this case working very well. It is, of course, vital that we acknowledge the importance of what is before us for the safety of our citizens and the security of our country. Given the closeness of our neighbour and the ease of travel between our two countries in the past, this is an important motion. We are all aware of the reported criminal activity between both countries and the continued need for co-operation between their respective police forces. It is vital for the running of both police forces that this co-operation continues and as we did in the Dáil earlier, the Labour Party will support the motion.

*8 o'clock*

It is unfortunate, as has been said by many Senators, that we are only discussing this agreement now in its final week. More important, however, is the concern many of us have that this agreement can be extended only once. As our briefing note explains, the interim period can be extended once, until 30 June 2022, by the specialised committee on law enforcement and judicial co-operation. Given that it can be extended only once, for nine months, how can we copper-fasten this so important agreement and ensure it will be extended? Without it, both police forces will find all their operations very difficult.

**Minister of State at the Department of Justice (Deputy Hildegarde Naughton):** I thank all Senators for their contributions. On the data protection issues that were raised, Prüm is limited to fingerprints, DNA and vehicle registration data. The Prüm measures set out particular, bespoke requirements in respect of data protection and countries need to demonstrate how these are respected in the national implementing legislation and other arrangements. This will be subject to assessment as part of the evaluation undertaken. In addition, the European Commission has adopted an adequacy decision, including strong safeguards for law enforcement data exchange with the UK, designed to ensure that proper protections are in place for data that any member state shares with the UK for law enforcement purposes. This has been subject to consultation with Parliament and includes a sunset clause of four years.

As I mentioned earlier, this measure is essential to ensure the continued close law enforcement co-operation Ireland shares with the UK. It is vital we meet the highest standards in the investigation and prosecution of crimes, and the ongoing transferring of Prüm data will help to ensure that. This extension allows until 30 June 2022 for the European Commission to complete its evaluation and any further measures will come before the House in advance of that date.

Again, on behalf of the Minister for Justice, I thank all Senators for attending the debate.

Question put and agreed to.

**Acting Chairperson (Senator Aisling Dolan):** When is it proposed to sit again?

**Senator Robbie Gallagher:** At 10.30 a.m. tomorrow.

The Seanad adjourned at 8.03 p.m. until 10.30 a.m. on Wednesday, 22 September 2021.