



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**SEANAD ÉIREANN**

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

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## SEANAD ÉIREANN

*Dé Máirt, 28 Meán Fómhair 2021*

*Tuesday, 28 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 have received notice from Senator Garret Ahearn that, on the motion for the Commencement of the House today, he proposes to raise 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 progress on reducing energy poverty.

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

The need for the Minister of Health to provide an update on the human papillomavirus, HPV, schools vaccination programme.

I have also received notice from Senator Aidan Davitt of the following matter:

The need for the Tánaiste and Minister for Enterprise, Trade and Employment to make a statement on the operation of the critical skills and ineligible occupations lists for work permits and visa applications.

I have also received notice from Senator Micheál Carrigy of the following matter:

The need for the Minister for the Environment, Climate and Communications to make a statement on the extension of the natural gas pipeline to Longford town.

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

The need for the Minister for Further and Higher Education, Research, Innovation and

Science to provide an update on the implementation of the Cassells report on higher education funding.

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

The need for the Minister for Transport to make a statement on driver test delays for persons requiring special car adaptation.

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

The need for the Minister for Transport to make a statement on the timeline and funding for the proposed phase 2 works on the Bandon southern relief road.

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

The need for the Minister for Finance to incentivise the purchase of electric vehicles as a sustainable option under the primary medical certificate.

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

The need for the Minister for Finance to maintain the current levels of tax relief on electric vehicles in advance of budget 2022.

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 provide specific guidance to local authorities on density requirements on zoned residential land to facilitate purpose-built housing for older persons.

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

The need for the Minister for Agriculture, Food and the Marine to make a statement on the financial supports available for the development of allotments in urban areas; the value of those supports over the past five years; and future departmental plans to increase this support.

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

The need for the Minister for Housing, Local Government and Heritage to make a statement on maternity leave terms and conditions for elected representatives under the Local Government Act 2001.

The matters raised by the Senators are suitable for discussion. I have selected the matters raised by Senators Ahearn, Boylan, Conway and Davitt and they will be taken now. I regret that I had to rule out of order the matter raised by Senator McGahon on the ground that it anticipates the statements on the budget which are scheduled to take place in the Seanad on 12 October 2021. I regret that I had to rule out of order the matter raised by Senator Sherlock on the ground that the Minister has no official responsibility in that matter. The other Senators may give notice on another day of the matters they wish to raise.

## Nithe i dtosach suíonna - Commencement Matters

### Fuel Poverty

**Senator Garret Ahearn:** This week the national fuel allowance scheme starts. It is a means-assessed payment. It will be paid for 28 weeks to an estimated 370,000 households across the country. Last winter a total of 16,284 households across Tipperary received fuel allowance through the scheme and they will automatically receive payments again this year, beginning yesterday. The scheme plays a vital role in ensuring families across my county of Tipperary have the security of knowing they will be able to pay their heating bills over the winter months. It will be especially important to people this year in the context of rising fuel costs globally. I encourage the Minister of State to factor this into account in the upcoming budget. In fairness the Minister for Social Protection, Deputy Humphreys, increased the weekly rate of payment by €3.50 in last year's budget. Over the last year, we have witnessed record increases in the prices of wholesale gas, coal, oil and carbon on European markets. Wholesale prices have rebounded since economies have started to recover from the initial stages of the Covid-19 pandemic. In addition, energy markets have experienced declining UK and European natural gas production and a reduction in gas supplies from Russia and the US have also contributed to record price increases.

The Minister for Transport, Deputy Ryan, has said that the electricity supply to Ireland will be tight for the next three to four years and that the big data centres which use an enormous amount of energy could not expect to be exempt from the national requirement to conserve energy in order to meet climate change commitments. There are also concerns that Ireland's electricity generating capacity could deter multinationals from investing in infrastructure such as data centres in Ireland. A piece by John Mulligan in the *Irish Independent* warned of just that. According to one source: "For the data centre sector, for any multinational investing in Ireland, they look immediately in terms of sites, at the availability of power, the availability of water and the availability of very robust data connections." The article noted, "Ireland is home to major data centres for multinationals including Amazon, Facebook, Google and Microsoft... A number of amber alerts have occurred in recent weeks, where electricity generators have been warned that any unexpected event could result in a failure to meet demand." The sustained rise in demand from such centres, which are energy intensive buildings that house computer systems for storing Internet and business data, was the same as adding 140,000 new households to the network in each of the last four years. EirGrid, the semi-State company that manages Ireland's electricity grid, has acknowledged that maintaining the balance between supply and demand has become increasingly challenging.

The problem is not going to go away and clearly going to get progressively worse. There could be rolling blackouts if steps are not taken to curb new centres. Has the Minister of State or the Minister, Deputy Ryan, been assured that the two power plants which have been offline for the last number of months will be back online for the winter period? The expected new data centres will be required to install on their own emergency generation as a condition of gaining a connection to the grid. EirGrid and the Commission for Regulation of Utilities, CRU, will publish capacity statements this week with their paths to manage demand. What does the Minister want to see in those statements to reassure him that we will not have power outages over

the winter months?

Fuel allowance is means tested and there are some simple changes we could make in this year's budget to help the most vulnerable get through the winter months with the costs. The fuel allowance is based on age, income and social welfare payments. I give the example of a couple that contacted me recently. They were claiming a pension and she was on half-rate carer's allowance. Their income was €601 a week. Their cut-off was €575. They pay €140 on health insurance and the husband has dementia. If the means test was to rise for those claiming pensions, particularly those who also claim carer's allowance, it would dramatically help people of pensionable age. Fuel allowance is also a factor in eligibility for the warmer homes scheme. Many people of a pensionable age live in older homes with substandard insulation. Grants such as these would protect these homes.

**Minister of State at the Department of the Environment, Climate and Communications (Deputy Ossian Smyth):** I thank the Senator Ahearn for raising these important matters. Government fully accepts that recent electricity and gas price increases will not be welcomed in light of the current economic environment. Increases to wholesale energy prices following rises in international gas prices have been the principal driver of these increases which have been impacting across Europe and are not just an Irish phenomenon.

First, it is important to recognise that these are not Government decisions. Price regulation ended many years ago. Suppliers compete with each other on prices and set their own prices accordingly, as you would expect in a liberalised market. Second, the independent regulator, the Commission for Regulation of Utilities, CRU, has functions in relation to these matters, including consumer protection and monitoring the market more generally.

Third, I will set out the long-standing policy on promoting competition in respect of these markets, and what Government is doing in regard to providing significant supports for household energy costs, both in terms of energy efficiency and welfare supports.

The most immediate factor affecting electricity prices in Ireland is the upward trend in international gas prices. In Europe wholesale natural gas prices have been on an upward curve since the second half of 2020. This feeds directly through to retail electricity prices as the wholesale price of electricity correlates strongly with the price of gas. To protect the most vulnerable, Government provides extensive supports for household energy costs via welfare schemes. Overall the Government envisages expenditure in excess of €700 million in 2021 on a number of measures to support households in meeting their energy costs. There are, for example, specific schemes aimed at those at risk of energy poverty, including the household benefits package and the fuel allowance. In addition, all the funds raised by increases in the carbon tax will be ring-fenced to protect those most exposed to higher fuel and energy costs. The best long long-term approach for Ireland to insulate consumers from volatility on international wholesale energy markets is to invest in energy efficiency and renewable energy and expand interconnection with European and neighbouring markets.

Turning to security of supply, the CRU also has statutory responsibility to monitor and take measures necessary to ensure the security of electricity supply in Ireland. It is assisted in its statutory role by EirGrid which is responsible for the day-to-day management of the electricity transmission system. The CRU has advised that it has identified specific challenges to ensuring electricity security of supply, which it is currently in the process of addressing. These challenges include lower than expected availability of some existing power stations; anticipated new

power stations not being developed as planned; expected growth in demand for electricity, including due to the growth of data centres; and the expected closure of power stations that make up approximately 25% of conventional electricity generation capacity over the coming years.

A range of actions are being taken by the CRU and EirGrid to ensure security of electricity supply over the coming winter and the years ahead. The actions they are progressing include maximising the availability of future generation; developing new generation capacity, including temporary generation capacity in advance of winter 2022; making changes to the grid connection rules for data centres; and working with large energy consumers in order to, where possible, reduce their electricity demand during peak periods.

The Department of the Environment, Climate and Communications continues to work closely with the CRU and EirGrid to ensure security of electricity supply and minimise the risk of power cuts.

**Senator Garret Ahearn:** I thank the Minister, Deputy Smyth, for his response. From the negotiations and conversations the Government has had with the CRU, is the CRU confident in the briefings it has given Government that the power outages will not happen during the winter months? Is the Government absolutely sure? The Minister, Deputy Ryan, has spoken a number of times on this and has been very cautious in what he said and very hopeful that there will not be power outages but have we confidence that there will not be power outages? It is hugely worrying for families and for homes, but particularly for businesses. There are many businesses which might not have back-up systems available. Does the Government have a back-up in place? If power outages happen, as is possible, what happens on the back of that?

With regard to costs for people, is there a way that we could look at the public service obligation, PSO, levy that is on the bill everyone gets every two months? Some of that money goes into smart metering. Is there any way we could look at pausing that, potentially for the next number of months, because of the extreme rise in prices?

**Acting Chairperson (Senator Pat Casey):** The Minister of State has one minute to respond.

**Deputy Ossian Smyth:** Specifically on those questions, the Commission for Regulation of Utilities, CRU, presented a list of risk factors, which I read them out. It also presented a prescription for a number of actions should be taken to mitigate this. It said that the risk of power outage is real but, with these mitigation measures, the cause for concern is far less. That is basically its option.

The public service obligation, PSO, levy is a compensating dampening factor. When gas prices or electricity prices rise, the PSO levy comes down, and *vice versa*. It should, therefore, have the effect of stabilising prices.

I thank the Senator for all of that and want to say that the Department of the Environment, Climate and Communications is supporting the CRU and EirGrid as they progress the actions necessary to ensure the continued secure supply of electricity. I understand this is a critical matter for the Government. Nobody wants to see power outages. All of the required mitigating measures will be taken. This is being treated with the utmost seriousness. There is a detailed plan and many actions are being taken to prevent this from happening.

## Fuel Poverty

**Senator Lynn Boylan:** I encourage Senator Garvey to hang on, because I have some comments about the PSO levy as well as on something the Government could do to bring down the cost of energy. This is not my first time raising energy poverty in this House. I published a report earlier this year that detailed real lived experiences of people who are living in energy poverty. The latest figures suggest that 2,800 excess deaths a year are due to cold weather. Other people are sacrificing other essential items just to keep the lights on and their houses warm.

My first question for the Minister of State is on the energy poverty strategy, which lapsed in 2019. We have yet to see a new strategy, so there does not seem to be any urgency in this Government about addressing energy poverty. While the rising cost of energy this year is happening on a global scale, that does not mean that we can take a *laissez-faire* approach to how we address energy poverty. We must have a strategy that identifies which households are most in need of action, and on how we will address those households to ensure we can lift them out of energy poverty.

We know from a Department of Public Expenditure and Reform report in 2020 that we do not have adequate data about energy poverty. A report in 2015 that was commissioned by the Department of the Environment, Climate and Communications stated that energy poverty in Ireland could be anything from 25% of households, and up to 50% of households in the north west of the country because of one-off housing that relies on solid fuels. However, the report in 2020 - five years after the 2015 report - shows that we still do not have adequate data to identify those households in energy poverty. Yet, the Government is dead set on increasing the carbon tax. It is going to introduce a nationwide smoky fuel ban, which of course we need. However, if we do not know which households will be directly impacted by those rising costs and by that smoky fuel ban, then how are we going to help those households?

Of course, any increases in the budget in terms of social welfare transfers are to be welcomed. However, we also need direct State intervention to identify the households and to reduce the cost of energy. It is regrettable that the Government and the CRU have told people to shop around when they did not take account of how hard it is for people to do that. Some people do not have the capacity to shop around. They might not have a credit rating that allows them to do that. Those households that struggle to make ends meet are advised to go on pay-as-you-go metering, which has a higher tariff, so they are being punished for not having adequate income to cover their bills.

One of the things the Government should be looking at is increasing the doors and window fund to make it easier for local authorities to identify those households. That would be a short-term stopgap to make those homes warmer for people and it would reduce their energy costs. The other aspect concerns the PSO levy. It exists to subsidise renewable energy but it is calculated on the basis of peak demand usage. That allows data centres off the hook when it comes to paying their fair share of the PSO levy. Data centres do not have high peak demands. Instead, they have a steady demand during the day. Households are therefore subsidising the PSO levy on behalf of data centres. The Government could do something to address this issue directly by adjusting the PSO levy and making it apply to demand usage and not peak demand usage. That could be done overnight. Those are two measures that could be taken. I also ask the Minister of State to advise me regarding when we are going to see indicators from the Central Statistics Office, CSO, to allow for the proper identification of those households most in need in respect

of energy poverty.

**Deputy Ossian Smyth:** I thank Senator Boylan. This is an important issue. Energy poverty is influenced by people's income, the energy efficiency of their home and the cost of the energy they use in their home. Government policy, therefore, focuses on supplementing lower-income households through the fuel allowance and other payments, as well as by providing free energy efficiency upgrades via the Sustainable Energy Authority of Ireland, SEAI, schemes and the social housing retrofitting programme.

The Government's strategy to combat energy poverty was published in 2016 and it is being reviewed at present. Since the publication of the strategy, good progress has been made to alleviate the burden of energy poverty on the most vulnerable in society. I will detail some of the achievements in that regard. The share of households at risk of experiencing energy poverty has reduced from 28% in 2016 to 17.5% in 2020. The proportion of people reporting that they are unable to afford to keep their home adequately warm has fallen from 9% in 2015 to 4.9% in 2019. The funding provided for SEAI energy poverty retrofit schemes has increased dramatically from €15 million in 2015 to more than €109 million in 2021. The fuel allowance has also increased from €20 per week in 2014 to €28 per week in 2021, and it is paid to people receiving long-term social welfare payments, including pensioners, people with disabilities, those parenting alone and jobseekers. The allocation for the retrofitting of social housing has increased, with €65 million allocated for 2021. Free upgrades were carried out in more than 24,000 lower-income homes under the main SEAI energy poverty retrofit schemes. In addition, the Housing for All strategy has committed to introducing additional rent controls that will result in rental properties having a required minimum building energy rating, BER.

Energy efficiency measures are central to addressing one of the root causes of energy poverty. Since 2018, the level of retrofitting under the SEAI schemes has increased from an average value of €3,000 per home to €17,100 per home. This means that those households are more protected from changes in their income or energy costs. The fuel allowance is provided to an estimated 370,000 households across the State. A budget of €292 million has been set aside for the upcoming season. A household benefits package is also available to eligible households and can be used towards meeting the cost of electricity or gas bills. The Department of Social Protection also funds an exceptional needs payment, which can in some cases include support with fuel bills.

Responsibility for the regulation of Irish electricity and gas markets is a matter for the CRU. Protections are in place for those falling into difficulties with their energy bills and suppliers will not disconnect customers who engage with them. The programme for Government and the climate action plan set ambitious targets to retrofit 500,000 homes to a BER rating of B2 and to install 400,000 heat pumps in existing buildings over the next decade. A new national retrofit plan will be published in quarter four of this year and the plan is designed to address barriers to energy efficiency investments in four key areas, namely, customer proposition, demand generation, financing and affordability, supplier capacity and governance.

The programme for Government has committed to ensuring that the retrofit programme is socially progressive, with a focus on lower-income households. This commitment will not only help in reducing our carbon emissions, but also, more importantly, benefit lower-income households in many ways. Homes will be warmer, easier to heat and more comfortable and will also support improved occupant health and well-being, especially among vulnerable groups. The retrofit programme will also stimulate employment generation in what is a highly labour-

intensive sector, with the potential to create high-quality sustainable jobs in local communities throughout the country.

**Senator Lynn Boylan:** I thank the Minister of State for that update. I question the figures, however, in respect of how we have identified reduced numbers of people experiencing energy poverty. I again draw the Minister of State's attention to the report from the Department of Public Expenditure and Reform entitled, Spending Review 2020: Social Impact Assessment – SEAI Programmes Targeting Energy Poverty.

*3 o'clock*

That report says we do not have the metrics to adequately assess how beneficial the retrofitting programme has been in lifting people out of energy poverty and that in order to do that we must collect the correct data to be able to assess whether or not our retrofitting programmes are working and whether they are actually identifying the households most in need. The CSO indicated to do that by quarter 4 of 2020 and we have not seen that data. Perhaps the Minister of State will update us on when we will see those CSO indicators. Then the data he is quoting can be backed up by credible statistics.

**Deputy Ossian Smyth:** I appreciate the Senator's sincere concerns about the data and the sources. She is absolutely right to ask those questions. I am happy for my office to engage with hers if she wants to follow up and get references on where the data come from. On the specific point about when the CSO is going to publish its indicators, which I think is the Senator's question, I will come back to her with the details on that rather than give a response that is not accurate. It absolutely is important to track these things. One of the most important things any Government does is keep older people warm in their houses during the winter. If there is one thing we can do that we can feel emotionally attached to, it is that. It is measuring what proportion of people are cold in their homes from year to year, seeing if we are making progress with that and ensuring our policies are empathetic and take account of people's real lives. That is important. I am willing to communicate directly with the Senator on that if she wants to follow up.

### **Vaccination Programme**

**Senator Martin Conway:** Cuirim fáilte roimh an Aire Stáit go dtí an Teach. I welcome her back to our original Chamber. I tabled a similar Commencement matter last April and I will continue to table this one because of its importance. This is particularly so from a County Clare perspective given the late Laura Brennan was from Ennis. She did so much in her campaigning to encourage both parents and young people to take up the human papillomavirus, HPV, vaccine. At one stage take-up was in excess of 80%, which is remarkable, even from a European or worldwide perspective. As we move forward through the pandemic, we see vaccine hesitancy in the country is very low by international standards. We have take-up of well over 90% in the Covid-19 vaccination programme. I want to see us achieve 90% take-up in the HPV vaccination programme because it does save lives. As Laura Brennan said on a regular basis, this is the one vaccine that will save lives. It is proven, tried and tested. The research and the facts speak for themselves. Obviously the programme has suffered an interruption due to Covid-19 and schools being closed, as well as the difficulties and challenges associated with that. Nobody can blame anybody for that. That is just the way it was. There was a public health emergency and unfortunately, a lot of healthcare suffered, including the HPV vaccine roll-out.

I have a couple of questions for the Minister of State on the update I have sought. The first seeks a general update on where we are with the HPV vaccine now, including what the uptake levels are like, what the plans are and what the expected uptake level is. The second question is whether we are thinking outside the box with respect to rolling the vaccine out. Obviously, schools are the easiest and most straightforward way of doing this but there are people who are not caught through that approach, such as those who are being homeschooled. We have a network of vaccination centres that have delivered the Covid-19 vaccine very effectively. We need to see if other vaccines can be delivered through that network, now that the centres are up and running. The flu vaccine is an obvious one, as is the HPV vaccine. I have raised this matter before. I would like to know if any of the vaccination centres have been used. If so, I ask for some detail on that. If not, are there plans to use the vaccination centres, especially in areas in which there is a lower take-up of the HPV vaccine than we would like? Clearly, we want 100% of people to take it up, but if there are parts of the country in which the take-up is lower than in others, maybe we need to look at other interventions, such as using the vaccination centres.

The HPV vaccine catch-up programme has come to my attention on a number of occasions. People throughout the country have heard me raising the issue and have contacted me. If parents decide not to go ahead with the vaccine because they are hesitant, concerned or fearful and then change their minds after six or 12 months, they have to pay a €600 fee to get the vaccine from their GP. We should not be punishing people who decide, albeit late, that they want to do what is right in the interest of their children's health. Can the Minister of State give a commitment that we will waive that €600 fee? If we got that out of this debate, it would be a major achievement and would certainly help in increasing the uptake of the HPV vaccine.

**Minister of State at the Department of Children, Equality, Disability, Integration and Youth (Deputy Anne Rabbitte):** I thank Senator Conway for raising this matter. We have spoken about it previously and I fully agree with everything he has said.

I will address the Senator's concerns under the three categories he raised, namely, the plan, the vaccination centres and the costings. In 2009, the national immunisation advisory committee, NIAC, recommended the HPV vaccination for all 12 and 13-year-old girls to reduce their risk of developing cervical cancer when they are adults. In September 2010, the HPV vaccination programme was introduced for all girls in the first year of secondary school.

In 2013, NIAC recommended that the HPV vaccine should be given to boys. On foot of NIAC's recommendation, my Department asked HIQA to undertake a health technology assessment, HTA, to establish the clinical and cost effectiveness of extending the current immunisation programme to include boys in their first year of secondary school. HIQA completed the HTA in December 2018, which recommended the HPV immunisation programme be extended to include boys in their first year of secondary school.

A policy decision was made to expand the HPV immunisation programme to include boys, starting in September 2019, with the introduction of the 9-valent HPV vaccine. The ages at which vaccines are recommended in immunisation schedules are chosen by NIAC in order to give each child the best possible protection against the vaccine. It is important to note that for the 2019-20 academic year, the uptake for the HPV vaccine was recorded at 82% for the first dose of the vaccine and 77% for the second dose. This was the highest uptake of the HPV vaccination programme since 2015-16 and is especially encouraging because it was the first year in which boys were included in the programme. It also shows that the provision of the vaccine in community clinics did not adversely affect the uptake.

The programme for the academic year 2020-21 was paused during the first few months of this year due to school closures and redeployment of the staff. The inputting of the uptake information for the schools-based programme was also delayed due to the redeployment of the administrative staff. However, community healthcare organisations, CHOs, have reported that the vast majority of second level schools had their first dose of HPV vaccine delivered between October and December of last year. The current record uptake rate for the HPV vaccine in the 2020-21 academic year is over 73% and the figure is probably higher because the administrative staff have not updated it. All CHOs have plans to recommence their school programme this month, which will see the continued roll-out of the HPV vaccine.

At the request of the Department, HIQA is conducting a HTA on a school-based HPV mop-up vaccination programme for those who were previously eligible and missed out on the vaccine. HIQA has confirmed that the HTA has been added to its work programme for 2021-22. I am told today that it is hoped that this work will be completed in the coming months. The Minister for Health, Deputy Stephen Donnelly, has requested that officials give consideration to the outcome of this work.

Senator Conway inquired about the use of vaccination centres and if HIQA would consider redeploying the centres where we have a low turnout for a once-off mopping up programme. In the context of mopping up, we are talking about children within school and college settings, but it also includes those aged under 24 who have moved on into workforce settings. The mop-up programme is not set in a particular area. We have a very broad lens when we are looking at it. I am out of time so I will answer the Senator's third question when I speak next.

**Senator Martin Conway:** It is very encouraging to hear the statistics the Minister of State has put on the record. I very much welcome the mop-up programme and the broad lens approach that is being adopted by the Department and the HSE because that is what we need to do. We must think outside the box and the Department is doing that.

I wish to inquire about the cost of vaccination for people who decided latterly to take up the vaccine, having not done so when the opportunity was initially available in schools. Unfortunately, if parents see the obvious health benefits of vaccination and decide to bring a young person who was offered the vaccine six or 12 months previously for the vaccine, the cost is approximately €600. It is punitive and does not encourage people to take up the vaccine. I hope the Minister of State will look at eliminating the cost because it would make vaccination far more attractive for people who were initially hesitant.

**Deputy Anne Rabbitte:** Just before I came to the House today, I met the Minister for Health, Deputy Stephen Donnelly, because I was taking this Commencement matter and the issue raised is a serious one. I have two girls and I have inquired about the cost of getting the vaccine. Senator Conway is correct; it is between €400 and €600. I want my daughters vaccinated but like many other parents, I would like to bridge the gap and bring the current vaccination rate of 73% or 80% up to 100%. We must ensure we make the vaccine available free of charge to all young people under 24 years in order that we have 100% take-up. By doing that, we will bring everybody with us. In addition, as Senator Conway correctly said, we have, in the vaccination centres, a system in place that means we do not need to reinvent the wheel. We can use these centres to help in the mop-up exercise. I was heartened to hear that the Minister is putting a package together, perhaps as part of his budgetary proposals, and HPV is part of it.

**Senator Martin Conway:** Will the €600 charge be eliminated?

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**Deputy Anne Rabbitte:** Yes. That is the hope.

**Senator Martin Conway:** That is great news.

**Acting Chairperson (Senator Pat Casey):** It is on the record now.

### **Work Permits**

**Senator Aidan Davitt:** I will not delay the Minister of State, Deputy English, as he is very busy. In fairness to him, he made it to the House by the skin of his teeth.

Businesses have been in contact with me about an issue that the Minister and I briefly discussed previously. One such business is a bus company that has not been able to employ drivers in Ireland, either north or south of the Border. It is looking to employ some people from Malta. It can take 14 drivers from Malta, who are originally from the Philippines and who have the required experience and whatever else, but the work permits are an issue. I have also been talking to lorry drivers and a couple of quite large businesses in the midlands that are finding it hard to get the relevant drivers through the usual EU channels and equivalent businesses that do not need the permits. We see the chaos faced by our neighbours in the UK at present, particularly as regards drivers with these specialised skills. We should not go down the same route.

Now is an ideal time to deal with this matter. It should be done before Christmas. The transport industry is going to be ramping up between now and then so this is the time to deal with it. I ask the Minister of State to look favourably on this and to take my points on board. I would appreciate a relevant and positive answer.

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Damien English):** I thank the Senator for raising this issue. I am glad I have been able to make it to the House because it is an important topic. We were caught in traffic in Drogheda but we made it in time. It is good to be here.

We had a discussion on this last week as well. It is certainly a very relevant issue that has been raised by many colleagues across the board. I have engaged with the various sectors and businesses over the summer and the availability of talent and skills is an issue that has come up quite a lot in the last three or four weeks. The Senator mentioned bus drivers and lorry drivers. That is a very common issue that is coming through a lot in recent weeks and months.

Yesterday, I also met with a number of retailers that are under serious pressure. One of the groups involved had 50 or 60 jobs available on that day across four or five shops. There are a lot of vacancies in many sectors, including in agrifood and agriculture. We met the IFA last week, and this is a big issue for it too. It is something we are trying to find ways to address across a number of Departments.

The Senator raised the issue of visas and permits so I will focus on that but we are trying to look at this issue through Pathways to Work with the Minister for Social Protection and through my own Department, where the Tánaiste and the Minister of State, Deputy Troy, are working on it together. We are also doing work in higher education with the Minister for of Further and Higher Education, Research, Innovation and Science, Deputy Harris, and the Minister of State, Deputy Niall Collins. Across those three Departments, we intend to work with the various sectors this year and in the years ahead to try to address some of that skills gap through on-the-

job training, higher education, further education and training, FET, apprenticeships and so on. There are a lot of opportunities there. Many of these sectors might not have had to avail of opportunities in the past so we will try to focus resources to make that happen as best we possibly can, in order to close the skills gap in the long term and future-proof this country. In the short term, the Senator is right that there is a major issue in many sectors heading into Christmas. That is something we are investigating under the permit structure to see how we can address that as well.

The issue of visas is dealt with by the Minister for Justice. The employment permits system is designed to facilitate the entry of appropriately skilled non-EEA nationals to fill skills and-or labour shortages in the short to medium term, in circumstances where there are no suitably qualified Irish or EEA nationals available to undertake the work and that the shortage is a genuine one. The system is managed through the operation of the critical skills occupations list and the ineligible occupations list, which determine employments that are either in high demand or are ineligible for consideration for an employment permit. In order to ensure that the employment permit system continues to meet the needs of the labour market and the economy, the lists are subject to twice-yearly evidence-based reviews. Once one review is completed, the next review begins with the opening of a public consultation phase.

In conducting the reviews, my Department works with other Departments to promote an integrated approach to address labour and skills shortages in the longer term. Where shortages are clearly evidenced, the employment permit system is flexible enough to address them in real time. The system is, by design, vacancy-led and driven by the changing needs of the labour market. A review of the occupation lists is currently nearing completion, and all submissions are being actively considered in consultation with sectoral representatives, the relevant policy Departments and the economic migration interdepartmental group. If it is an agriculture issue, we will engage with that Department, if it is to do with transport we will deal with the Department of Transport and so on. It is envisaged that the review will be finalised in the coming weeks and any changes necessary to deal with verified skills or labour shortages will be taken at that time.

In regard to where we are today, applications for employment permits have seen a significant increase over the course of the year. To the end of the last month, some 14,624 applications were received, representing a 35% increase over the same period in 2020 and a 19% increase on 2019, which itself represented an 11-year high. To date, my Department has issued some 10,849 employment permits since the beginning of the year, which represents a significant volume of activity.

Recently, processing times have been impacted by this significant increase in demand and also by the HSE cyberattack. These factors resulted in a significant additional administrative burden in dealing with applications associated with the July doctors rotation which were submitted either manually or by other non-standard methods. It is important to point out that when set against other international employment permit regimes, Ireland continues to compare extremely favourably. However, my Department, which constantly strives to improve the situation, is conscious of the recent lengthening of timeframes for processing applications and is taking a range of measures to clear the current backlog as quickly as possible and deal with priority areas. My Department advises employers to take current timelines into account as part of their recruitment plans but we are, of course, allocating more resources to help tackle the backlog as quickly as possible.

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**Senator Aidan Davitt:** I thank the Minister of State. It is good that the figures he outlined are significant. However, there will be a heavy squeeze coming in the next couple of weeks, probably more than his office is seeing at present. We should anticipate and deal with it head-on, instead of waiting until it comes to a bottleneck. I again thank the Minister of State because I know he is working hard on this.

**Deputy Damien English:** I thank the Senator. He is right that we are trying to deal with this early and that is why, twice a year, we have this review, which is under way at this time. Usually, decisions would be made in November but we will try to get them made in October this year so we can give some clear indications.

Part of this is to gather the evidence and to prove we can source this labour locally. As the Senator will appreciate, it is very difficult to explain that we need to issue permits when there are over 100,000 people on the pandemic unemployment payment, PUP, and another 100,000-plus on the live register. Much of the work we are trying to do, in conjunction with the Minister for Social Protection, Deputy Heather Humphreys, through Pathways to Work, is to assist those people who are out of work today to maybe take up one of those job vacancies that are available. That is not always possible because of geography or training, but in many cases it is possible. Through Pathways to Work, we are allowing for extra money to be allocated to support businesses to take people off the live register and off PUP, but also to help those people back into training, to upskill and to get them back to a job. We will come at it from a number of angles, including Pathways to Work, job supports and incentives for industry, which will help to close some of the gap and bring people closer to a job. There are 10,000 job placements available. I urge employers to have a look at that and to maybe give people an opportunity to take on a new job.

We are reviewing the permits. If we have to intervene with the permits system and if the evidence is there, such as the evidence the Senator is bringing forward for certain sectors, we will deal with that as best as we possibly can.

**Senator Aidan Davitt:** The Minister of State referred to 100,000 people in unemployment and 100,000 people on PUP. As he knows, the people driving lorries and buses during the pandemic were some of the busiest people in the country, and we have seen with our neighbours next door that there is a demand for them at present. I would be very sceptical that too many people on PUP or on the unemployment list at present are going to be of any help in this regard, unfortunately.

**Deputy Damien English:** To clarify, I certainly was not saying that everybody on PUP could drive a bus or a lorry. What I meant was that, in general, there are a lot of vacancies across many sectors and we have to work with those who are currently unemployed to try to help them into those jobs. The long-term solution with regard to logistics and lorry drivers and bus drivers is training and qualifications. Efforts were made a couple of years ago to try to make that happen and, for different reasons, it does not seem to have delivered as we thought it could. The Department of Transport and the Road Safety Authority are reviewing the qualifications for people from different countries driving in this country. We are working with them to see how we can help to close the gap in this regard. We will certainly deal proactively with that.

*Sitting suspended at 3.25 p.m. and resumed at 3.30 p.m.*

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

**Senator Regina Doherty:** The Order of Business is No. 1, Air Navigation and Transport Bill 2021 - Second Stage, to be taken at 5 p.m. and to adjourn at 6.30 p.m., if not previously concluded, with the time allocated to the Minister's opening speech not to exceed ten minutes, group spokespersons not to exceed eight minutes and all other Senators not to exceed five minutes, and the Minister to be given no less than ten minutes to reply to the debate; and No. 2, Defence (Amendment) Bill 2020 - Second Stage, to be taken at 6.45 p.m or 15 minutes after the conclusion of No. 1, whichever is the later, with the time allocated to the Minister's opening speech not to exceed ten minutes, group spokespersons not to exceed eight minutes and all other Senators not to exceed five minutes, and the Minister to be given no less than ten minutes to reply to the debate.

**Senator Lisa Chambers:** Last week in the Chamber a number of colleagues spoke about Ireland's energy supply. At the weekend there were reports from the Minister for the Environment, Climate and Communication, Deputy Eamon Ryan, that Ireland is facing a tight few years until 2025 in terms of our energy supplies and that engineers were undergoing training for potential blackouts this winter. This is a really serious situation that I am sure has caused much concern right across the board. People are wondering what we are going to do to address the issue. The year 2025 is quite a distance away. It is a long time to be planning to have a deficiency in energy supplies to meet the demands of our citizens. It would be important to get an update from the Minister at the earliest opportunity on that particular issue, especially his comments on the tight supplies that Ireland is facing into for the next four years.

I also want to raise the issue of mica and pyrite homeowners which, as people will know, is a big issue, in particular in Mayo and Donegal where many homeowners are facing substantial rebuild costs for their homes. The current scheme is not fit for purpose for these homeowners. We have heard many tales of families who are devastated and have had to move out of their homes where they can afford to do so. Other families have had to demolish their homes and are living in mobile homes while they try to get the money together to rebuild what were family homes. I hope the issue can be resolved and I urge the Minister to find every way possible to provide 100% redress for those families to make sure they can rebuild their family homes. It is a devastating situation for them to be in.

The final issue I want to raise is the conversation that is currently happening around a bonus payment, a thank you payment or some sort of offering to those workers who were on the front line during the Covid pandemic, how that should work and what form it should take. I mean no disrespect to any front-line worker. Many people worked extremely hard over the past year and a half, in particular those in public-facing jobs. There is a need to differentiate between those who worked in healthcare and looked after Covid patients. I am thinking of a family member of mine. In the early part of the pandemic we were genuinely worried that when she went to work she would get very sick and die. That was how serious the situation was in the early part of the pandemic. Front-line healthcare workers, in particular, went into work every day literally fighting face-to-face with Covid. There were scenes from other countries, in particular Italy, of healthcare workers in full PPE who still got sick and died. There were people who literally risked their lives every day to keep the health service on the road and keep the show going.

While not discounting the work done by people working in delivery, retail services or any other job like that, there is a distinct group of people who made great sacrifices and took great risks. Very early on in the pandemic we did not know what we know now and we did not know whether people would be fully protected even wearing full gear. Yet every day, they crossed the threshold of hospitals or home care settings to look after patients who had Covid-19. All of these people were incredibly brave and if all these workers are offered is a bank holiday then that is a huge insult to the risks they took during the pandemic to keep people alive, to keep the rest of us safe and to stop the health service from crumbling. I suggest and request that this particular cohort of workers be put in a distinct category separate from everybody else and that the risks to their lives that they undertook be acknowledged.

**Senator Seán Kyne:** No more than the Leader herself, I was proud to be a part of Governments that established the Department of Children and Youth Affairs, that put a new referendum on the rights of the child to the Irish people that was successfully passed, that provided the second free preschool year and included children with disability under the early childhood care and education, ECCE, scheme through the access inclusion model and that enabled the introduction of the national child care scheme that this year will be funded by a budget of €638 million, which is an increase of 141% on the figure five years previously. However, investment lags behind other EU countries and childcare fees here are the highest in the European Union at €184 per week. During the pandemic we saw how society could not reopen in the absence of childcare being provided. Special attention and negotiation had to be entered into to get childcare reopened and established in order that families could get back to some level of normality and provide the services that we all needed.

As the Leader is no doubt aware, there is a campaign by various national associations to increase funding for the early years sector in next month's budget. I ask her to arrange a debate on the issue of childcare and childcare costs next week, if possible, but certainly in advance of the budget with the Minister for Public Expenditure and Reform, Deputy Michael McGrath, and the Minister for Children, Equality, Disability, Integration and Youth, Deputy O'Gorman. I wish to acknowledge the work that both Ministers have done on these matters.

In addition, the wages paid to the people who work in the sector are low. The yearly hourly pay for early years educators is €11.91 and the majority of early years professionals earn less than the living wage. I welcome the agreement and negotiations between the Minister, Deputy O'Gorman, and the Minister of State, Deputy English, in respect of a joint labour committee for the sector, on which work is ongoing.

Recently, I spoke to individuals in Galway who have worked in the sector for ten years but who have never had an increase in pay. I also have spoken to small providers who have seen their insurance costs rise by 20% in a year. It is hard to motivate people to stick with a very important career when there are no progressions, increments and nothing to say that in five years' time, one will be more valued and consequently will receive higher pay. It is for that reason that people are leaving the sector and there is a high turnover in staff, which is regrettable. As the Leader will know, it is difficult to get staff at the minimum wage. There are up to nine organisations, and rightly so, that keep an eye on the childcare sector. They are the HSE, the Health and Safety Authority, HSA, the Food Safety Authority of Ireland, Pobal, fire officers, Tusla, the Department of Education and the Department of Children, Equality, Disability, Integration and Youth. That goes to show the importance that we bestow on the sector. It is, therefore, important that we have a full and proper debate in advance of the budget to support the calls for increased funding in this very important sector.

**An Cathaoirleach:** I call the leader of the Opposition, Senator Victor Boyhan.

**Senator Victor Boyhan:** I wish to refer to a report in the media today, which featured in a number of newspapers, that the Government will establish a new national task force to tackle the growing hospital waiting lists. I wish to also refer to the shocking waiting list figures at which we must be alarmed. There are now 907,617 people waiting on treatment or assessment by a consultant and that is an increase over exactly one year of 66,167. Those figures were not compiled by me but by the National Treatment Purchase Fund on whom I keep a keen eye. I am a former director, twice over, and I tend to keep a very close eye on the figures released by the NTPF. It is an amazing organisation and it validates these figures for the Department of Health. The figures are extremely alarming. I say this in the context of Sláintecare. We have had much debate about Sláintecare and a lot of suggestions about why people left and did not leave. I appreciate the enormous challenges faced by the Minister for Health. I admire the Minister and I believe he is courageous. It is a very difficult job but we have to move on and we must address these issues. Based on these growing and alarming figures of 907,000, very shortly we will reach 1 million people waiting for treatment by consultants and for specialist care. We need to have a serious conversation. Doctors are alarmed and I believe the Government needs to be alarmed. As I said before, health and housing will be the hallmark of this Government. It is early and the Government has time on its side to deliver. It is really important.

I ask the Leader to again extend an invitation to An Taoiseach. I am aware she said before that the Taoiseach is always welcome to this House. Through the shared island unit he set up, and in which he has taken enormous interest, I am aware that he works closely and respectfully with all communities in the context of the Good Friday Agreement and issues all around Northern Ireland. There are really exciting opportunities for the shared vision for the island of Ireland. I would like to see the Taoiseach in the House as soon as his diary will permit.

I join with Senator Chambers, who is of course a native of Mayo and who probably knows more about the mica issue than most. It is a real concern and heartbreaking to see people's houses crumbling. I spent weeks in Mayo and Donegal this summer. I met with councillors who live there and who showed me at first hand. We are talking about housing for all and yet these people have homes that are crumbling in front of them. Not only must they have them repaired and replaced, they must also get temporary accommodation while that work is happening. I would welcome some sort of update or debate on that really important issue.

**Senator Pauline O'Reilly:** I second Senator Kyne's suggestion for a debate on childcare. One thing we have recognised as a result of the pandemic is just how hard it is to care for children and how important it is. Childcare workers have been front-line workers throughout the pandemic and have kept the show on the road. It is a matter of wages in the sector and also the lack of continuity of care because when people leave the sector it has an impact on children's well-being. This is a critical aspect.

The Minister for Children, Equality, Disability, Integration and Youth said that childcare will be front and centre in his budget proposals. We must deal with the wages in the sector, make the care affordable, and the kind of care children receive must be the very best we can make it. While I will not say it is in the gift of the Minister for Finance, there is certainly a large element at play in terms of that Minister as to whether this can get over the line. A full debate on that issue before the budget would be very welcome.

I acknowledge the fantastic result yesterday in Galway City Council where councillors voted

17:1 in favour of a temporary cycle lane in Salthill. A couple of weeks ago it looked as though that vote would be lost. This goes to the heart of some of the problems we have in our councils across the State. It is not only to do with councillors but it also has to do with executives having a long list for councillors to go through with the reasons something might not work. Funding was one of these reasons. The Minister for Transport, however, is on record as saying that there is no issue around funding. The next excuse will be something else. Another excuse is: "What will we do with cars?". This gets ticked off and then it moves on and on. The same can be said for other projects and not just transport. This must be addressed. The councillors are representative of the people. I was on a cycle trip on Sunday and one two weeks previously. More than 200 people attended last Sunday in the lashing rain. It means the people have spoken. They have spoken through their councillors and through us as their representatives. It means, with funding being made available and legislation being brought forward by the Minister for Transport, it is time for those who are unelected to do what is asked of them and what is being voted for on our councils which is to produce the kind of transport that people want, that is healthier and is better for our climate.

**Senator Niall Ó Donnghaile:** Tá ábhair ghairide ar mhaith liom a lua inniu. The Leader will know, and I am sure she will agree, that in recent months there has been a lot of noise generated about the protocol. It is important to recentre ourselves and actually deal in facts and realities when it comes to the protocol and the protections and mitigations it offers this island and, specifically, to the North. As we know, there is no good Brexit but the protocol protects the all-island economy. It is timely that we consider having a range of statements from the Ministers on the roll-out of the protocol, its benefits including the positive impact it has on our economy, and the extent to which it protects people North and South. Notwithstanding what Senator Chambers said about the issues we may face with energy on this island, when we look across the water and see the unmitigated chaos there, I am sure even those most begrudging of the protocol would understand that it is the protections and mitigations of the protocol that are defending and protecting us from that chaos developing here.

We have seen impressive figures on the increase in North-South and South-North trade. In the first seven months of 2021, the Central Statistics Office stated that North-South trade increased by 60% and trade from the South to the North increased by 43%. I am sure the Leader will agree that they are some of the realities and, indeed, benefits of the protocol. It is appropriate that we hear from Ministers whose briefs relate to the protocol and that they come into the House to update us on its roll-out in the future.

I have submitted the following as a Commencement matter this week. I hope it is something the Leader will raise with Government colleagues. It was announced more than a week ago in the media that the Government plans to make the EU digital certificate available to fully vaccinated Irish passport holders in the North. It said an online portal for accessing that certificate would be available soon. There has been no further update forthcoming. As the Leader can imagine, when news like this finds its way into the public domain - not least in the context of the many entitlements, rights and protections we have lost in the North as a result Brexit - it would be good to get clarity on when and how we can avail of this. Perhaps the Leader will use her good office to encourage Government colleagues to get that message out there as soon as possible and to get it sorted.

**Senator Marie Sherlock:** I wish to mark International Safe Abortion Day and acknowledge the significant number of people who turned out on Saturday for the annual March for choice. Notwithstanding the enormous progress we made since the historic referendum three

years ago, we still have significant issues regarding the delivery of abortion services in this country. While the Government's review is welcome, I urge the Government not to delay publishing and progressing it. The establishment of safe exclusion zones has been a long-promised commitment by the Government. While there have been mixed messages from the Minister for Health during the summer, we need those safe exclusion zones for women and their partners, and for medical staff. We need to look at the three-day waiting period and the 12-week threshold, which has caused significant distress, particularly in complex health cases and, of course, the patchy provision of abortion services since across this country, with only 10% of GPs and just ten out of the 19 maternity units offering the service. We need to see that review as soon as possible.

Another issue I wish to raise is in regard to Dublin Fire Brigade. It is an issue for this city but it is also touches on the entire country, that is, ambulance and fire service response times and services. As of yesterday, 20% of the Dublin Fire Brigade fleet could not be deployed because of serious staff shortages. This is not a one-off situation; it has been ongoing for many months now. There have been systematic failures to adequately recruit. Dublin Fire Brigade is recruiting fewer staff than the numbers retiring this year and it has taken in fewer recruits than it would take in during a normal year. It is failing to adequately plan for its workforce and it has never met the minimum staff standard agreed in 2015. There has been a failure to meet the long-standing commitments with regard to equipment.

While this is an issue for Dublin City Council, which manages Dublin Fire Brigade on behalf of the four local authorities in Dublin, it is also one for the Minister for Housing, Local Government and Heritage, Deputy Darragh O'Brien. Unless he puts in place the resources for our fire services, we will see a repeat of the horror we saw unfold in County Offaly yesterday. If we had an incident of that magnitude in this city, there would be a very real issue with regard to the response. This is not good enough for citizens or residents in the city communities, and firefighters.

I want to raise one other issue. Last week, the Leader raised MetroLink. The Minister for Transport, Deputy Eamon Ryan, stated over the weekend that it will be the cheapest and quickest project that he wants to see concluded. We need the Minister to come to the House. I know the Leader will be fighting for that as well.

**Senator Alice-Mary Higgins:** I echo the comments made around International Safe Abortion Day and note the launch today of an atlas of where safe access is across Europe. It is notable that countries like San Marino and Gibraltar have followed Ireland's example in seeking to ensure access, but there are practical barriers still in place. It will be important that in the review we address the practical, de facto barriers for people seeking to access their rights and avoid introducing any of the pitfalls we have seen in other countries which limit women's access to essential healthcare.

I would also like to support the calls for a debate on childcare. It is a matter of wages and conditions, but it is also a matter of progress in that, as identified by Senator Kyne, there are missing rungs on the ladder in terms of progression within childcare. It is important we treat it, not as an area of commercial activity, but as an area of national infrastructure because it is national infrastructure on which all of our society relies.

My main purpose in speaking today is to propose an amendment to the Order of Business, that No. 16, the Land and Conveyancing Law Reform (Amendment) Bill 2021, be taken before

No. 1. The Bill would grant a five-year extension to the imminent deadline of 30 November for the registration of a right of way. This is an issue I have been raising for over a year with the Government and Ministers. I raised it first with the Minister for Housing, Local Government and Heritage, Deputy Darragh O'Brien, because so many of the rights of way have a heritage purpose. I then engaged on it with the Minister of State at that Department, Deputy Peter Burke, around planning and development, the infrastructure that we need and the network represented by those rights of way. Prior the summer, I had sought to put an amendment to the criminal justice (miscellaneous provisions) Bill 2020 in order to address this simple issue.

The Bill I will be introducing contains only one line, which is unusual for me. As I said, it seeks to extend the period by five years. We realised over the summer that rights of way which have been used for generations in Ireland have, in many cases, found a new purpose as part of networks of green connectivity, allowing family members of different ages to link in with towns, visit friends and connect to supports. If we had a large-scale extinguishment of those rights of way on 30 November, the consequences would be extraordinarily bad, not just for individuals, families and easement rights, but for communities and connectivity. We would also lose the opportunity to reimagine those networks and to connect them with our rights of way in a meaningful way. I am coming to the end of my time but I am delighted and acknowledge that the Government has indicated in the past few weeks that it realises this is a problem. It is a little late, but we still have a month or two. I hope that the Government will support my Bill and ensure that we extend the period by five years in order that we have the space for proper consultation and engagement on this. I acknowledge that the Law Reform Commission and Irish Farmers Association are also engaged on this.

**Senator Robbie Gallagher:** We are all aware of the pressures our health system operates under. Those pressures were added to considerably with the arrival of the Covid-19 pandemic. For many years, GPs have been telling us about the critical lack of new GPs coming into the system and the pressure that puts on them. I am sure, like me, that the Leader is aware of many citizens coming to our towns who find it impossible to get access to a GP, which is a serious problem.

I was heartened by an initiative adopted by the Irish Pharmacy Union. That initiative has been put forward to alleviate some of the pressure on GPs. It is called the minor ailments scheme. Pharmacists maintain that they feel that they can alleviate much of the pressure on GPs in respect of up to 40 ailments, such as hay fever, many skin ailments, etc. Apparently, the scheme has already been rolled out internationally, including in the UK, Australia, Canada, and the Netherlands. It has proved to be a great success. Research from Scotland indicates that the system has the potential to eliminate one in every 20 emergency department visits and one in every seven GP visits. We know that the pharmacies provide a great service. They are located in many of our towns and villages across the length and breadth of the country. There are about 1,900 in total. Their hours are flexible. Many work seven days per week. With the arrival of Covid-19 and the added pressures on our health system, we need to adopt new thinking. This is a super initiative put forward by the country's pharmacists. I would like to see this explored. I ask the Leader to invite the Minister for Health to the Chamber in order that we can debate what I feel is an exciting initiative from pharmacists.

**Senator Micheál Carrigy:** I wish to raise two issues, the first of which is the loss of commercial rates in the local authority in my home, Longford, and in Offaly, with the closure of the power plants. I acknowledge that funding was made available for 2021 but no commitments have yet been given for the period 2022 onwards. Just transition was in place out to 2027.

However, that has not happened and my county is looking at a loss of €1.2 million in rates as a result of those closures and the closure of other businesses. That is a significant financial impact for the local authority. I recently met with the Tánaiste, the Taoiseach, the Minister for the Environment, Climate and Communications, Deputy Ryan, and the just transition commissioner, Kieran Mulvey, and highlighted this issue. Mr. Mulvey said that it would be extremely unfair, in circumstances for which it had no responsibility and in the context of a decision that is not expected until 2027, that the local authority should be burdened with this sudden loss. He recommended that urgent engagement take place with the chief executive of the funding Department in order that suitable emergency arrangements could be put in place for the period 2021 to 2026. Arrangements for 2021 have been put in place but no other commitments have been given. All local authorities are putting budgets together for the period 2022 onwards. The reality is that we cannot sustain the loss of that income. It will severely hamper the delivery of services in our county. I ask that the Department of Public Expenditure and Reform and the Minister of State, Deputy Peter Burke, address this issue and put firm financial arrangements in place for the period from 2022 to 2026.

I also want to raise the issue of nurses who are put on placements. I know a number who were told, while on placement, that they had to give up their part-time jobs.

*4 o'clock*

They were not entitled to the pandemic unemployment payment, PUP, or the jobseeker's allowance because they were students but had to give up their jobs, some of whom were working on placement in Dublin. That is not acceptable. They have not even received the €100 payment which they were due. Something needs to be in place in such circumstances if they are being told to give up their other part-time work. I thank the Leader and the Cathaoirleach.

**Senator Gerard P. Craughwell:** Today, the new Chief of Staff of the Defence Forces, Major-General Seán Clancy, takes over an organisation that is in very poor shape. I wish him the very best. There is a new Secretary General in the Department and I know that she will work with him to try to rebuild the force.

My colleague spoke about front-line workers and of how those who worked in the medical sector should be treated differently when it comes to recognition for their work. We have to be honest about this. What about truck and bus drivers? Truck drivers delivered food to our grocery stores. They did not know when they were going in to collect food who they were meeting and what condition they might be in. At least nurses and doctors had protective equipment. Bus and tram drivers and all of the people worked on the front line - I do not care whether they were medical or non-medical - and the soldiers who were out on swabbing duty at test centres, everybody who went to work had an equal part. This is regardless of whether they were treating medical conditions or just delivering something; they all had an equal part and we must treat them all equally.

We all received a letter from my colleague, Councillor Deirdre Donnelly, from Dún Laoghaire-Rathdown County Council, over the summer about sexual abuse and sexual harassment and attack etc. Deirdre has gone out of her way to explain to all of us the process she went through in reporting a crime and she went public on this. I call on the Leader to have a debate in this House because these are serious issues, particularly for a woman who goes to Garda station to report that she has been raped or assaulted. We need to kick this debate out into the open to discuss specifically how they were dealt with. We have the evidence from one person and I am

sure there are others who would come in. Perhaps it is one of those things on which we might have a public debate on where we might bring in Ms Blackwell or some such person in order that we can talk about the things that need to change because they do need to change.

We see what is going on in the Defence Forces and it has horrified most my former colleagues because sex abuse and bullying takes place in silence behind closed doors. I ask that the Leader might arrange a debate on this issue and let us see if we can kick it out into the open to see what needs to change.

**Senator Ned O’Sullivan:** It is a very good idea to create a new bank holiday in order to recognise the work of front-line workers but I will not enter into a debate with Senator Craughwell now. This would be to recognise the heroic work that they have done for us to keep us all safe during the Covid-19 pandemic. I have no particular preference as to what that bank holiday date should be. I suggest that it would be very appropriate if we were to name such a new bank holiday the shared island bank holiday or day.

I am saying this because it would send a clear message to our loyalist fellow Irishmen that we mean what we say when we tell them that our political aspiration is that we can all live together on this island in peace, friendship and harmony. That is what we said to them when we voted overwhelmingly for the Good Friday Agreement and it is something that cannot be stressed enough, especially in light of some recent, regrettable controversy. No reasonable person could think that loyalists will ever be bullied or intimidated into a coerced constitutional arrangement that is anathema to them. Loyalist courage and resilience is not in question. The Provisional Irish Republican Army, PIRA, murder campaign proved that, if nothing else.

Certain elements choose to ignore or belittle loyalist opinion. This contributes nothing to the healing process that was the bedrock of the Good Friday Agreement. These elements seek to constantly attempt to frighten unionists with public declarations that a 32-county state is inevitable and that at some time in the future, the sectarian headcount will coerce loyalists into a nationalist Catholic state or force them out of their ancestral homes and that unionists just have to suck it up. These are quite insulting and may well be very dangerous, no matter if they are sometimes couched in the language of respect and reconciliation. We need to restate that we recognise in full without equivocation the legitimacy of Northern Ireland. It is in that context that I make my proposal that we have a shared island day in the Republic and welcome that perhaps there might be a reciprocal shared island day in the North.

I know that I am over my time, but before I sit down I know that the Cathaoirleach will want to join me, as Kerryman, in congratulating our fellow county man, Danny Tim O’Sullivan, who was granted the freedom of London yesterday after 50 years of philanthropy and help to Irish immigrants and people both in the UK and here in the Republic. He herded his sheep across Southwark Bridge in a time-honoured tradition and it would be nice that we would recognise that achievement for Dan here today.

**An Cathaoirleach:** I join Senator O’Sullivan in congratulating Mr. O’Sullivan on his elevation and being made a freeman of London and ensuring he kept his right to bring the sheep across the Thames.

**Senator Jerry Buttimer:** I request that we have a debate on transport. I so doing I welcome that Transport Infrastructure Ireland, TII, and the National Transport Authority, NTA, have awarded a contract to Jacobs Engineering Group to undertake route option analysis and

develop an initial design for light rail from Ballincollig and Mahon Point as part of the Cork metropolitan area transport, CMAT, strategy. I also ask that the NTA would open its promised regional office in Cork. The office is critical to the CMAT light rail strategy's further advancement. It is critical that the office is opened and resourced and that it is done to the highest level. If we are serious about the national development plan and enhancing connectivity, the NTA should immediately open its office in Cork as a priority.

The budget is in the next couple of weeks. It is important that while this House has no role in the passing of the budget, we would have a debate on its provisions beforehand. We are all attending pre-budget briefings across the road in Buswells Hotel predominantly, or else online.

I will conclude on a positive note. Darren Fitzgerald, one of our ushers here in Leinster House, undertook a fantastic initiative over the summer holidays, the 65 holes for 65 roses golf challenge in aid of Cystic Fibrosis Ireland. I want to congratulate Darren, not only for what he achieved by raising funds, but also in highlighting the issues around cystic fibrosis. I pay tribute to him and hope that we can all support him and Cystic Fibrosis Ireland.

**An Cathaoirleach:** I join in congratulating Darren on his fantastic achievement and working on behalf of those with cystic fibrosis and highlighting the dire situation in which many find themselves, often waiting for a life saving lung transplant.

**Senator Fintan Warfield:** I wish to second Deputy Higgins to take No. 16 before No. 1.

It has been almost a year since the House passed a motion calling on the Government to roll out free access to contraception for women and girls aged between 17 and 25 years. The programme for Government also commits to providing free contraception over a phased period for women and girls aged 17 to 25 years. The Minister for Health has said universal free access to contraception is a ministerial priority for him. I raise this in advance of the budget because yesterday a report was launched on universal free access to contraception by the pharmaceutical company Bayer with the Irish Family Planning Association. I do not need to tell anyone that universal free access to contraception was a key recommendation of the report of the Joint Committee on the Eighth Amendment of the Constitution in 2017. There is an onus on the Government to deliver this recommendation, even on a phased basis, now. This is a principle of human rights. People should have the full opportunity to exercise their right to have children by choice. Individuals and couples should have access to the full range of modern contraceptive measures to achieve their reproductive goals. I urge Government parties to keep the commitments they have made on this issue.

As was mentioned today, pregnant people and their loved ones are sometimes stigmatised, shamed and intimidated as they attempt to access reproductive healthcare. My colleague, Senator Gavan, has a Bill on safe access zones and is seeking cross-party signatures for it before it goes on the Order Paper.

**Senator Aidan Davitt:** I rise to talk on a subject that was flagged to me at the recent Institute of Professional Auctioneers and Valuers, IPAV, annual general meeting. I would use its information quite often. The property price register, which has been a great tool since its inception, and is a fount of information on when a property is sold, the area, what it made and it is a great comparative tool particularly for auctioneers carrying out their work. It helps to track prices because you can see the price of anything that has sold.

There is one thing which is not on it. It is hard to tell if a property is a two-bedroom house, a

three-bedroom house or whatever. When auctioneers look at a property from outside, they have a fair idea what it is. The Eircode is not attached to the property price register. This information is to hand at present because an Eircode is required for any property sold. This information is there so I cannot see why it is not attached to the property price register. This would be massively beneficial because if you were talking about a house in an area at least if you had the Eircode, you could identify the house and see that it is a four-bedroom semi-detached house, not a two-bedroom apartment or a three-bedroom detached. This is certainly worth chasing up. I am raising the query I received at the IPAV annual general meeting. We might look to put it down as a Commencement matter, if possible.

**Senator Martin Conway:** There are a couple of things I wish to bring to the attention of the House. I welcome the fact that our former colleague in the House, Mr. Pádraig Ó Céidigh, is being nominated by the Minister, Deputy Ryan, to take over as chair of the board of the Shannon Group. This is an inspired appointment given the decades of experience that Mr. Ó Céidigh has had in business, particularly in the area of aviation. Given his forensic knowledge of aviation, his love of the west of Ireland, what he does in regard to tourism and his passion for developing quality of life in the west of Ireland, we are very excited at the prospect of what he could achieve in his new position, when ratified, as chair of the Shannon Group.

I put down a Commencement matter today on the HPV vaccine and I was delighted with what the Minister of State at the Department of Health, Deputy Rabbitte, outlined in regard to the significant uptake of the vaccine for the past 12 months. The programme is now ready to go for this year in schools. I welcome the confirmation from the Minister of State, Deputy Rabbitte, that the €400 to €600 charged by GPs in respect of those who did not take up the vaccine at the time but whose parents decided on reflection that taking up the vaccine was the right thing to do will be eliminated. There will be no barriers to anybody who wants to take up the HPV vaccine, even at a late stage. That is very welcome, a Chathaoirligh.

**Senator Lorraine Clifford-Lee:** I rise today to express my deep dismay regarding the new completion date of 2034 for MetroLink. The new completion date has been given to us today, after many weeks of speculation following media reports a couple of weeks ago. This is only a hopeful date. The Minister for Transport, Deputy Eamon Ryan, said that “hopefully” we will be able to deliver MetroLink by 2034. I would like to remind the House the exact schedule that we have been given for what was metro north and is now MetroLink. In 2001, the project was first announced. That was more than 20 years ago, when it was known as metro north. It was given a completion date of 2012. In 2011, it was postponed. It was relaunched in 2015, with the completion date of 2027. Now, we hear that it will not be completed until, at the very best, 2034.

This is a devastating blow for the northside of Dublin. When I say the northside, I mean north County Dublin and the north of city, the whole area of north Dublin, which is the fastest growing part of western Europe. Not to have something major like a metro to deliver connectivity between communities, educational institutions and health institutions is a particularly bad blow for the people of Swords. Swords has a population of more than 45,000. To that in context, it is the size of Waterford city. Swords has poor public transport infrastructure. There is no DART in Swords, there is no Luas, and now there will not be any metro. It is a disgrace. People have finally lost hope that the metro will be delivered.

North County Dublin has the youngest and the fastest growing population in Europe. There is much construction going on there at the moment. There are many planning applications in

train also to deliver the much-needed homes for Dublin. However, one cannot deliver these homes without transport infrastructure. We need transport-led housing development. This will create sustainable communities. However, what is going on at present is unsustainable. Those of us living in north County Dublin are facing crammed buses, crammed trains and overcrowded motorways. It is disgraceful. We have a busy airport which is serviced, by and large, by country boreens. They are servicing Dublin Airport, which is a major employer and a major strategic point for this country.

I want a full debate with the Minister, Deputy Ryan, on the metro specifically. I know others have mentioned it, and have mentioned other transport projects. It is a vital piece of national infrastructure-----

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

**Senator Lorraine Clifford-Lee:** If the Cathaoirleach could just give me another minute-----

**An Cathaoirleach:** It might be appropriate to raise this as a Commencement matter.

**Senator Lorraine Clifford-Lee:** We seem to have political will, but we do not know why there are delays. If we need to put a strategic unit to deliver major infrastructural issues within the Department of the Taoiseach-----

**An Cathaoirleach:** The Senator's time is up.

**Senator Lorraine Clifford-Lee:** -----and overcome any delays through a constitutional referendum, then let us do it, because we are sick of waiting for it.

**An Cathaoirleach:** Thank you, Senator. Anois, Senator Vincent P. Martin.

**Senator Vincent P. Martin:** On this day 20 years ago, 51-year-old journalist, Martin O'Hagan, lost his life in the most brutal of circumstances. While walking home with his wife, he was shot twice in the back. Martin Luther King Jr. said, "Our lives begin to end the day we become silent about things that matter". Among legislators, media participants, and laypeople, a silence pervades about this particular thing that matters. Today, it is compellingly appropriate to mark our appreciation, not just for one journalist, but for freedom of expression and for press freedom. These are vital components of the foundation of our democratic society, which require our vigilance because they are under constant threat from forces which are visible and from forces which are less obvious. Complacency is but one of the less obvious threats to this treasured feature of our society.

The barrister and columnist, Elaine Byrne, said that Martin O'Hagan was a fearless investigative journalist whose love affair with journalism was motivated by a desire to shine a light on the dark corners of organised crime. Fr. Brian Darcy, a colleague of Mr. O'Hagan's at *The Sunday World*, said at his graveside that, "Martin was gunned down because he got nearer the truth than the rest of us". His killers still walk the streets today. There is a pressing need to reinvestigate his killing. Such a fundamental attack on freedoms should not go unanswered and uninvestigated. We must never give up.

**An Cathaoirleach:** I thank the Senator for raising that issue. Mr. O'Hagan was one of the only journalists killed during the Troubles. Senator Martin has raised the broader issues of press freedom and the importance of journalism. In that context, we also think of Lyra McKee

and other journalists around the world who have been murdered in the course of their work. I thank Elaine Byrne. The 20th anniversary of the murder of Mr. O'Hagan was featured on "Morning Ireland" earlier today.

Next, I call Senator McGahon.

**Senator John McGahon:** I have raised my topic of discussion previously in the House. I refer to the concept of introducing flexible three-day TaxSaver tickets for commuters. I first raised this matter in June of last year. More than 12 months have passed. We have returned to full capacity on public transport and workers across the country have returned to their offices and yet we still do not have this type of ticket. People must still pay for monthly and annual tickets when they may only be making four trips each week instead of the usual ten, which is unfair. I am raising this issue because I ask for the assistance of the Leader and the House in trying to get some clarity from the National Transport Authority, NTA, regarding the process of moving forward with introducing this type of ticket.

The response I received from the NTA referred to TaxSaver tickets being governed under tax legislation from the 1990s, which states that such tickets shall not apply in respect of "expenses incurred by the body corporate in or in connection with the provision for a director or employee of a monthly or annual bus, railway or ferry travel pass". Therefore, the NTA is stating that one aspect of the issue is that it does not know whether legislative change is required to introduce this type of ticket, since the legislation clearly refers to "monthly or annual" passes. The NTA is trying to figure out if it might be possible to introduce a ticket that would be valid for 100 days of travel in a year and which would also fit within the definition contained in the legislation. As I see it then, the NTA is stating that the problem is that it does not know if legislative change is required or whether it might be possible to introduce a flexible ticket within the parameters of the 1997 legislation.

If legislative change is required, it is a pity that it has not been brought forward yet. Given that we passed so much legislation regarding Covid-19 in the past year and a half, I am of the view that this matter should have been addressed by now. It is a bit late in the day to state that we are still trying to determine if legislative change is required. My hope is that we could write to the NTA to get clarity on this issue. If legislative change is needed to introduce a flexible TaxSaver ticket, then we could find that out. If legislative change is needed, let us go ahead and do that and if such change is not needed, then let us take the next step once we have that clarity. The NTA told me that it hopes to introduce this type of ticket in quarter 1 or quarter 2 of next year. We should be pushing to have it introduced before Christmas at the latest.

**Senator Emer Currie:** Senator Clifford-Lee's remarks were well made. Ireland should be a leader in the area of remote working. We can be competitive and be compassionate about our workers at the same time. A working group was launched yesterday called the Remote Alliance. It consists of four leading Irish employers: eBay and Liberty Insurance, companies that I am pleased to say are located in Dublin 15, and the ESB and Vodafone. Those businesses have come together to drive the cultural change required to embrace remote working permanently. People might ask why this is needed now when we seem to have been talking non-stop about remote working over the past year. In that time, we have gone from a situation where everyone was predominantly office-based to one where everybody has been working from home. Now we need to do the hard part, which involves embracing a mixture of both working environments and achieving a balance. Some people will want the best of both worlds and that will mean that some people will be managing teams with different preferences. Therefore, managerial and

organisational change will be required. We must also ensure that people working remotely will have the same career opportunities as they would have had if they were working in the office.

The organisation, Grow Remote, is leading the initiative in this regard. It is going to consist of a toolbox, which the group is calling a sandbox, that other employers can then use in their cultural change.

It reminds me that the budget is coming up and we have promised to review the treatment of tax. At present, employers can pay their employees €3.20 per day without deducting tax. At €830 per year, that is a significant amount in anybody's wages. Companies that have been thriving and saving their money should be passing that on to their employees and not all of them have. Employees are then opting for the personal tax relief, which is much less. The question is how we make that more equitable and how do we ensure we are supporting hubs. If somebody is getting €820 a year to work from home, can we also support them in the same way to work from a hub? Working from a village is just as valuable, if not more so, than working from home.

**Senator Aisling Dolan:** I wish to acknowledge that my local area has a Europe Direct library. There are actually only eight such libraries across the country and one of them is based in Ballinasloe. Our MEP, Colm Markey, who spoke to us here last week, was in Ballinasloe yesterday. What is really good about this particular library is that covers the areas of counties Galway, Roscommon, Clare and Longford. As to the services it offers, it is an information centre where people can find out about European polices but it also is a phenomenal library. This is to point out how important our library services are. We are very lucky to have it in our area. It is just great. There are library books, you can read your newspaper, you can go in and find out about your audio books, especially when you are travelling a lot, which is great. In addition, European LEADER funding is particularly focused on rural areas and more than €350,000 has been made available in this regard. Colm Markey MEP had the chance to meet people in the Galway Rural Development office in Ballinasloe and highlighted the impact of that funding, particularly for places like our Town Hall Theatre, our town band and the wonderful Christmas lights we had last year. All of this is down to European LEADER funding we access through Galway Rural Development.

At this time of year in Ballinasloe, we would normally have our October horse fair and festival. Unfortunately, it has been cancelled this year, as it was last year, due to public health guidelines. It was a very difficult decision that was taken by Galway County Council along with our committee in Ballinasloe. I understand it is difficult for our businesses but we are going to be looking forward to the 300th anniversary of the fair in 2022. I really encourage all our visitors, both local and from abroad, to look forward to the festival we will hold, and the amazing programme of events we will have in 2022 when we can celebrate in a safe way. Unfortunately, we still have more than 300 people in hospital and more than 60 people in ICUs. We cannot hold events that are not ticketed and it is important we consider public health guidelines.

**Senator Regina Doherty:** I thank Senator Dolan for informing the House about the Ballinasloe library and all the merits available from what is a huge resource for people. Sometimes we forget about them and they are just in the background of our villages and towns. I wish the horse fair in Ballinasloe every success for its 300th anniversary. I pray to God things will be back to normal by this time next year.

Senator Currie spoke of people showing leadership and I acknowledge the alliance an-

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nounced yesterday by eBay, Liberty Insurance, the ESB and Vodafone. I wish to put on the record of the House that somebody who showed immense leadership on this particular issue, long before it was a topical one, is the Senator herself. Long before she was even appointed to this House, she was talking about and championing remote work. It is certainly something that has grasped everybody's imagination in the past 18 months. If there is anything we could take from this, apart perhaps a renewed appreciation of time spent with family, friends, community and loved ones, it is the real value of what remote work can actually give people, be it working from the home itself or from hubs. There is the improvement in our quality of life and that extra couple of hours to spend doing things we would much rather do, as opposed to sitting on buses or in our cars in traffic jams. I wished to put that on record and commend the Senator on her work. I wish Grow Remote continued success in the months and years ahead in continuing to keep the momentum behind remote working.

Senator McGahon raised an issue he has raised umpteen times in the House. I will write a letter to the head of the NTA today. It is disingenuous of the NTA to write back to the Senator telling him it does not know whether legislation is required. For God's sake, if the NTA does not know that, we could nearly give up.

Senator Martin described how important the freedom of the press is and reminded us that it is the 20th anniversary of Martin O'Hagan's murder. May he rest in peace. I value freedom of expression and the important role of journalists and how they report our stories. I wish to God we did not have to read so many leaks in the papers, as opposed to hearing the information directly from Departments, but I acknowledge what the Senator has said.

In that vein, Senator Clifford-Lee talked about a leak of which we were made aware last Sunday a week in the *Mail on Sunday*. We were told on numerous occasions last week, in this House and the Dáil, that the leak was not true and we were absolutely committed to public transport. Unfortunately, it took until yesterday for us to discover, to our detriment, that the leak is absolutely true and we will not see sight nor sound of MetroLink until at least 2034. There is no doubt we need a debate in this House and the Dáil on the commitments of this Government to the sustainable modes of transport we have championed for so long.

Senator Conway talked about the Minister of State's announcement in this House of the waiving of the fee of between €400 and €600 for those who do not avail of the HPV vaccine for their children in school and then decide to get it afterwards. That is very welcome.

Senator Davitt asked if I could ensure the Eircode is included in the property price register. I will write to the organisation in question and ask for that.

Senator Warfield raised the issue of free access to contraception in light of the Government's commitment in the weeks before the budget. I hope to see that commitment lived up to and I thank the Senator for raising it today.

Senator Buttimer asked for a debate on public transport. We should have regional debates because one debate on public transport will certainly not cover the commitments in the programme for Government or the national development plan, which will be announced in the coming weeks, or the sectoral and regional interests we have to deliver to the people we represent. I will try to arrange those over the coming weeks.

Senator Ned O'Sullivan voiced his support for creating a new bank holiday.

Senator Craughwell asked for a debate on the reporting of the treatment of victims of sexual crime in this country. That is very relevant and I will organise it. He also wished the new Chief of Staff of the Defence Forces, Seán Clancy, well, as I am sure we all do.

Senator Carrigy talked about the loss of commercial rates our local governments have endured over the past 18 months and sought security for the coming months, based on the uncertainty of businesses restarting and being able to pay. A response on this should come from the Minister.

Senator Gallagher asked for a debate on the pressures on the health system and the worthwhile initiative the Irish Pharmacy Union has put forward, which is working successfully in other jurisdictions around the world.

I am happy to accept Senator Higgins's amendment to the Order of Business and wish her success in this matter in the coming weeks.

Senator Sherlock talked about today being International Safe Abortion Day and the Government review, which I hope to see before Christmas. We will then have a full debate on what will be required to amend and tweak the legislation. I hope much of it will be in the review and we can all support it. The Senator also raised Dublin City Council and the lack of recruits and resources for Dublin Fire Brigade. It is interesting, as I wrote to Dublin City Council only two months ago to ask about the recruitment of paramedics and I am still waiting on a response to my letter. If that is anything to go by, maybe we should not be surprised. I will the matter with the Minister for Housing, Heritage and Local Government on the Senator's behalf.

Senator Ó Donnghaile asked me to clarify why digital certificates had not yet been made available to all residents on the island of Ireland. I will follow up with the Minister today and come back to him on that.

Senators Pauline O'Reilly and Kyne asked for a debate on childcare. We seem to have been talking about this issue during the terms of successive Governments. I do not say this in a trite way. This Government is talking about childcare and what is required to make it sustainable and, from a career perspective, worthwhile. We were talking about it in the Government of which I was a Member and in Governments before that. We seem to be talking about the issue an awful lot but not doing much as regards taking the action required to deliver a sustainable sector for the people working in it and the parents and children who need it. It is beyond time we started doing something about it. I will arrange a debate on childcare as quickly as I can in the coming weeks.

Senator Boyhan talked about the new task force to tackle growing waiting lists. We need a debate on Sláintecare, for which Senator Gallagher asked last week. I submitted a request to the Minister and will come back to the Senators as soon as I can on the matter. Senator Kyne spoke about wages in the childcare sector. Senator Chambers opened today with Ireland's energy supplies and the insecurities in that regard. The Minister is due in to us on 2 November to have a debate on energy security.

Senator Boyhan asked for a debate on waiting lists. The Minister for Health is due in to us on 4 December and I have been informed that the Sláintecare debate will take place then.

Senator Chambers also gave her view on how the State should respond to all the front-line workers, who over the past 18 months have done tremendous and Trojan work in making sure

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we stayed safe, were minded and had food to buy in shops and transport to get to and from where we needed to go. The Garda had some tremendously difficult situations to deal with and I do not think its members should be forgotten. I do not believe we should start pitting parts of the public sector and the private sector against each other. I have no doubt it will be difficult to try to please everybody but what we need to do is to show genuine appreciation on behalf of all citizens of the State to all of those workers who made sure that we were safe and minded well over the past 18 months.

**An Cathaoirleach:** Senator Higgins has moved an amendment to the Order of Business: “That No. 16 be taken before No. 1”. The amendment has been seconded by Senator Warfield. The Leader has indicated that she is prepared to accept the amendment. Is the amendment agreed to? Agreed.

Order of Business, as amended, agreed to.

### **Land and Conveyancing Law Reform (Amendment) Bill 2021: First Stage**

**Senator Alice-Mary Higgins:** I move:

That leave be given to introduce a Bill entitled an Act to amend the Land and Conveyancing Law Reform Act 2009 to provide for an amendment to section 38 of the same Act to extend the period for the registration of easements and profits à prendre.

Question put and agreed to.

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

**Senator Alice-Mary Higgins:** Next Tuesday.

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

Second Stage ordered for Tuesday, 5 October 2021.

*Sitting suspended at 4.37 p.m. and resumed at 5 p.m.*

### **Air Navigation and Transport Bill 2020: Second Stage**

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

**Acting Chairperson (Senator Erin McGreehan):** I call the Minister of State, Deputy Naughton. She is very welcome.

**Minister of State at the Department of Transport (Deputy Hildegarde Naughton):** I thank the House for the opportunity today to introduce the Air Navigation and Transport Bill 2020. As Senators will be aware, the Bill was subject to pre-legislative scrutiny by the Joint Committee on Transport, Tourism and Sport in July 2019. The Bill was published on 4 December 2020 and passed all Stages in the Dáil on 7 July this year.

This Bill has been considered by the Oireachtas in the context of the impact of the Covid-19 pandemic on the aviation industry. It is estimated that during the pandemic, the Government

has assisted our airlines and airports with general business support measures worth in excess of €300 million. In addition to these measures, the Government has also agreed a revised €80 million funding package specifically for Irish aviation. This funding will be made available primarily to our airports through a number of schemes.

We are now beginning to emerge from the impacts of the pandemic. We have two of the most successful airlines in Europe, an aviation leasing sector that is world leading and modern, high-performing airports. The Irish aviation sector is beginning to recover and will rebuild the global connectivity that is so important for our economy.

It is against this backdrop that I introduce the Air Navigation and Transport Bill 2020. This Bill looks to the future and seeks to put in place a modern regulatory system that will underpin Irish aviation for the next decade and more. An internationally competitive and sustainable aviation industry needs a strong, reputable regulatory regime and that is what this Bill provides for. The current regime was put in place in the early 1990s and while it has served the sector well over that time, the institutional structures no longer reflect international best practices. This Bill addresses that situation.

The Bill has three main objectives. First, it merges the regulatory functions of the Irish Aviation Authority, IAA, with those of the Commission for Aviation Regulation, CAR. In doing so, it establishes a single independent and strengthened aviation regulator. Second, it establishes a new commercial semi-State company, AirNav Ireland, to manage Irish-controlled airspace. Third, it makes changes to how airport charges are set at Dublin Airport by putting a greater emphasis on the needs and expectations of the consumer.

For the most part, the Bill provides for the redesignation of existing regulatory and business functions. Aviation is a highly regulated industry and the Irish system is mostly formed from adherence to international conventions and agreements and EU law. Much of this Bill is concerned with making sure these international obligations are properly assigned and the new institutional structures are robust.

I will take each of the three main objectives of the Bill in turn, the first of which is the merger of the regulatory functions of the IAA and the CAR. At present, between them, these two State bodies are responsible for licensing airlines and individual aircraft; issuing airport operating licences, pilot licences and travel trade licences; inspecting compliance with aviation safety and security standards; setting airport charges at Dublin Airport; consumer rights under EU legislation protecting air passengers; and a range of other related tasks. The industry is required to engage with both entities and there is considerable overlap and interlinkage in the engagement. This Bill will streamline the relationship and create a one-stop regulatory shop, so to speak. The CAR functions will be fully merged into the IAA.

The second objective of the Bill is to establish a new stand-alone commercial State company to provide air navigation services. This service is currently provided by the IAA, which has a dual regulatory and commercial function. This dual model was conceived in the 1990s and regulatory developments in international aviation since then make it something of an outlier. It is simply not good practice to have a commercial and regulatory function within the same organisation, especially when part of the regulatory remit involves oversight of the commercial business. It is a self-regulation arrangement, which is not ideal and nor does it find much support nowadays. Therefore, as we merge the CAR regulatory functions into the IAA, at the same time we are removing the commercial business and setting it up in a wholly separate State

company to be called AirNav Ireland.

Both of these steps, namely, merging the regulatory functions of the IAA and CAR while establishing a new commercial State air navigation company, involve the reassignment of staff and the redistribution of assets and liabilities. The Bill provides a clear and fair legal structure for the transfer of functions, land, assets and staff. With regard to staff in particular, employees will move with their current positions on no less favourable terms and conditions. This commitment is set out in the Bill and it means that the existing remuneration and pension entitlements of staff will not be affected by the institutional changes. In fact, the vast majority of staff will not notice any material change in their day-to-day work. There will be only minimal changes in terms of office location in and around Dublin city centre and this will be on an agreed basis. My Department, the IAA and CAR have aimed to maintain an open and constructive dialogue with staff and their representative bodies on the provisions of this Bill. I am advised that there is broad support for the reforms.

The third objective of the Bill is to make changes to how airport charges are set at Dublin Airport. Under the Aviation Regulation Act 2001, the Commission for Aviation Regulation is responsible for setting the maximum price that Dublin Airport can charge airlines for the use of its facilities. It is a complex economic regulatory process but its purpose is to ensure that the price charged by Dublin Airport, which is ultimately paid for by airline customers, is fair and sufficient to cover the development and maintenance of the airport. In setting a maximum price, the regulator effectively frames the medium-term development plan of Dublin Airport. The proposed changes set out in the Bill are based on recommendations arising from an independent review of the current framework, a review which included extensive industry and public consultation. The changes do not alter the main thrust of the existing price-setting regime but rather make incremental improvements that have the effect of strengthening the role of the regulator for the benefit of consumers. This part of the Bill contains policy changes, whereas the provisions on the institutional changes to the IAA and the CAR are almost exclusively about moving around existing functions. For that reason, I will take time to introduce these proposed policy changes.

First, the Bill provides for a change to the statutory objectives of the airport charges regulatory regime. Throughout the aforementioned independent review process, it became clear that the overarching objective for the regulator should be to protect the interests of consumers while maintaining high standards of safety and security. This idea is reflected in the Bill, which sets out that the primary statutory objective of price setting at Dublin Airport shall be “to protect and promote the reasonable interests of current and prospective users of Dublin Airport”. That objective is set above all others.

The Bill also for the first time requires the regulator to take account of Government policy on aviation, climate change and sustainable development when making a decision on the price and the medium-term development of Dublin Airport. There are a number of other noteworthy policy amendments and improvements to which I wish to draw the attention of Senators.

Currently, the Minister for Transport has the power to provide policy directions to the regulator, which must be considered when making a decision on airport charges. This power has been used by previous Ministers, but on reflection, it is difficult to square such a provision with the idea of strong, independent regulation. Therefore, it is proposed to remove it and instead provide that the regulator must have regard to current Government aviation policy. This will ensure that the regulator’s periodic review of airport charges will be appropriately framed with-

in the context of current Government policy, but without being subject to specific ministerial instructions which could cut across regulatory independence.

Another change proposed in the Bill is to place a new obligation on the regulator to produce a statement of strategy every three years, setting out details of its performance indicators. This is an additional level of accountability and transparency and is intended to dovetail with greater independence in decision making. The Bill also introduces some additional flexibility into the regulatory process, by allowing the regulator to extend its current decision on the maximum airport charge price for up to two years. Currently, the regulator reviews and resets the maximum airport charge at Dublin Airport every five years. This will continue to be the norm, but the Bill allows for some flexibility to extend a determination, so long as all parties - the regulator, the airport and the airlines - agree that it is in the common interest to apply it.

Changes are also proposed to the regulatory appeals process. Currently, where an appeal of a regulatory decision on airport charges is made, the Minister for Transport is required to appoint a panel of up to three experts to hear the appeal. The panel of experts has the power to revert the regulatory decision back to the regulator for reconsideration. However, during the review of the regime, concern was raised from all sides about this process. It was suggested that any ministerial involvement was inappropriate and that the process had no teeth, with the appeals panel having no ability to direct the regulator to make changes to the determination. Am I out of time?

**Acting Chairperson (Senator Erin McGreehan):** Yes.

**Deputy Hildegarde Naughton:** I might leave it there so.

**Senator Jerry Buttimer:** I wish to share time with Senator McGahon, six minutes and two minutes, if that is okay.

**Acting Chairperson (Senator Erin McGreehan):** Is that agreed? Agreed.

**Senator Jerry Buttimer:** The Minister of State, Deputy Naughton, is very welcome to the House. Her appearance here today is very important. First, I congratulate her on the appointment of iar-Sheanadóir, Pádraig Ó Céidigh, as the chair of the Shannon Group. He is a person we all admire. He brings huge experience to the role. Second, she comes to us today on foot of Ryanair's announcement of 20 new routes and a €200 million investment in Cork Airport. That is a positive news story. As the Minister of State says in her speech, Covid is the backdrop to today's debate. I will come back to the Government supports of €20 million being given in a funding package to aviation.

This is a progressive piece of legislation at a time when the aviation sector, globally as well as here at home, is seeking to rebuild connectivity following what has been an awful 24 months for everybody involved in hospitality, travel and aviation. I hope that anything I say will not be taken by anybody as being anything other than positive, but we must understand that there is more than one airport in the country, and that there are also more than two. There is Cork Airport, Shannon Airport, Dublin Airport and airports in Galway and Waterford. We could go up north and talk about Derry and Donegal as well. Air connectivity is crucial to the economy. We must continue to ensure that everything we do facilitates its return. Today's legislation and Ryanair's announcement are all important. It is good that we are seeing a new statutory instrument being intertwined in this legislation, which puts an onus on the Commission for Aviation Regulation to take account of the sustainable development of Dublin Airport in all of its deter-

minations.

In her speech, the Minister of State made reference to the prices being charged. It is important that the DAA is able to negotiate, but the customer must be looked after. There is reference in the legislation to protecting the customer. It is important that airports are supported to rebuild in a sustainable manner. Last week Deputy O'Donnell and the Tánaiste had an exchange in the Dáil regarding Shannon. I wish to make a case for Cork Airport. Cork is as important as any other airport, and if we are talking about connectivity then it must be supported in route development, incentivisation and retention. The Minister of State has been very much engaged with all the airports over the summer and she knows that we are in a challenging time for the aviation sector. The loss of revenue experienced in the past two years will only gradually get back to pre-Covid levels in 2023 or 2024. I ask that the significant investment by the Government would continue, because it has underpinned the aviation sector to date. I hope the budget will reflect that in time.

To paraphrase what the Minister of State outlined, the Bill establishes a super regulator that will have a remit for safety, security, economic regulation, licensing and impact every aspect of Irish aviation. It is a clear vision of where we should be going, but from its inception the regulator should be part of that from day one. A clear overarching objective should be set out for it and there should be an internal alignment across its own functions before making decisions that impact on the industry. I refer, for example, to trade-offs between obligations imposed for licensing, safety and security purposes versus the economic impact of those implications.

The new regulator should be conducive to collaboration with all stakeholders. The Minister of State and I have received emails. Senator Dooley and I are on the transport committee and we have received emails from members of staff regarding air traffic control. I hope the engagement will lead to a resolution for them.

This is a very important piece of legislation. It is one we should all support unreservedly. We have seen issues with merchant terminals and travel agents, for example, as part of Covid-19. I hope that the regulator will bring clarity and certainty. We must see route development and incentivisation as part of the budget to underpin the Government's support of the aviation sector.

**Senator John McGahon:** I wish to touch on a couple of points in my brief contribution. The main point on which I wish to focus most of my remarks is the concept of the national peer support framework that is overseen by a new safety regulator for aviation workers. It is vitally important for three specific reasons. The first is that peer support will enhance flight safety when people have an opportunity to speak to each other about their experiences. The second is national oversight of peer support in Irish airlines. When that occurs, it means we ensure that best practice standards are maintained at all times. Third, is the new safety regulator which Senator Buttimer mentioned. That has the ability to establish an industry-leading approach to the issue as well. That must be considered in the context of the overall aspect of the national peer support framework.

I commend the Minister of State and the Government, to a degree, on the amount of engagement in the past year, in particular with the Irish Air Line Pilots Association. I know that when I came into this House one year ago, aviation was not something in which I had a particular interest or something about which I had a new huge knowledge either. However, I refer not so much to the lobbying but rather to the detailed briefing notes these people have given us. In particular,

Joe May from County Louth, with whom I have become very friendly over the last year and a half and who is a member of that organisation, has been able to provide all Oireachtas Members from County Louth and in this House in general with a detailed overview of the situation over the past year. In my role as an Oireachtas Member, where I am trying to deal with an issue on which I do not have a lot of experience, it has been very helpful. I want to pay tribute to those people for the work they have done in keeping us updated in the Oireachtas over the last year and a half.

**Senator Gerard P. Craughwell:** I welcome the Minister of State and I welcome the Bill she is bringing before the House, although at this point it does not go far enough, and we will talk about that shortly. As Senator Buttimer has pointed out, the last two years have been a very difficult time for the aviation industry. Indeed, the Oireachtas transport committee has spent an extraordinary amount of time looking at the rebuilding of the air transport communication system for the country. I compliment both Senator Dooley and Senator Buttimer on their input into the committee. They certainly have not let down the side they come from but they have had a global view as well, which I welcome.

I welcome the objective to merge the regulatory functions of the Irish Aviation Authority and the Commission for Aviation Regulation but I do so with some reservations, which I will get to shortly. I hope that in establishing an independent regulator, we are establishing a strengthened regulator, and I look forward to having a new commercial semi-State to manage Irish-controlled airspace.

One of the grave things that has bothered me for some time is the failure to date to have a written report on the crash of Rescue 116. It simply is not good enough and I do not know why that has not happened to date. Certainly, if we have an independent regulator who is strong enough, it will see to it that these things are reported on time. It should have been reported within 12 months. I know the European airline pilots are somewhat concerned about it.

I welcome what the Minister of State has said about the charges at Dublin Airport. That is a good thing and as it is consumer focused, I have no difficulty with it. However, I believe the Bill can be strengthened with some of the things I am going to mention.

A key stakeholder in all of this is the Irish Air Line Pilots Association, IALPA, which seems to be finding it difficult to have its concerns listened to. One of the things we need to talk about is licences. The Minister of State mentioned the licenceholders. It is somewhat ironic in this day and age that a pilot who is licensed to fly an aircraft has to go through his or her employer in order to make a recommendation or to notify the statutory authority of some particular difficulty he or she may have, and that applies not just to pilots, but also to engineers and to cabin crew. It is simply not good enough that they would have to go to their employer if, for example, they are complaining about some practice their employer has implemented which, in their view, calls into question the safety of the airline.

It is a well-justified concern that licenceholders have no mandate to interact directly with the new regulator. They run the risk of being caught between the commercial concerns of their employers and the regulatory or safety concerns they themselves have. Licenceholders need a formal way to engage with the regulator that is statute-based and away from the commercial owner of the fleet they are flying for. To all intents and purposes, we need a charter for licenceholders. In this way, both the licenceholders and the IAA will know precisely what their obligations are, and there will be no room for ambiguous interpretation by a commercial airline operator.

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We have plenty of examples which I will not go into because in this country, we only have two main airline providers and they are extremely dominant. I was delighted to hear Senator Buttimer talk about Ryanair adding 22 new routes out of Cork, which is very good news, but it makes these airline companies extremely powerful when it comes to dealing with them, and that is something we need to be aware of.

There are a number of amendments that I want to bring to the attention of the Minister of State. Rather than walking into this House on Committee Stage to put the amendments forward and talk for God knows how long on them, and at the end of the day the amendments get kicked aside and voted down, I would much prefer to work with the Minister of State and her officials on the amendments we will be bringing forward.

Senator McGahon spoke about the crew support programme. We need a standard operating procedure for crew support systems. We need a set of guidelines but we do not need the airline having control over how that is set up. We do not need the airline having control over who will or who will not form the peer support group in an airline. It is too dangerous an industry not to provide the supports that pilots need and pilots need peer support that they can engage with and that they are not afraid to go to with their stories.

As I said on the licenceholders' charter, we cannot have a situation where the licenceholder, that is, the pilot, must go to his or her employer and say, "I have a difficulty with the regulations you are asking me to fly under and I need to go to the regulator with them", only for the employer to say, "No, you cannot". In the case of some of the airlines now using contract employees, it makes it very difficult for a licensed pilot to go outside the airline he is working for. I will be bringing forward an amendment on that issue and I know I will be supported by some of my colleagues.

The other amendment relates to investigation and administration penalties, and I know the Minister of State is aware of some of these issues. If there is a situation where there is an administrative problem and a sanction is needed, the sanctions we currently have are punitive. There is this idea that we can close down the airline because it is not doing something right, but we just cannot do that. We need a graduated set of sanctions whereby there might be a fine of €100,000, for the sake of argument, over some breach today. If the breach is still in place tomorrow, it goes to €200,000 and it goes up by €200,000 every day the breach is in place. I think that is a reasonable request from the airline pilots association.

When it comes to it, we should work on the four amendments that we will be bringing forward. This will not disrupt the Bill. The Bill is a great idea and the Minister of State is going to get the Bill through. However, this will strengthen the Bill, it will bring all of the stakeholders onside and it will make for a robust system in the future. There should never be anything left to ambiguity when we are talking about safety and airline practices. I ask the Minister of State to give me a commitment today that she will engage with me, and with other colleagues who have dealt with IALPA and various other agencies that are supporting crews and pilots within the airline industry, to see if we can deliver something that will meet everybody's needs, not just the needs of the commercial suppliers. I will leave it at that as my time is running out.

**Senator Timmy Dooley:** I welcome the Minister of State to the House to discuss this legislation. At the outset, I want to be associated with the remarks on and recognition of the appointment of Pádraig Ó Céidigh as chairman of the Shannon Group. I recognise he is a man of immense skills and wisdom, somebody who has a vast amount of experience in the aviation

sector. In addition he is a west of Ireland man and he understands the importance of regional balance. Together with the experience he has, I believe it signals the dawn of a bright future for the aviation sector on a regional basis. It will be important that he and others who represent or work within the aviation sector outside of the Dublin base are given the support of the Government.

The Minister of State, in setting out her position, said that it is open to the Government to set priorities to develop aviation policy. A very considerable amount of lip service has been paid to regional supports and policies that are there to support the regions.

The reality is that precious little has been done. This Bill presents a real opportunity. The Minister of State spoke of the capacity in this legislation to allow for the setting of maximum tariffs at airports. I contend we need to consider the setting of minimum charges as a method of ensuring a fair share of supports and activity is diverted towards the regions where possible. It will always be the case that an airport like Dublin will be most attractive to airlines. It is legitimate for the Government to establish policies that seek to encourage airlines not just by way of fluffy language but hard measures that make it attractive for them to generate profits outside of the main airport. That may be by way of route support, as my good friend, Senator Buttimer, said. It is important to provide State funds to the airports to attract airlines. We must also examine ways to curtail the unbridled growth of Dublin Airport. When you talk to citizens in and around Dublin they recognise that the airport prior to the Covid pandemic had reached levels of saturation in terms of the impact on traffic both on the ground and in the air, and that this needs to be addressed. It is possible to come up with ways of ensuring airlines see it as an attractive option to offer services to airports outside the capital city.

On the legislation, clearly, it is a straightforward Bill. There is a recognition it provides for the institutional reorganisation of how aviation regulation is provided in Ireland. The Minister of State rightly identified the necessity to separate the two components. We welcome that but, notwithstanding that, like Senator Craughwell and others, I, too, have been contacted by the Irish Air Line Pilots' Association, IAPA. I know it has written to the Minister of State. It has outlined very clearly a need for a number of issues to be addressed in this Bill, particularly the need for graduated sanctions for breaches of regulations, the creation of an inclusive licenceholders forum, clarifying working time provisions, providing legislative underpinning for pilot peer support programmes and the creation of a charter for licenceholders. I have read its documentation and all those issues make sense to me. I noted some of the Minister of State's comments when the legislation went through the Dáil. She seems to believe, and I presume from her perspective it is well-meaning, that perhaps it is not the place for the Government to intervene in hardwiring this into legislation but the IAPA president, Evan Cullen, and others have certainly made a strong case. I hope we can thrash this out in greater detail on Committee Stage to find some common ground and seek to ratify some amendments.

I know from the Minister of State's time in this House she will not be taking this House purely in an expected way such that the legislation has to go through this House because it went through the Dáil. There may be aspects of the legislation we can tease out in a non-partisan, careful and considered way that may benefit the long-term future of the sector. I have some further views and ideas on the pricing situation the Minister of State spoke about and some of the issues raised by the IAPA on which I will speak on Committee Stage.

The Minister of State will be familiar with documentation circulated in the media and by way of letter to the Minister for Transport by a certain group of workers in the Irish Aviation

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Authority. I do not intend to read into the record all the issues outlined in it as some of them are of a personal nature and individuals are named. We certainly do not want to get into that business in this House. Issues have been raised about the closure of State airports. I will read into the record a few paragraphs that relate to that. The letter states:

As you are aware on a number of occasions an air traffic control service was not available at State airports due to the lack of air traffic controllers. Cork Airport closed for a period on July 25 and Shannon Airport on July 26. The closure of Dublin airport on August 6 was narrowly averted thanks to the actions of the ATC Branch committee.

The letter also states: “The closures and non-availability of Air Traffic Controllers ... is as a result of years of sustained and abuse of the air traffic control staff” by certain aspects of management”.

These are significant charges made by workers. I did not receive this mail but other members on the committee and in the Houses have received numerous copies of this letter from many members of staff. Air traffic controllers by their nature are highly skilled and highly trained professional people who have been trained to withstand significant pressure associated with the very important job they do. For people of that calibre to sign up to a document as direct and as concerning as this letter leads me to believe there is a significant problem there.

I hope the Minister of State together with the Minister for Transport will engage in a process. Senator Buttimer and I have suggested, through the joint committee, the Department might engage with outside consultants with experience in industrial relations who would bring an approach or process that would hopefully avert a further weakening of the position. These workers raised issues around dignity in the workplace. They also raised safety issues. The letter further states that it is their opinion that the safety of the Irish air traffic control service has never been more compromised than it is now. It also states that they have no doubt that the current conduct of certain sections has greatly impacted safety. That is a very strong statement for so many people to sign up to.

The letter further states there can be no doubt that “pressurising safety critical employees to attend for duty under protest and duress without due regard for fatigue or fatigue caused by inappropriate ... circadian rhythm will result in increased risk of an air traffic incident or accident. This issue is specifically encompassed in the requirements of EU regulation 373/2017”. I cannot over-emphasise the importance of addressing this.

On the area of separation, these workers also have issues about pension rights and entitlements and whether that gets resolved prior to the vesting day when the IAA will be split into two companies. Many issues need to be thrashed out. I hope we can address them as apart of the Committee Stage phase of the work in this House. I thank the Minister of State for her attention.

**Acting Chairperson (Senator Eugene Murphy):** I thank Senator Dooley for keeping to the time and getting his point of view across.

**Senator Timmy Dooley:** I thank the Acting Chairperson for his direction and respectful smile when it was time for me to conclude.

**Acting Chairperson (Senator Eugene Murphy):** Is Senator O'Reilly or Senator Boylan due to speak next? According to my list it is Senator O'Reilly and then Senator Boylan. Sena-

tor O'Reilly will have eight minutes.

**Senator Pauline O'Reilly:** I will not take eight minutes. I am in a part of the country in Galway West in the Minister of State's constituency that does not have an airport. There is no part of the country that is not impacted by what is happening in the airline industry. This Bill is quite technical. Its objective is to address recommendations around regulation and it does that. People are quite rightly raising other concerns and matters they believe could be included in this Bill or will come before us in other legislation, which is correct.

I would like to touch on four issues. First, as a Green Party member, I believe we must take seriously the impact of the aviation sector on climate change. I would like the Minister of State when summing up to address how we can tackle that. Obviously, there are global responsibilities but we also have responsibilities as a nation. Although it is not covered by this Bill, we cannot speak about aviation and not talk about its impact on the environment.

The second issue I wish to touch on is consumers. Much of what the Bill provides is consumer protection. We have all probably been inundated with stories of people who do not have the kind of protection they need. I will not say they are monopolies but certainly there is a small number of operators in the airline industry. This impacts on workers and consumers. I hope that when we have that independent regulation this will all be addressed.

Third, Deputy Dooley raised some points about safety concerns. People have been receiving some of that correspondence. We are all on notice, including the Department, and, therefore, this has to be addressed. It is not for us to look into the detail of it but, given that we are on notice, it is incumbent on us all to look into that issue for those workers. They must be protected for their own sake as workers but there is also a need to consider the safety of those who are reliant on them in the context of air travel. This could be one of the most dangerous situations if we are not 100% confident in it.

My next point relates to tourism. We often talk about workers in airports and airlines, but there are an awful lot more workers across the country who are reliant on our aviation sector who we do not talk about when we discuss aviation, namely, all of those who are attached to tourism, as well as everyone who goes into their local shop or who works at an airport on which all of the local economy is reliant. The midlands-north west has been downgraded to being a region in transition. We have to recognise that. This means we need to support what is already there, but it also means looking at other kinds of infrastructure if we are not investing in airports. I am fully behind the repurposing of Galway Airport, but we need to look at other kinds of infrastructure, such as the western rail corridor, in the context of the national development plan. That will bring economy from across the island and around the island, from Rosslare right up to the north west. That is a serious proposal. The line is still there and it is not a huge amount of money so we need to look at reopening that portion of the railway.

Those are my thoughts on the Bill. It is fairly technical in nature but it provides an opportunity, quite rightly, to bring up other issues relating to the aviation sector.

**Acting Chairperson (Senator Eugene Murphy):** My apologies to Senator Boylan. I thank her for giving way.

**Senator Lynn Boylan:** I welcome the opportunity to speak on this Bill. As others have said, it seeks to reconfigure substantially our aviation and navigation regulation services. Sinn Féin is happy to support it because it is right that the commercial air navigation elements are

separated from the regulatory matters of the Irish Aviation Authority.

The workers in this sector, especially those in Aer Lingus, have been systematically and continually let down by successive Governments. Indeed, Fianna Fáil, the Green Party, Fine Gael and the Labour Party were all party to the sale of Aer Lingus. Sinn Féin opposed selling off the remaining share of the company at the time. We remain opposed to it today because we believe the decision was short-sighted. So too are the decisions that are currently being taken by the Government and that are putting Aer Lingus at continuous risk. At the time of the sale of the remaining State share of the company, Deputy Howlin said that he welcomed the commitments offered to the existing workforce in Aer Lingus. He went on to state: “As the chief executive officer has indicated to the Minister, he remains committed to an employer-employee engagement model that has unions and the State’s industrial relations apparatus at its heart.” This was challenged by Sinn Féin at the time because we could see the dangers ahead for Aer Lingus workers. We all now see the folly of the decision to sell off our national airline. We do not buy the nonsense that there was no choice. There are always choices in politics. There are always decisions to be made and positions to be taken. People cannot simply pick and choose and say later that they are sorry and that somebody else made the decision.

Sinn Féin will be proposing amendments to the Bill before us, which I believe are supported by others in this House. We believe they will improve on the current Bill. They were tabled on Committee Stage in the Lower House but were then withdrawn pending engagement with the trade unions. Assurances were given by the Department that it is not necessary to legislate to achieve what is set out in those amendments and that, instead, a cultural change is under way. We are of the opinion that it is better to underpin and embed cultural change within an organisation with a legislative back-up. It is all well and good to promise culture change but since those assurances were given, a meeting was convened by the Irish Aviation Authority to discuss the post-Covid recovery and neither the workers nor their representatives were invited. It is much better to set out the obligations in black and white in order to facilitate the culture change that is needed. We are all living through the legacy of light-touch regulation when it comes to the construction industry. Let us not make the same mistake with the aviation sector. The personnel and the bodies that are in those regulatory authorities will change so we need to underpin that culture change with legislation.

One of the provisions we think should be included in the Bill relates to the need, which others have noted, for the IAA to have a graduated fines system. The proposed removal of a licence is the only stick it has. It is an extremely drastic measure that has never been used and is unlikely to be used except in the most egregious of circumstances. There must be more proportional sanctions for smaller measures to bring airlines into line with the regulations. One example of this was when Ryanair instructed staff to flaunt the regulations by not allowing people to sit in the emergency exit seats unless they paid a premium. We all know that the regulations indicate that able-bodied persons must be seated at emergency exits for the safe operation of flights. When Ryanair was instructed to bring its practices into line with the regulations, six weeks passed before it did anything about the matter. The regulator was powerless to compel it. The airline would be much more incentivised to act swiftly if it was hit where it hurts with fines that increased the more the problem persisted.

We will also be proposing an amendment in respect of peer supports. It is essential that peer supports are in place for crew. We learned the hard way what happens when crew do not receive the proper mental health supports with the Germanwings flight disaster. There needs to be a more structured approach to peer supports and the choice of peers should not be dictated

by the airline. Peer support has to have the confidence of the crew and it has to be reflective of the culture in which the crew are working.

A third proposed amendment relates to a charter to clarify the rights and obligations of all parties involved.

The final amendment mandates a forum for licence holders to discuss air safety regulation in a transparent and efficient manner. This would give them the clarity and assurances they require, as well as the ability to consult with the IAA directly and not through their employer. We have heard of the disparity between the experiences of licence holders when engaging with the Irish regulator and when dealing with the same issue of concern with the British regulator and how quickly they were able to get clear responses from it in comparison with the Irish model. We need to have a system in place where licence holders can go directly to the regulators and get the assurance and clarity that they require. I look forward to submitting these and other amendments in due course and to the later deliberations on the Bill. I thank the Acting Chairman for the opportunity to address these issues.

**Senator Marie Sherlock:** I thank the Minister of State for coming to the House. The Labour Party is very happy to support this Bill. It is being taken at a time when there are very real question marks about the capacity of the aviation sector to recover. Projections suggest that it will be 2024 before it recovers, if at all. The desirability of that recovery is a very separate but important question about how to have a sustainable aviation sector that sustains thousands of jobs and an even wider tourism sector. We need to ensure that sector gets back up on its feet but also with an eye to climate action and trying to reduce our carbon emissions in this country. I am thinking in particular of the uncertain livelihoods and the very significant pay cuts that are on the table both in Aer Lingus and elsewhere within the aviation sector. There is a lack of hope for many in that sector at this point in time and there have been many calls for a recovery plan or strategy. There is a great deal more that could be done by the Department of Transport in this area. The Irish Congress of Trade Union's pre-budget submission references the roll-out of a short-term work scheme as being ideal for the aviation sector. We need to see a real commitment from the Department of Transport with regard to the aviation sector and the thousands of livelihoods that depend on it.

With regard to the legislation, any initiative that streamlines how the area of navigation is regulated must be seen as a positive. On the grounds of independence, scrutiny and public confidence in the sector, it is vital that the regulator is separated out from the regulated. I understand the proposed new model will bring Ireland closer to the standard model of regulation across many other EU member states. Ireland is one of only four countries wherein the functions were separate until the introduction of this legislation. However, the Labour Party has a number of concerns, similar to the concerns already articulated across the Chamber today, in regard to the provisions of this Bill. Many of these concerns have been also articulated by IALPA. It has done a good job in communicating those concerns to us. I think all Senators have been circulated with the four amendments IALPA wishes to put forward.

We need to see interaction with the trade union representing pilots and with others in the sector in regard to their concerns about this legislation. We must not miss the opportunity to have as strong a regulator as possible in this country. We need to address the concerns with regard to the engagement and the relationship between the IAA and its stakeholders. The IAA considers the licenceholders to be its stakeholders, yet in terms of engagement up to now the communication has been largely one way. How can a regulator function, in particular in matters

of safety, be that in the air or on the runway, if the voices of pilots, engineers and cabin crew are pointedly excluded and can only be heard through their employer? That is perverse because it may be that some of their concerns are related to how the employer is conducting its operations. We need to ensure that licenceholders have a vehicle or mechanism to communicate with the regulator and that there is two-way dialogue. This is important given that licenceholders, in particular pilots, can be held legally responsible if something goes wrong. In that context, IALPA has put forward a number of suggestions around peer support programmes, the gradation of sanctions and the licenceholder forum and licenceholder charter. I ask the Minister of State to engage in that regard.

Another concern relates to the altering of the airport charge criteria to include the reasonable interest of users of Dublin Airport, although I accept that protection of consumer welfare must be a key part of a regulator's pricing strategy. Notwithstanding the assurances provided by the Minister of State in her opening contribution, serious questions remain with regard to the future financing of Dublin Airport. Concerns have been expressed over a significant period of time with regard to the under-provisioning in regard to safety critical infrastructure on taxi-ways, runway lighting, ramp design and other aspects of the airport. We need to hear more detail about getting that balance between ensuring we have safety critical infrastructure that is up to date and of the appropriate standard, while at the same time meeting the needs of workers in all areas of the airport, consumers and all those people not only in Dublin but across the country who are dependent on the airport. I would welcome further clarification around the criteria and in regard to what changes, if any, will ensure Dublin Airport Authority can fund itself into the future.

**Senator Eugene Murphy:** I thank the Acting Chairperson, Senator Pauline O'Reilly, for accommodating me by taking over the Chair in order that I can make my contribution. I welcome the Minister of State. From the west of Ireland perspective, the Minister of State and I have supported Galway airport in the past and we continue to support the important Knock Airport, also known as Ireland West Airport.

This is a technical Bill. I do not propose to get into the technical detail of it, but like other Senators I will make some points that have probably been made already. It is important to acknowledge the really difficult time the aviation sector has had, but we must also acknowledge the Government supports provided to it. Crucial and difficult decisions had to be made, some of which I have no doubt meant the future of our airports hung in the balance. Without Government support, they would not have survived but they have a long way to go.

I am confident in saying today that our airports and air services can grow in stature. As an island country, we have to ensure greater growth in and use of our regional airports. The Minister of State is very aware of that. It is regrettable that Galway does not have an airport, but Ireland West Airport means so much to the country. Without it, the west would not be in the position it is now. We have many problems but we would be worse off if we did not have Ireland West Airport. In regard to customers, Ireland West Airport is important in terms of the many people who travel weekly to London, Manchester and parts of Scotland for work and return home at weekends. That still happens a lot. The availability of these services is important. I again acknowledge the supports provided by Government for this sector, but I reiterate that it is important we grow our regional airports, which is a point I am sure the Minister of State will make to the Government in her discussions on the sector. We can grow our aviation business considerably.

I take on board Senator Pauline O'Reilly's point in regard to the environment and air travel. One of most favourable comments I heard over the last year was that owing to the lack of aeroplanes there was less pollution. Air travel is important for us as an island nation, but I think we are going to see significant changes in the type of fuel used. Air travel needs to become environmentally-friendly. I am sure there are ways that can be done. As I said, we have to ensure there is growth in our air services.

I want to speak about air cargo. Less than 2% of products leaving this country do so by air. We have a magnificent team promoting Ireland and Irish food abroad, but one wonders why we do not make greater use of air cargo, particularly for food products. That could significantly improve our food exports, which are pretty good at the moment.

Like others, I am concerned about the commentary of air traffic controllers. As a nation, we do not think deeply enough about the important role of air traffic controllers. We talk about our ambulance service and first responders and the responsibility attached to that work, and rightly so, but, as a nation, we should show the same respect and consideration for our air traffic controllers. We do not do that, myself included. Perhaps we take them too much for granted. Air traffic controllers have raised concerns in regard to fatigue and their working conditions. We need to address those concerns. We need to look after them properly and make sure they are never under stress. Air traffic controllers have one of the most responsible jobs worldwide. They take responsibility for the millions of people who travel every day.

*6 o'clock*

I want to use this opportunity to support calls to ensure that those people are sorted out.

As I said, we have reason to be positive after a very negative term during which we all worried seriously about air traffic, the loss of jobs and the possible collapse of the industry. We have got over the hump. There is no doubt that we have a lot to do to address the issue, but generally we can look to the future with positivity. I am prepared to be positive today. I welcome the Bill, even though it is quite technical. I hope it will be part of the progress for aviation going forward.

**Senator Garret Ahearn:** I welcome the Minister of State to the Chamber and thank her, her officials and all of those in the Department for the work they have put in over the past year or more. It has been a very difficult time for people who work in the aviation industry, but the Government has been very supportive and has worked with them to try to get them through the most difficult period they have ever experienced. It is a challenge to come out of that, there is no two ways about that, but the Government is very supportive of the aviation industry and understands the impact it has on Ireland as an island country.

I read today that the CEO of British Airways, Mr. Sean Doyle, announced that there will be a restoration of full pay for British Airways pilots. As the Minister of State knows, Mr. Doyle is a former CEO of Aer Lingus. Pay restoration is happening in the UK, while here in Ireland Aer Lingus is talking about pay cuts and redundancies. It is interesting that pay is being restored in one jurisdiction while there are pay cuts in another. There is an onus on us as a Government to support the industry, but there is also an onus on companies. Full restoration for pilots is something that needs to be achieved as quickly as possible.

Pilots will say that pay is important, but routes are also important because routes mean connectivity. If one has connectivity one has security of employment. The big difference between

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the two airlines in this country, namely, Ryanair and Aer Lingus, over the past year has been connectivity and the speed at which Ryanair has reinstated routes and flights. It needs to be commended for that. Ryanair gets an awful lot of flak, but it has been very quick in terms of its Covid recovery plan to get routes up and going. Today 20 routes for Cork were announced, two of which, Edinburgh and Birmingham, are new, along with an investment of €200 million, which is really significant.

In fairness to Ryanair, it ramped up its schedule extremely quickly. However, the same cannot be said about Aer Lingus. It has not increased its American flight schedule. It is important for businesses that we have connectivity to America. Flights to the east coast have restarted, but not to the west coast, including Los Angeles and San Francisco. Silicon Valley is important to a lot of businesses in Ireland and it is crucial that Aer Lingus is as eager as Ryanair to make sure that its routes are recovered because if they are not someone else will take them.

I wish to emphasise the point made by Senator Buttimer that if we as a Government and Ryanair and Aer Lingus are going to have an aviation recovery plan, it needs to be country wide. It cannot just be Dublin-based. Shannon and Cork are key routes for people in Tipperary. I spoke to a number of people two weeks ago about priorities in Tipperary and what we need to focus on coming out of Covid. For north Tipperary, in particular Newport and the regions around it, Shannon Airport is critical for the region. It is the same in Cahir and Clonmel, where the Cork route is crucial. If the routes were available people in south Tipperary would fly from Cork whereas people in north Tipperary predominantly go to Shannon if the option is there. Aer Lingus needs to get its American routes up and running.

There are no Aer Lingus routes between Shannon and America. At the moment, people can book a flight with United Airways to Philadelphia for next March, or April from Shannon. One cannot do the same with Aer Lingus. The longer things stay like that, the more chance there is that Aer Lingus will lose opportunities and space. It is very focused on setting up a base in Manchester, whereas its focus should be on connectivity and routes within Ireland because for regions like Cork and Shannon that is crucial.

A lot of people say that we need to get back to the levels we had pre-Covid and talk about 2019. If we are talking about trying to get back to levels that are realistic, 2019 is probably not the best gauge from which to work. It was an exceptionally good year. If we want to get back to levels that are realistic we should probably take a look at 2018, which was about 10% less than 2019.

I thank the Minister of State for her contribution today. Senator Buttimer is correct. Aviation is very important country wide, not just in Dublin

**Senator Micheál Carrigy:** I welcome the Minister of State to the House and thank her for her comprehensive statement. It is an understatement to say that Covid has had a devastating effect on a number of sectors, in particular the aviation sector which has been largely shut for 18 months. That has had a knock-on effect for the tourism industry. Tens of thousands of people have lost their jobs and others have seen their income drop by up to 90%. However, the Minister of State, Fine Gael and the Government are conscious of the impact on workers and the industry, and have worked with the unions to ensure airlines will fulfil their obligations to workers during this difficult time.

I wanted to speak about the effect Covid has had on the tourism industry across the country.

In January 2020, as people were getting sick in Wuhan in China, we were celebrating 11.3 million visitors to Ireland who spent a total of €6 billion and supported over 250,000 jobs. Then Covid hit, and we know everything hit the floor. In 2019 there were 24 gateways for flights operating out of our largest market, the USA. Today, there are just 14. International travel opened in mid-July, but we have not seen our numbers improve dramatically. We did not plan ahead sufficiently, unlike some other European countries. A lot of inbound visitors to the EU made their plans and visited other countries, such as Scotland, Italy and Northern Ireland. I say this as someone who has family members working in an industry that brings in tours from abroad. That is the main reason a lot of tourists did not come to Ireland. Despite the strong domestic summer staycation market in the absence of the international visitor, that will never be able to fill the hole that is missing. International tourists spend, consume and purchase more, be it car rental, coach transport, accommodation, pubs or shows. They have higher spending power. Opening extra routes has to be a priority.

We need to extend the VAT reduction for a significant number of years. It rebuilt our economy after the recession and I believe it can do so again. As was alluded to, Ryanair is back to 100% of its pre-Covid flight schedule from Cork and Shannon, but not Dublin. We need to extend the DAA funding beyond June so that agreements can be put in place. People are booking their holidays for next year already and we need to have routes in place or we will be down significantly for the 2022 season. Dublin Airport is already predicting that it will be down 35% on pre-Covid numbers. Senators Buttimer and McGahon highlighted a lot of these issues with regard to the routes. Connectivity is key to the rebuilding of our tourism industry.

**Acting Chairperson (Senator Eugene Murphy):** As I do not see any other Senators offering, I call on the Minister of State to conclude.

**Minister of State at the Department of Transport (Deputy Hildegarde Naughton):** I thank Senators for the contributions they have made to this Second Stage debate. I am going to endeavour to respond to as many of the issues raised as possible.

Senators Buttimer, Murphy and Ahearn raised the regions and supporting our regional airports. As Members will know, policy on regional airports has been influenced by the need to optimise conditions for regional development and connectivity. It absolutely is a key priority for the Government. We are acutely aware of balanced regional development and how all our airports, including our regional airports have suffered a huge drop in inbound tourism. Ensuring our airports and infrastructure were in a position to rebound coming out of this crisis has been the focus since the start of this pandemic. For that reason, out of a budget of almost €80 million in 2021, approximately 78% has been targeted at regional airports with Cork and Shannon receiving about 43% of the overall budget. Balanced regional development is at the heart of the programme for Government and we recognise all parts of Ireland must be able to prosper if we are to build a sustainable and resilient future and that global connectivity is absolutely critical, as is regional connectivity.

On climate issues, which were raised by Senators Murphy and Pauline O'Reilly, the Bill will for the first time require the IAA, as regulator, to take account of Government policy on aviation, climate change and sustainable development when making a decision on the price and the medium-term development of Dublin Airport.

Senators Dooley, Murphy and others raised IAA industrial relations issues. I am aware a significant proportion of air traffic controllers have made representation to the Minister, Deputy

Eamon Ryan, over recent weeks. The Senators have also received correspondence outlining their concerns regarding workplace issues with the IAA. As with any commercial semi-State body, workplace issues are matters to be addressed, in the first instance, by the board and executive of that body. Nevertheless, briefings have been sought and received from the IAA on this issues raised in the correspondence. On the specific matter of the operation of the IAA's call-in scheme and any safety implications, the IAA executive has affirmed safety is its overriding priority and that at no point has safety been compromised in the operation of this scheme, nor has it posed any risk to the safety of air traffic control, ATC, services. It is important that all sides recognise the need to engage in dialogue in a constructive way to bring a resolution to the differences that have arisen. I hope that can be achieved. I understand that in an effort to ensure continued dialogue, and in an attempt to resolve the current issues, the IAA executive met Fórsa last week and the chairman of the IAA's internal dispute resolution board with a focus on addressing any outstanding concerns through dialogue. I again ask all sides to engage constructively in those engagements.

In relation to points made by Senators McGahon, Sherlock, Craughwell, Dooley and Boylan and engagement with IALPA, they will be aware that on Committee Stage in the Dáil, several Deputies raised a number of similar amendments. My reservations lay with with the question of whether such concerns would be more appropriately addressed on a more flexible, non-statutory basis, rather than hard-coding this into primary legislation. Department officials recently met both IALPA and the IAA on these issues. There was a full discussion and exchange of views on the amendments proposed and on the importance of addressing concerns using the most suitable instruments. IALPA is understandably passionate about its concerns and points to the long history of its engagement with the IAA. Indeed the report of the 2019 examination of the IAA noted that the working relationship between the IAA and the unions is poor. These are complex issues of trust and relationship-building. However, I am confident the new regulator intends to address the concerns of IALPA in a proactive and satisfactory manner on a non-statutory and consultative basis. I note that in his letter to all stakeholders on 21 September, the aviation regulator's chief executive designate is inviting observations on the preparation of a draft statement of strategy for the new IAA regulator for the period 2022 to 2024 and has proposed the following as deliverables, namely, to review and improve its regulatory processes, as necessary, to provide clear information on processes, including compliance requirements, to establish stakeholder forums to inform decision-making, to set out a charter for licenceholders and to establish forums for sharing best practice, for example, peer support. I stress also that the whole basis for this Bill is to reform the regulatory structure and to create a new independent regulator. Part and parcel of that reform will be stakeholder engagement under a new board, chairperson and CEO. IALPA will not be engaging with the IAA in its original form.

Senators Dooley and Pauline O'Reilly also mentioned issues around pensions. As Senators will be aware, the central objective of this Bill is to merge the regulatory functions of the IAA and the Commission for Aviation Regulation while establishing the new commercial State-regulated air traffic control service provider. As is established practice in State agency restructurings, the Bill contains robust provisions safeguarding employees' existing terms and conditions, including pension rights and entitlements. Employees of the IAA who move to AirNav Ireland will enjoy no less favourable terms and conditions under the new arrangements than those they do currently. The final scheme of the pensions transfer arrangement between organisations will require the approval of both the Minister for Transport and the Minister for Public Expenditure and Reform and will be examined to ensure they comply fully with the terms of the Bill. It is important to distinguish between the measures relating to superannuation that are necessary to

give effect to the establishment of new structural arrangements and other pension issues under discussion through the company's industrial relation procedures. It is not necessary or appropriate for the purposes of giving effect to this Government policy on structural reform to seek to impose a precondition that all pension issues be resolved.

On other amendments, it is proposed to introduce a small number of Government amendments on Committee Stage to confirm the role of the Comptroller and Auditor General as auditor of the new regulator and to update the schedules to the EU legislation contained in Schedules 1 and 2 to the Bill.

I might leave it there. I outlined most of the Bill in my opening statement. I welcome the support received for this Bill and will reflect on all the points raised. I believe the Bill has cross-party support and thank Senators for that. I look forward to engaging with them on Committee Stage.

**Acting Chairperson (Senator Eugene Murphy):** I thank the Minister of State. We used the opportunity to ask very important questions which were probably a little outside the technicality of what this Bill is about but as a politician, she understands we had to do that on the occasion. I appreciate she came back individually to try to give us all the answers she could. I thank the Minister of State and her officials, Senators and all the staff for their co-operation.

Question put and agreed to.

**Acting Chairperson (Senator Eugene Murphy):** When is it proposed to take Committee Stage?

**Senator Jerry Buttimer:** Next Tuesday.

**Acting Chairperson (Senator Eugene Murphy):** Is that agreed? Agreed.

Committee Stage ordered for Tuesday, 5 October 2021.

*Sitting suspended at 6.19 p.m. and resumed at 6.46 p.m.*

### **Defence (Amendment) Bill 2020: Second Stage**

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

**An Cathaoirleach:** I welcome the Minister and congratulate him on a very successful trip to the United States of America. Following his meetings with world leaders and our friends on Capitol Hill, I believe that a message has been sent out loud and clear by the latter regarding their support for the Good Friday Agreement and the ongoing discussions about the protocol and Ireland's position on that. I thank the Minister for all of his work.

**Minister for Defence (Deputy Simon Coveney):** I thank the Cathaoirleach. Before I address the legislation before us this evening, perhaps the House will allow me to say that I met with some very brave women today. I had the privilege of meeting the group that is now referred to as the "Women of Honour" and also a group of serving women of various ranks from the Army, the Air Corps and the Naval Service. The accounts of the experiences they

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have had in the Defence Forces are totally unacceptable in the context of the kind of Defence Forces we should have whereby everybody, regardless of their gender or background, should be able to develop careers in a positive, protective and safe environment. That has not been the experience for far too many people. I want to say that I believe the women and am determined to ensure that the culture which allowed women to be bullied, sexually harassed and treated unfairly needs to change, and will change. We will introduce a comprehensive review mechanism, which will be independent of the Defence Forces and the Department of Defence, in order to ensure that we do an extremely in-depth piece of work here. We are going to work with that group of women, those I met today and others, to ensure that they can believe in and be convinced by the terms of reference and make-up and focus of the group.

There have been many changes in this space in the Defence Forces over the past 20 years but it does not seem to have changed a core culture that continues to expose, isolate, and at times bully female members of the Defence Forces and some men too. The Department, the Chief of Staff for the Defence Forces and I are determined to address this very comprehensively. I can give a commitment to this House that I intend to do that. I will be happy to come back and brief Senators on it as we move ahead.

I will now turn to the Bill. I am pleased to present the Defence (Amendment) Bill 2020 to the House. From time to time there is requirement to amend the Defence Act 1954, the primary Act relating to defence matters, to address ongoing issues that arise in relation to the Defence Forces. The purpose of this Bill is to make a number of necessary amendments to the Defence Act. I will outline these in detail.

Senators will be aware that on foot of amendments accepted on Report Stage in Dáil Éireann, the Bill provides for a significant enhancement of the role of the Reserve Defence Force and removes the absolute prohibition currently contained within the Defence Acts on members of the latter serving overseas.

Apart from matters relating to the Reserve Defence Force, the principal issues dealt with by this legislation relate to the overseas operations and the enlistment of minors. In addition, the opportunity has been taken to make a number of minor amendments of a technical nature to the Defence Acts.

I wish to outline the main provisions of the Bill. Section 1 provides definitions for key terms used in the Bill. Section 2 inserts a new section into the Defence Act 1954 to provide for the delegation by the Minister for Defence of a limited degree of control and authority, referred to as operational control in the Bill, over a Defence Forces contingent deployed as part of an international force to the force commander of that force. I know there are some in the House who have formerly served in the Defence Forces and they will understand the technical nature of why that is needed. The purpose of the amendment is to underpin and provide legal certainty in relation to existing practice whereby a limited degree of control and authority over an Irish contingent is provided to the force commander of an international force to allow for the efficient operation of a mission with which the Irish contingent is serving.

This amendment will not alter the current command structure within the Defence Forces and full command of the Irish contingent will remain with the Irish Defence Forces. Specifically, the amendment provides that a delegation of operational control by the Minister of Defence to a force commander will be in writing and may be subject to such exceptions and limitations as the Minister may determine, having had regard to such requirements as are necessary for the

efficient operation of the mission concerned.

I wish to take the opportunity to explain briefly the exceptions and limitations that would typically be included in a delegation of operational control. First, a delegation of operation control relates to a particular mission. The principal exception and limitation included in a delegation is that the Irish units and subunits of the Irish contingent assigned to the mission are at all times under the command of an Irish officer. In this regard, the amendment specifically provides that a delegation of operational control does not include the authority to assign separate employment of any component of the Irish contingent that has been assigned to the international force.

In addition matters relating to discipline are not included in a delegation. I should point out that this amendment will allow the military police component of an international force, under the authority of a force commander, to arrest and detain a member of the Irish Defence Forces serving with the international force in question. However, this is subject to the member in question being handed over to the Irish military authorities as soon as practicable. Any subsequent disciplinary issues that may arise are dealt with by the Irish military authorities.

The other principal exceptions and limitations in a delegation of operational control would relate to the safety and welfare of the members of the Irish contingent. The amendment also provides that a delegation may include any other ancillary provisions as the Minister may deem necessary for the efficient operation of the mission to which the delegation refers.

As previously advised, the amendment reflects long-standing practice and will ensure that the arrangements for the delegation of operational control over a contingent of the Defence Forces to a force commander of an international force are explicitly provided for within the Defence Act. The section has been developed following extensive consultation with the Office of the Attorney General and the Defence Forces and I assure the House that the delegation in no way undermines overall control of the contingent by the Irish authorities.

In regard to sections 3 and 16, the purpose of these sections is to make a number of amendments to the Defence Acts to remove the references to the enlistment of minors. Historically minors were allowed to enlist in the Defence Forces. However, this has not been the practice for a number of years now. In this regard, under regulations made pursuant to the Defence Act 1954, persons under the age of 18 are not allowed to enlist in the Permanent Defence Forces or the Reserve Defence Forces. Notwithstanding these provisions the Defence Act 1954 still contains references to the enlistment of minors. These amendments remove any such references. The amendments give full effect to the Defence Act to the optional protocol in the convention on the rights of the child on involvement of children in armed conflict.

Sections 4 to 11, inclusive, 14, 15 and 17 relate to the Reserve Defence Force and associated matters, which has become the core of this Bill, with the amendments that we made in the Dáil. The purpose of these sections is to provide the legislative basis by way of enabling provisions to allow members of the Reserve Defence Force to serve in support of Permanent Defence Forces at home and overseas, on a voluntary basis. As I already indicated, these sections arise out of the amendments to the Bill which were accepted on Report Stage in Dáil Éireann. It got all-party support from what I can remember, including from the Independents as well.

Sections 4 and 5 of the Bill amend the Defence Act 1954 and set out a mechanism under which a member of the Reserve Defence Force may, on a voluntary basis, be deployed on

military service, referred to in these amendments as supplemental military service. Any such deployment will be where there is a particular deficiency in skills and expertise in the Permanent Defence Force which would be addressed by the deployment of a member of the Reserve Defence Force on supplemental military service or is otherwise in the best interest of the Defence Forces.

The amendments have been carefully drafted to underpin the voluntary nature of the supplemental military service. In this regard, any deployment on supplemental military service may only take place where the member concerned has consented in accordance with these amendments, and to any such deployment. The consent given by the member will indicate the nature and duration of military service that he or she is prepared to render if requested. In addition, deployments of members of the Reserve Defence Forces on supplemental military service will be subject to the approval of the Minister.

I am particularly pleased that the amendments set out in sections 14, 15 and 17 remove the absolute prohibition currently contained within the Defence Acts on members of the Reserve Defence Force serving overseas. As a consequence of these amendments, it will be possible for a contingent despatched for overseas service to comprise membership of both the Permanent Defence Force and the Reserve Defence Force.

I am confident that these amendments will significantly widen the opportunities for members of the Reserve to provide support to the Permanent Defence Force. I think this is something that we all want to try to achieve. If we are going to have successful recruitment into the Reserve to get the kind of numbers we want and have targeted, then they must believe that they have a function as opposed to solely focusing on training with very limited opportunities to support and supplement the Permanent Defence Forces. This is a signal, and I hope it will be taken as that, that I am, and this Government, are very anxious to build up the Reserve, and not to see any further reductions, and to ensure that it has a very real role to play so that we can use the skill set it provides in parallel with and complementing the significant skill set that we have within the Permanent Defence Forces.

Of course, as might be expected, following on from the legislative changes to introduce the concept of voluntary military service for members of the Reserve Defence Forces, there is a requirement to make a number of technical or consequential amendments to the Defence Acts 1954 to 2015.

Members will have my full script but for reasons of time, I will skip over some of the technical elements which I do not think are needed to add to the debate. In summary, the purpose of the sections of the Bill relating to the Reserve Defence Forces is to provide the legislative basis by way of enabling provisions to allow members of the Reserve to serve in support of the Permanent Defence Forces at home and overseas on a voluntary basis.

Moving on to the other provisions of the Bill, sections 12 and 13 make some minor amendments to the Defence Act and provide for the repeal of a redundant section, which is section 318. Section 12 provides for a minor amendment to section 178E of the Defence Act, which deals with appeals to a summary court martial. The amendment clarifies the timeframe in which a summary court martial may consider an application for an extension of time to submit an appeal to the court martial. Section 13 contains some minor amendments to the Defence Act to provide for the restatement in modern form of section 74 relating to the discharge of reservists elected to public office and the repeal of the now redundant section 318. Finally, section 18

is a standard provision which deals with the Short Title of the Bill as well as arrangements for the commencement of the legislation.

In conclusion, this Bill deals with important matters that need to be addressed. Indeed the removal of the absolute prohibition currently contained within the Defence Acts on members of the Reserve Defence Force serving overseas is a significant change, which will make a strong statement in law about the ambition that I have for the future of the Reserve.

Before concluding my contribution I want to move away from the provisions of the Bill for a moment and take the opportunity to thank the Defence Forces once again for their continuing role in the context of the Covid-19 emergency, where they have made a very significant, welcome and necessary contribution. I am very pleased to submit this legislation to the Seanad and I look forward to hearing Members' comments on the Bill.

*7 o'clock*

**Senator Micheál Carrigy:** I am speaking in place of Senator Joe O'Reilly, who is on business with the Council of Europe.

I welcome the Minister back from his UN visit where he again served our country with distinction, as he normally does. I record my support and that of my colleagues for all the work the Minister undertakes in the Departments of Defence and Foreign Affairs on behalf of the State. He is a man of the utmost integrity and that is beyond doubt.

I welcome the Bill and the changes that are set out including amending the Defence Act 1954 to remove references to the enlistment of minors; providing a legislative basis to allow members of the Reserve Defence Force serve in support of the permanent forces at home and abroad; and amending the Act to underpin practice in relation to the day-to-day operations and control of the Permanent Defence Force engaged in international operations.

It is right and proper that Members of the House recognise the great work done and sacrifices made by our full-time and reserve personnel. In particular, we are grateful for the excellent reputation our Defence Forces have gained abroad on peacekeeping missions. Earlier this year, Brigadier General Maureen O'Brien was appointed to the United Nations as deputy military adviser in the office of military affairs at the department of peacekeeping operations, which is a significant role. My cousin, Captain Marie Carrigy, read the Proclamation in front of the GPO only last Easter.

We currently have 561 brave women and men of the Defence Forces serving overseas in peacekeeping missions in various parts of the world. Irish troops were first deployed on UN missions in 1958. Since then, not a single day has passed without Irish participation in UN peace support operations. This is a unique record and one of which we can be proud. This commitment to international peacekeeping is a practical expression of the values we hold dear as a nation and our commitment to the UN and multilateralism. Since Ireland's first deployment, 87 members of the Defence Forces and a member of An Garda Síochána have lost their lives in the service of peace overseas. We remember them today.

There are a number of issues in the Defence Forces. One is pay and remuneration for personnel. We need to make the forces more attractive so that young people making a decision on a future career will have a long-term career available to them. That issue needs to be looked at.

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The recent documentary “Women of Honour” painted the Defence Forces in a very poor light. I welcome the Minister’s strong comments in this regard. I welcome that the Minister met a number of these women today and the commitment he just gave that this will not be tolerated and will be dealt with strongly. There must be a zero-tolerance approach to all forms of harassment, bullying or violence in the workplace, whether in the Defence Forces or any other workplace.

As the Minister will be aware, I come from Ballinalee, which is the home of General Seán MacEoin. In 1922, General MacEoin took command of Custume Barracks in Athlone from the British and later went on to serve as Chief of Staff before entering political life and serving as Minister for Defence in the 1950s. It is important that this link is maintained and strengthened. Columb Barracks in Mullingar and Seán Connolly Barracks in Longford have closed in recent years. I ask that the Department examine strengthening the role of Custume Barracks in Athlone and maintaining that strong link that goes back to the foundation stone of our State, be it in re-establishing the barracks as the third brigade in Athlone, relocating the brigade commander, perhaps from Cathal Brugha Barracks, or re-establishing non-commissioned officer training at the barracks. I ask the Minister to take back to the Department the message that the barracks be strengthened. There is a fear in this regard and I ask that the matter be looked at.

I thank the Minister for bringing the Bill to the House. More especially, I thank him for meeting these women today and giving such a strong statement in the House.

**Senator Gerard P. Craughwell:** I welcome the Minister to the House and thank him for taking the time to meet the women of honour today.

I will place on record the concerns my former colleagues in the Defences Forces have. The nature of the complaints being brought forward by the women of honour, brave women that they are, and the things they talk about tend to happen behind closed doors and in secret. The few perpetrators who are involved in this horrendous activity have brought the entire Defence Forces organisation into disrepute. The independent inquiry the Minister is setting up will, I hope, get to the bottom of this issue and kill the culture that exists among those who perpetrate this activity.

I cannot speak on defence without speaking about the over-50s contract that needs urgent attention, the Army Ranger Wing and the technical pay issues that are outstanding. It was interesting to hear my colleague from Fine Gael speaking about the re-establishment of the third brigade. The Minister and I discussed the matter in the past and I wish Senator Carrigy well as he drives it home. With regard to Columb Barracks in Mullingar, the local community is looking to have a wonderful resource at that location. The Minister might engage with it that.

We are here not to discuss those issues but the Defence (Amendment) Bill 2021. I very much welcome the legislation and note the work of my colleague, Deputy Cathal Berry, in driving it forward with the Minister. I congratulate the Minister on the foresight in seeing the benefits the Reserve Defence Force can bring to deployments overseas. It is a truly historic day for the loyal members of the Reserve Defence Force who, for decades, have wanted to play a part in Ireland’s peacekeeping role and other overseas missions. That day is finally here and it is a defining moment for the Reserve Defence Force. As a former training sergeant of the 5th Field Medical Corps in Galway, which in those days was an FCA unit, I know my former colleagues would be delighted at this legislation coming forward.

In recent research on the lived experience of Defence Forces personnel, Nicolas Canavan, a master of arts student in Galway, found that overseas deployments constituted one of the main highlights of the military careers of all participants. Respondents said these experiences afforded personal, new and unique viewpoints on life, unlike what any other profession could provide. The Minister has met members of the Defence Forces overseas and takes any opportunity he gets to engage with them. We would like that to be more often but his foreign affairs role takes up a lot of his time. I know, however, that he understands the benefits of overseas service to serving personnel.

The passing of this legislation can be nothing more than an exercise unless it is commenced. When does the Minister propose to commence the legislation? Will we see members of the Reserve Defence Force overseas in 2022? This is an important issue for them.

In welcoming this legislation, I must emphasise that the focus of the Government must remain on retaining and supporting programmes for Permanent Defence Force members to facilitate overseas deployments. The role of reservists must be in niche specialist areas, such as the cyber and medical areas. The experience young surgeons would get overseas treating injuries from the horrific accidents that take place would be invaluable to them. The Defence Forces are experiencing shortages due to an inability to retain suitably qualified and experienced personnel. There must be no impact on the Permanent Defence Force's training or future training systems to professionalise its members and bring them up to speed, commensurate with the expertise that we will be bringing in from the Reserve Defence Force from time to time.

If the Minister is serious about deploying our professional RDF personnel overseas, they must be adequately trained and equipped for overseas service and they and their families must be supported when they go overseas.

Commencing this legislation without adequate employment protection legislation means that it simply will not work. A useful place to start might be with the Minister's colleague, the Minister for Public Expenditure and Reform, who could deal with public servants and people working for the State who volunteer to go overseas. The Minister could guarantee the employment of Reserve Defence Force volunteers who go overseas, that it would not impact their career trajectory, and not impact their pension rights and things like that. We could start there as a pilot project before we start to bring in the private sector. Enabling the legislation immediately will provide the Permanent Defence Force with the ability to alleviate the burden on Permanent Defence Force members who are currently experiencing a high frequency of mandatory selection for overseas service at short notice, which is having a detrimental impact on their morale and family life. This legislation would be an ideal opportunity to augment that.

We all know that the Reserve Defence Force is 60% below strength but this legislation has the potential to reverse the decline of the force, which the Minister mentioned in his speech. I honestly believe that this is a defining moment for the Reserve Defence Force. I can only encourage it, in legislation, and those who are listening to this legislation, who have not joined the Reserve Defence Forces, to join it.

The Minister has mentioned two areas that I feel obliged to mention today, one of which was minors. It is no secret that I joined the FCA when I was 13 years of age and joined the Army when I was 16 and a half years old. For me, it was a positive experience the whole way. I ask the Minister to look over the water and see the boy soldier and girl soldier academies that exist in the United Kingdom. There is a tremendous advantage in bringing young people through a

military discipline at a very young age and it feeds into the defence forces at large. People will probably be aghast at me saying that but such a system works extremely well in the UK and it works in other countries around the world. Having such a system here is something that the Minister might look into.

On the issue of Covid-19, I want to express my pride in the Defence Forces in the work they did. People have talked about one particular profession doing more than another particular profession in the area of Covid-19, and how nurses and doctors were front-line workers so they should get this, that or the other. It is my view that it should be everybody. I refer to truck drivers, soldiers, doctors, nurses and everybody who put their shoulder to the wheel. If there is something to be done by way of a public holiday or a bonus then everybody should get it and not just the ones who were in hospitals. They were well protected with personal protective equipment, PPE, whereas bus drivers had to face the public wearing nothing but their suit or ordinary clothes. Truck drivers had to collect goods not knowing from whom they were collecting. We should hold everybody in equal esteem and nobody did any better than anybody else.

I will finish by saying that the Government did a fantastic job over the last two years. The acting Government that we had in place after the election did phenomenal work and the Government itself did really great work during this Covid-19 crisis. I love to have a go at the Government any chance I get but sometimes one has to be honest and congratulate it on the work it did.

*(Interruptions).*

**Senator Gerard P. Craughwell:** I will get another chance to have a go.

**Senator Mark Wall:** The Senator has gone soft and he should sit down quick.

**Senator Gerard P. Craughwell:** I might be sent overseas.

**Acting Chairperson (Senator Pauline O'Reilly):** The Senator spoke so passionately that it was hard to stop him at the end. Senator McGreehan is next. Does she wish to share her time?

**Senator Erin McGreehan:** I wish to share my time with Senator Gallagher.

**Acting Chairperson (Senator Pauline O'Reilly):** Is that agreed? Agreed.

**Senator Erin McGreehan:** I and my Fianna Fáil colleagues support and welcome this Bill. It makes a number of important required changes that exist in defence laws and will address the ongoing issues in the Defence Forces. The Bill also includes provisions on the role of the Reserve Defence Force, including the removal of that prohibition currently contained in the Defence Acts on members of the Reserve Defence Force serving overseas. We all absolutely support that and it is a welcome development.

I take this opportunity again to pay tribute to our Defence Forces and support them in the work they do. They stepped up again to play their part in the Covid-19 challenge and provided support to front-line emergency workers. They participated in a number of official groups such as the high-level task force on Covid-19 vaccinations. In addition to supporting the HSE, the Defence Forces have also provided a broad range of supports to other Departments and agencies. Sadly, as has been mentioned, the number of personnel in our Defence Forces continues to be significantly below the approved 9,500 level. Covid-19 will most likely add to the challenge of recruitment but we must look at why this is the case and act to rectify the situation.

The commitments to defence in the programme for Government must be acted on urgently. I, personally, am very proud of Óglaigh na hÉireann and always describe it as “ours”. I am very proud of our officers, their great service and their great tradition of protection and peace-keeping. I feel that we can all have an emotional attachment and feel ownership when it comes to Óglaigh na hÉireann. It is because of that pride and emotional attachment that we owe our serving and retired officers the height of dignity and respect. We owe them. They always show up for us whether that be Covid-19, providing flood relief supports or support during heavy snow storms. There are so many occasions when they show up for us. Indeed, they show up internationally and have an incredible reputation for peacekeeping. We owe them so we must act on the commitments in the programme for Government.

One key commitment, and a priority for Fianna Fáil, was to establish a commission on the Defence Forces. The commission was established last December, it will continue to work throughout 2021 and a report is due in December 2021. The work of the commission will inform the future development of the Defence Forces. I plead with the Minister not to let this report sit on a desk like we have seen happen to many reports. I urge him to get the report and act to improve the conditions and pay for so many of our officers and their families. I mention their families on purpose as they make a huge sacrifice too. On that note, I want to pay tribute to the McNeela family in Dundalk who last week saw their son and brother honoured. Private Michael McNeela, who was 21 years of age, was a member of the 27th Infantry Battalion and serving in Lebanon when he was shot as he manned a checkpoint in 1989. Last week, one of Dundalk’s most scenic walking routes, the Riverside Walkway, was renamed in honour of Private McNeela. I pay tribute to our fallen soldier who was the son of Kathleen and John, and brother of Julie. I also congratulate the Michael McNeela branch of the retired veterans group called the Organisation of National Ex Servicemen and Women, ONE, who worked tirelessly on this project. I was glad to support a motion tabled with the Dundalk Municipal Council in support of renaming the walkway. The walk will be a symbol and a reminder to all who walk the route of the life of a person who served this country but did not get a chance to live and grow old in a country that he loved.

I want to mention the women who participated in the “Women of Honour” programme and pay tribute to these brave women. I welcome this evening’s announcement and the commitments given. I welcome the fact that the Minister has pledged that the issues will be addressed adequately. Eventually the Department has woken up to the issue. It was decades ago that sexual harassment was highlighted in the Defence Forces by Dr. Tom Clonan and nothing was done. The most worrying thing is that it is not historical harassment or bullying but it concerns the present. I wrote to the Department months ago on the issue and I did not receive a response. I am sure that the Minister will agree that it is shocking and upsetting to think that individual victims, researchers and, indeed, public representatives were ignored when they asked the Department of Defence about sexual harassment in the Defence Forces. Why does the State sit still until something blows up? I feel that wrongdoing is only acknowledged in the country after victims have had to scream to be heard and shame the authorities into acting. I believe the Minister is sincere but I ask him to please do not allow antiquated procedures or structures to be an excuse not to make the victims the priority. This country must wake up to the fact that often it is no country for women or the vulnerable.

I applaud the work done by the Minister in this area. I look forward to seeing the results and how he will work for the women featured in the “Women of Honour” programme.

**Senator Robbie Gallagher:** I welcome the Minister back to the House. From a Fianna

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Fáil perspective, as outlined by my colleague, Senator McGreehan, we are happy to support the required changes needed to be made to defence laws. Like many others, I take this opportunity to pay tribute to members of the Defence Forces for the work they do on behalf of the State. They do what they always do. They step up to the plate whenever it is required and Covid-19 was just another example of them doing just that. We are extremely proud of them. When many sectors are coming forward making a case for themselves, and in many cases rightly so, regarding what they did during the pandemic, I think we should not forget the members of the Defence Forces like we should not forget the many others that have been mentioned by my colleague, Senator Craughwell.

When there is talk about the Defence Forces it saddens me when I hear representatives of those men and women of the Defence Forces, whether that be PDFORRA or the Representative Association of Commissioned Officers, RACO, talk about the low morale in the Defence Forces. It has been so for a number of years. They feel they are isolated and not being listened to. This has been going on for too long. I hope the Minister will be the Minister who finally listens but also acts on what needs to be done in our Defence Forces. The figures speak for themselves. We should have a force of 9,500, yet we have been struggling with around 8,500 members for some time. I hope the Minister will address that particular issue.

I welcome the Minister's comments on the Reserve Defence Force. It is important that RDF members see a pathway to a career in the Defence Forces. I look forward to this legislation acting as such a pathway for them. When reserves step up to the mainstream Defence Forces I hope they will see a long-term career and be able to support themselves and, as Senator McGreehan mentioned, their families because it is a family commitment. No one joins the Defence Forces to make money. They do so because service is a vocation and they are proud to serve their country. It is about time this country recognised the role members of the Defence Forces play and gave them proper recognition, both financially and in the conditions provided for the work they do.

I congratulate the Minister on meeting some of the women of honour this evening. I found their accounts harrowing, sickening and saddening. They showed courage in coming forward. By raising their voices about what happened to them, they more or less kissed goodbye to their careers in the Defence Forces. That is very sad. I hope the review will show, as Senator Craughwell observed, that only a limited number of people were involved in this sickening behaviour. Whoever they are, they need to be rooted out because they are sullyng the good name of the Defence Forces. I look forward to that review taking place and I hope its recommendations will be acted on.

**Senator Vincent P. Martin:** The worrying allegations in recent weeks have proved upsetting for many. I reside in a county with a very proud Defence Forces record. The vast majority of members of the Defence Forces, who work so hard, are upset about the besmirching of and damage done to the good name of the Defence Forces and everything they stand for. The allegations of sexual harassment, sexual assault and workplace bullying and discrimination in the Defence Forces are clearly intolerable but what has compounded the issue are not the actions of a very few but the manner in which it was dealt with, or not dealt with. These allegations highlight a workplace culture that appears intolerant of diversity and which, to date, has been bereft of the ability to deal with it. The Green Party commends the courage, strength and heroism of the women of honour in telling their stories and bringing these matters into the public domain. Every organisation must counter bullying, sexual harassment and discrimination head-on. Organisation leaders need to lead this fight.

On this day, I think of retired captain, author and security analyst, Dr. Tom Clonan. Speaking truth to power can at times be a lonely, dark experience. We should ask Dr. Clonan. I think of the many great advocates that Ireland is blessed to have, such as Noeline Blackwell, the great lawyer. I thank the Minister for being unequivocal because anything less than an external independent review would have been entirely unacceptable.

What can we do for these people who have suffered so much? At this late hour, there are a few things we can do. Under the Criminal Evidence Act 1992, as inserted in the Criminal Law (Sexual Offences) Act 2017, in the case of sexual offences in the criminal courts, the accused is no longer permitted - thankfully by legislation - to personally conduct a cross-examination of the complainant, as the victim is known in criminal law. This legislative move also prohibited the accused person in serious sexual offences in the criminal courts from carrying out any cross-examination of any witness under 18 years or any complainant victim. This prohibition was not imposed on the court in absolutist terms, and nor should it be. The court has the discretion to act in the best interest of justice. It can grant civil criminal legal aid and, if needs be, it can appoint a legal representative to carry out what might be a necessary cross-examination. That could be a lasting legacy.

Perhaps we should look at this issue in the round and undertake a broader review than just courts martial. I am thinking of coercive control matters which may not be related to a sexual offence. Perhaps we should prohibit personal cross-examination by the accused of the victim in such cases. If the Department of Defence will not do this, I will undertake to introduce legislation, perhaps on a cross-party basis, an area in which the House has a proud tradition. Words are not enough at this stage. We can help the situation by translating words into action.

I congratulate Katie Hannon. It was upsetting for many last night to hear that the accused, with a smirk on his face, was able to cross-examine a brave and courageous victim by asking her if she had taken many drinks and why she had not locked her bedroom door. Those days are over in Ireland and Seanad Éireann will ensure that is the case if the Government does not do so.

The Defence Forces, as the organisation charged with defending our society and its values, must be an exemplar to all. It is vital, therefore, that the Defence Forces provide an inclusive workplace where differences are respected and fulfilling and fruitful careers are achievable by all, irrespective of gender, ethnicity, religion, sexual orientation or social circumstances.

Throughout the history of the Defence Forces, particularly when the State faced major crises, notably in the 1940s, for a protracted period in the 1970s and also in the past 18 months, we have been able to call upon the Reserve to augment the Permanent Defence Force. This work is often not visible as reserves integrate seamlessly, to their great credit, with their permanent colleagues. Sadly, however, recent years have seen the almost terminal decline of the Reserve Defence Force. Despite the tremendous efforts of those personnel still serving, the total number of reservists has dwindled for years to the point that the very survival of the Reserve is now in question. This Bill, which the Green Party and I are happy to support, marks a significant milestone in the history of the Reserve Defence Force. I welcome further discussion of this important legislation because I see its passage as an opportunity to reinvigorate the so-called Reserve, start afresh, breathe new life into it and give meaningful and rewarding roles in the future to those who dedicate their time to serving the State. They are definitely not doing it for money, as Senator Gallagher said. They believe in our flag and country.

Contributing to international peace and security through overseas service is one of the most

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important roles of our Defence Forces. Our reserves will also be able to contribute to these very important missions. It is well known that the Permanent Defence Force is suffering critical skills shortages and this is starting to place considerable strain on a number of areas. Specialists from the Reserve Defence Force in areas such as engineering, medical fields and IT have the potential to offer assistance overseas in the short term. Overseas service should not simply be limited to specialist areas, however. Over the medium and longer term, overseas service should also be an option for all reservists. This will require further action from the Oireachtas in terms of employment, protection and other supports. I look forward to working with Members on this.

I will conclude in the way I started. It would be remiss of me not to lead and finish by thanking the Minister again but he also said something that will mean so much to those victims. He said that he believes them. It is a short and small thing to say but he said it with sincerity and no-one questions his integrity. I believe we have to turn to a brighter future with a clear, new break from the past. Let us start with conducting a proper, thoroughly independent and external review of those wicked allegations, which are really upsetting and are damaging the great work of so many who were in the Defence Forces - the Óglaigh na hÉireann of which we are so proud.

**Senator Niall Ó Donnghaile:** Cuirim fáilte roimh an Aire agus ba mhaith liom mo leithscéal a ghabháil leis as a óráid a chailleadh ach tá a ráiteas léite agam.

I apologise for missing the Minister's opening remarks. I have read the speech that was given to us by the ushers. I am sure many of the sentiments I express tonight will be similar to those expressed by colleagues already.

During the debate in the Dáil on the raft of amendments contained in the Bill, my colleague, Deputy Brady, made it clear that Sinn Féin supported this legislation. He did so on the basis that the issues contained in the Bill had been extensively debated on Committee Stage, and the Minister had honoured his commitment to follow through by bringing forward amendments pertinent to the issues that were required to make the Defence Forces more efficient and effective.

The context for the changes that are required is the morale of Defence Forces personnel, both permanent and reserve. The Permanent Defence Force is well below the established figure of 9,500, with membership currently sitting at 8,500. The Reserve Defence Force is considerably worse off in terms of its numbers, with membership at 4,160 with a 60% shortfall. The expectation is that this legislation can address these gaps and I sincerely hope it will.

Other issues of concern include opportunities for meaningful operational service for reservists at home and abroad. While the Bill will remove some of the impediments to allow members of the Reserve Defence Force to engage in that activity, there also needs to be meaningful employment protection as well. Meaningful employment protection is a critical element in the plan to enhance the membership and competency of the Defence Forces. The Minister's public commitments in respect of employment protections are equally critical. His reference to the Commission on Future of the Defence Forces and its report to be delivered within a specific timeframe highlights the urgency attached to resolving the employment protection issues. The hope is that the commission's report can be completed by the end of the year and that the necessary protections will be in place for the Reserve Defence Force. I sincerely hope that can indeed be the case. To ensure the momentum is maintained, I hope the Minister can also ensure

that discussions begin straight away with respect to employment protections.

Two other issues of huge concern are remuneration and the working time directive. These must be satisfactorily addressed within both the permanent and indeed reservist elements of the Defence Forces, especially when the reservists are on duty locally or overseas. The Government should bring forward any EU regulations with respect to the working time directive for the Defence Forces. The Minister should act on this as a matter of urgency.

It is also important for the morale of the reservists that their service in the Reserve Defence Force is recognised and that they are paid for it. The notion of unpaid activities must be abolished and the Reserve Defence Force must move into this century. An hour for hour *pro rata* system should be introduced and all allowances available to the Permanent Defence Force should also be available to members of the Reserve Defence Force for undertaking certain categories of activity.

I will digress slightly from the legislation to mention an issue of relevance to the Minister with regard to this brief. One of the issues I and other colleagues have raised consistently with the Minister, and with some of his predecessors in the previous Seanad, is the issue of recruitment and retention. I have noticed an upsurge in television advertisements and events being posted by the Defence Forces around various towns and cities. I have seen billboards and posters on buses. That is welcome because it is necessary. We have made the case as to why more people need to join the Defence Forces, either permanent or reserve. One of the problems is that I do not see any of that at home in Ireland's second city. I see television advertisements on RTÉ; I do not see them yet on UTV. I do not see advertisements in the *Irish News* or the *Belfast Telegraph*. I do not see posters on the sides of buses there. What I see are lots of young people, who are interested in joining the Defence Forces, contacting me all the time for assistance in how to signpost them. Some of them may want references for their application. There is, therefore, a willing and entitled audience of people who should be sought out and encouraged to pursue a career in the Defence Forces from right across all of our Thirty-two Counties because that is the right and proper thing to do. Ultimately, at the end of the day, it makes sense because it is a logical and beneficial thing to do in terms of strengthening the numbers, capabilities and talent within the Defence Forces.

The content of this Bill and its passing reflects the fact that serious issues need to be resolved to put the Defence Forces and their personnel in a place where morale is high and they have the resources to fulfil their obligations in an effective and efficient way. There are morale issues in the Defence Forces. This has been openly spoken about, most recently at the meeting of the Joint Committee on Foreign Affairs and Defence. Much work, therefore, needs to be done and I know the Minister appreciates that. I hope he can lead the implementation of these changes to ensure the Defence Forces are fit to do their jobs in an enthusiastic and upbeat manner.

Like other colleagues, I will finish by welcoming the Minister's meeting today with the Women of Honour group to discuss its experiences and concerns. While standing in absolute support and solidarity, I am going to reserve commentary until I have had the opportunity to meet with and hear from the group directly. Certainly, what has been corresponded to us and what we have heard relayed in the media is cause for deep concern, and indeed, disgust given what has been suggested. I welcome the Minister's firm commitment this evening to the review. I wish that review a positive, speedy and effective conclusion that satisfies the needs of victims. The Defence Forces must be a place where those serving are treated with the utmost respect and given corporate protections and safeguards.

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I welcome this Bill and look forward to working with the Minister and other colleagues across the Chamber in ensuring that it is brought about as efficiently and quickly as possible.

**Senator Mark Wall:** I welcome the Minister to the House. We are, of course, told that the Bill before us is largely a technical Bill to make amendments to the Defence Act 1954 and address ongoing issues with regard to the Defence Forces. In addition, following amendments on Report Stage in Dáil Éireann, the Bill includes a provision on the role of the Reserve Defence Force including, as has been mentioned by colleagues, the very welcome removal of the absolute prohibition currently contained within the Defence Act on members of the Reserve Defence Force serving overseas.

I take it as a signal, as the Minister said in his statement, that he will use the expertise and skills available in our Reserve Defence Force into the future. That was a very welcome comment among a number of welcome comments made by the Minister, to which I will refer as I go through my speech. We in the Labour Party will be supporting the changes sought by Government in this Bill, as we did in the Lower House.

I would also like to take the opportunity to address a number of issues with regard to our Defence Forces given the fact that the Minister is with us. One of the amendments before us is section 3, entitled Non-enlistment of minors, and section 16. The purpose of these amendments is to remove references in the Defence Act 1954 to the outdated reference to the enlistment of minors. Notwithstanding what my colleague, Senator Craughwell, said and given the undoubted problems that our Defence Forces are having in the recruitment of personnel, has consideration been given to increasing the enlistment age to our permanent and reserve defence forces? As the Minister will know, currently a person must be under the age of 25 on the closing date for application to apply for the Army and under the age of 27 on the closing date for the application to the Naval Service. We included this point in our submission to the Commission on the Future of the Defence Forces. It has also been mentioned by others. Given the changes in the lifestyles and fitness of our population, will consideration be given to increasing the age limits for enlistment and, potentially, opening a career in the Defence Forces to those who may have started down a different path but who would now like to embark on a career in our Defence Forces?

Three words uttered by the Minister tonight were the most important he has said regarding the Women of Honour. I welcome that the Minister is here with us and that he met representatives of that group today. I also congratulate, as have some of my colleagues, Katie Hannon and RTÉ for publicising the issue in a programme. I am sure we all join in condemning the horrific treatment of the female members of our Defence Forces in the form of sexual harassment and bullying, the silence in that regard and the power of those who carried out that sexual harassment and bullying. We must ensure that this type of treatment is called out and stopped, as the Minister said. The culture, as the Minister also said, must change.

I welcome that the Minister has agreed to an independent inquiry. I received the Minister's press statement earlier, and I welcome that the experience of the women that the Minister spoke to today will be reflected in the terms of reference. That is important. I am sure that my colleagues will join me in welcoming that development. In this regard, I also ask that the terms of reference for the independent inquiry reflect input from the representative organisations, namely, PDFORRA and RACO. That is also important, because those organisations represent their members and their daily experience. It is mentioned in the Minister's press statement but I would like him to confirm that it is intended that representatives from those organisations

will be included in the process. That would be welcome. It is no wonder that only 7% of the members of the Defence Forces are female when this culture exists. The Minister's comments tonight are important. Most important were these three words: "I believe them". We all look forward to the independent inquiry and what it will bring forward for those people who need it.

I am from Kildare, where we are all very proud of the Curragh Camp and the role it has played in the history of the Defence Forces. The Minister visited the camp during the past year. He will be aware of the dereliction to be found there and the urgent need for investment. As an aside, we were promised a new secondary school there more than two years ago. Recent correspondence with the Minister for Education has indicated that the site has still not been secured. Following his visit, the Minister will also be aware of the number of derelict homes in the camp. In replies to my Labour Party colleagues previously, the Minister stated that he has no direct responsibility for housing.

In the context of the current housing crisis, however, and I get calls every week from families struggling to find housing, the Government must invest in this area. Replying to a query last September from a colleague who represents the constituency, the Minister stated that, "There is too much dereliction in the Curragh, which needs to be resolved, but again, it cannot be done overnight". I agree that it cannot be done overnight, but we must start tackling this issue. The Minister continued by stating that, "A plan has been already put together for elements of the investment that is needed in the Curragh, but I am committed to a more comprehensive plan than that". I would appreciate if the Minister could update us on that plan for the Curragh.

The Minister will be aware of the ongoing problem, as my colleagues have mentioned, with recruitment and retention in our Defence Forces. I will raise several issues. The first concerns the PDFORRA medical assistance scheme, PMAS, which is a cross-border health initiative that has been given Government approval until the end of the year. This scheme has had a tremendous effect on retention in our Defence Forces. It has been mentioned previously by my colleagues here and in the Lower House. Will the Minister and his Government colleagues commit to extending that approval into the new year? As I understand the situation, the Northern Ireland Health and Social Care Board has committed to continuing with this scheme until at least the middle of next year. Given the benefits that accrue to the personnel serving in our Defence Forces, I hope the Minister will agree to work with his Government colleagues to have this scheme extended.

Mention was also made of the post-1994 contracts, as they are called. The Department has a report on this matter, or at least that is what I have been told. I understand that approximately 700 serving personnel have contracts that may finish by the end of next year. I ask the Minister to comment on that aspect and to tell us what he intends to do in this regard, as my colleagues have also requested. We cannot afford to lose the experience of any of those 700 personnel who may wish to continue serving after December 2022.

I will also mention briefly the debate we had on Jadotville. In fairness, the Minister gave several commitments that night and he also said that he would come back to us once we had all read the report. He might comment on where he stands with those undertakings now. Several commemorative events were also meant to be in the planning stages and the Minister might also let us know how things stand in that regard.

I finish by recognising, as always, the continued and ongoing contribution of the personnel of the Defence Forces during the Covid-19 pandemic emergency, in their continued service

overseas, an aspect mentioned by my colleagues, and the ongoing daily assistance they provide here at home. I reiterate that this Bill will have a transformative effect on our Reserve Defence Force. It will, I hope, allow our Defence Forces to tap into the qualities and skills of those who serve under the banner of the Reserve Defence Force. The Minister is aware that our Defence Forces need investment and certainty. This Bill will play a small part in doing that. We all hope that the report of the Commission on the Defence Forces will be transformative and will ensure that our Defence Forces will play their rightful part in the country's future. I thank the Minister for coming to the House and I look forward to his response.

**Senator Alice-Mary Higgins:** I join with others in welcoming the commitment to holding an independent review regarding the experiences of the Women of Honour. It is correct that there is a need for cultural change and concrete protections. Both are needed. Cultural change is crucial within the Defence Forces. As Senator Martin, I think, referred to, however, there is also a need for a wider cultural shift concerning how we treat those who have experienced sexual abuse. I note that legislation is also going through the Oireachtas in respect of whistle-blowers. It is at the stage of pre-legislative scrutiny.

Members spoke about Tom Clonan and other people. It is unfortunate that so often those people who raise the alarm about issues of abuse and malpractice are themselves victimised and then suffer in turn. That is something else that we must address. It should not take an issue being covered by RTÉ to cause a matter like to be addressed. It should be sufficient for a flag to be raised internally in an organisation to bring about action. We know that flags were raised concerning these issues for a long time. None of us could deny previous concerns in this regard in respect of the Defence Forces. Senator McGreehan spoke eloquently about that aspect.

Regarding this Bill, I welcome elements of it. It is important that we formalise the non-recruitment of minors. It is not the practice here, obviously, but this move is important in an international context, where the recruitment of minors does occur. I lived in New York during and immediately after 9-11. I saw aggressive recruitment of minors. There were times when funding to schools was conditional on recruitment conversations happening within those school settings. There is of course a need to advertise and to encourage recruitment. It is important, however, that it is done ethically. I state that because I recall being in Times Square in New York and seeing a giant billboard showing a very young army officer climbing up a tower to fight a dragon. That was the recruitment video. It was purveying a fantasy of what military action is.

It is therefore important that we recruit and that we have an ethical aspect to such recruitment. I agree completely with those who say that what we should be doing is extending the age limits for recruitment into the military upwards to allow people who are older and have life experience to apply for enlistment. I refer to people who may be in their 20s or 30s and who may wish to enter the armed forces. It is important that they will be supported to do that. Equally important will be the terms and conditions associated with the work they undertake. I refer to housing conditions, opportunities for progression, security of pay, working time and clarity in that respect and regarding overtime payments. All those things are aspects that would make it possible for people in their 30s and 40s to either join the Defence Forces or remain there. This is not just about recruitment, because one of the key issues is retention. It is the major issue. People feel that if they have a family life that there comes a point when they are not able to sustain their engagement in the Defence Forces. We really should not be losing people in that way. In that regard, I wish to highlight a concern about one aspect of the Bill which was in the original text, which was removed in the Dáil and which related to re-enlistment. It is im-

portant that we have routes to re-enlistment. It was stated in the Dáil that it was covered by the emergency Covid legislation. The latter will expire, however, and, as a result, the question of pathways to re-enlistment is important.

I welcome many provisions for the Reserve Defence Force. It is important to note that overseas work is and has been powerful in nature. It has been spoken about. It is not there simply for the experience. The work that the Army and Naval Service have done overseas have been done not just because it is a function but because it has purpose. The difference is that the mandate the Army, Naval Service and Air Corps have had is unique. That mandate emanates from Ireland, a neutral country that is committed to peace, neutrality, peacemaking and peacekeeping across the globe. The humanitarian mission is crucial. People know when they are serving that they do not take part in wars of interest but only in military action to protect human rights rather than interests. The actions taken are about principle rather than power.

That brings me to the crux of certain aspects of the Bill. I am concerned about the slippage we have seen in recent years. I know that many in the Naval Service were heartbroken when Ireland stopped doing search and rescue and when we went from saving 8,500 lives in 2015, as part of a humanitarian mission, to only 1,888 in 2018 as we changed policy and joined Operation Sophia. There has been slippage in permanent structured co-operation, PESCO, where we are engaging in military procurement. What will that be used for by those in the partnership? If we are researching new weaponry, how may it be used? I am saying this because I am concerned about section 2, which provides for the delegation of military authority to international forces commanders. I do not believe that there is sufficient safeguarding in that with regard to which international force commanders it applies to and under what circumstances.

There are references to the Defence (Amendment) Act 2006, specifically section 3(1)(a) regarding one of the grounds for despatching for service, which will now be layered with a delegation of authority to command, and about carrying duties. Section 3(1)(a) contains the phrase “carrying out duties as a military representative or filling appointments or postings outside the State, including secondments to any international organisation”. The definition of international organisation is quite wide and could include EU and other forces. That is a concern. Section 3(1)(f) already allows us to ensure that Irish armed forces can take part in humanitarian tasks even outside a UN Security Council brief. This is not a necessary provision in order for us to take urgent humanitarian action. What kinds of actions are we taking? We have seen the slippage from when we joined Operation Sophia and then PESCO. Last year, our armed forces were appointed to EU battle groups. We had a discussion regarding matters in 2020 that did not go ahead-----

**Deputy Simon Coveney:** We have had battle groups for years.

**Senator Alice-Mary Higgins:** They have joined a German-commanded force. The key point is that this is slippage. Where is the clarity about our UN and humanitarian mandates? How can we reinforce this, given the discretion that the Minister asks us to give him under section 2 of the Bill to allow operational control to be delegated? The limitations and exemptions that the Minister mentions relate to important issues regarding the security of forces, the safety of staff and the reallocation of services but I want to see safeguards, limitations and exemptions relating to mandate. We need to bolster it. I will finish now. My final point is that 82% of people in Ireland support our role as a neutral, peacebuilding country in the most recent poll on that. It is important that we remember and reinforce that because it strengthens our role internationally.

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**Senator Mary Seery Kearney:** I welcome the Bill. I read it as a technical and tidying-up measure that also makes provisions for the Reserve Defence Force. I completely support it.

I will begin by taking the opportunity to thank our Defence Forces. Over the past 18 months, they have been extraordinary. At the height of one of the most frightening periods, I had to bring my daughter for a test. The whole thing was managed extraordinarily well and with military precision. There was safety and comfort in seeing members of our Defence Forces there. It was something that felt familiar and secure. I am grateful. The Naval Service, the contact tracing and the flying in of equipment and personal protective equipment have been extraordinary. I have had the honour in my career of working as a counselling psychologist in Kildare and had members and their families stationed in the Curragh come into my practice. As someone who never really had any contact with members of the Defence Forces, I was struck by that sense of honour and pride in our identity and what we did at home and overseas. As things were mentioned in the course of their duties and shared with me, I came to know the diverse way that the Defence Forces interact in our lives, unknown to us.

Recently, the Army rangers went to Afghanistan. I am old enough to remember cash transit vehicles having to be surrounded by Army personnel to keep us safe and to defend the State and its money. When we see things like that, we see evidence of what the Defence Forces do. Otherwise, outside of that, people are unaware of their daily work and its sheer extent, and just how committed and fantastic they are. In the context of this reserve and opening up, it would be good to have an information campaign for people to know just how amazing they are and what they do all day every day. Since we do not go to war, we only have the perception of those who go away with the UN in the blue berets, but that is out of the context of our everyday lives. There is a role in informing about that.

We see the issue of recruitment and the opportunity for the Defence Forces to be a career for people to explore and to go into apprenticeships. I am sure the Minister for Further and Higher Education, Research, Innovation and Science, Deputy Harris, would be only too delighted with a widening of apprenticeships and opportunities within the Defence Forces, and to work on and facilitate that with the Minister, Deputy Coveney. An information campaign is needed with regard to our Defence Forces, to know what they do daily, that would be beneficial to all of us because we all get that surge of pride when we see them in action.

Much has been said about the “Women of Honour”. Those women should be applauded for their courage and honesty. We are horrified and stand in solidarity with them. I agree with the Minister that we believe what they are saying. I appreciate the steps that the Minister has taken and the meeting. His words are reassuring. I congratulate him for that. A basic constitutional right to natural justice and fair proceedings is that people do not investigate or cross-examine themselves, as has been spoken about by Senator Martin. There are principles in criminal law that should have been applied in this situation, whereby nobody gets to question a victim and survivor in the manner which we have heard of. I appreciate the Minister’s actions in that regard and thank him. We look forward to a speedy resolution to the sharing of a culture that dishonours the many honourable men in our Defence Forces, with a small few blighting all of them.

*8 o'clock*

That said, there are also people standing around, seeing it happen and not speaking up. They need to be called out. I applaud the women.

**Senator Eugene Murphy:** I am speaking now because Senator McGreehan had to leave the Chamber.

I welcome the Minister to the House. I pay tribute to the Defence Forces throughout the country who, throughout Covid, have made us proud of what they do. We should also remind ourselves of the increased role of the Defence Forces in dealing with unfortunate communities that have been hit by severe flooding in this country in recent years as well as their fantastic ability to help people by removing them from difficult situations where there is flooding. We should reassure to people. I am proud of the work the Defence Forces do, as are many others.

The events of recent days have saddened me greatly. I am proud when I see how women members of the Defence Forces turned out and of how proud they are of their job. However, the fact that this type of carry-on went on for so long while those affected were afraid to speak out is shocking and deplorable. I praise the Minister because he acted on this matter straight-away. Having listened to the people affected and the group concerned, they appreciate that he is listening to them and taking action. We must all support him in that. It is important that we give a clear statement to the people who have been carrying on like this that their behaviour is not on and is completely out of order.

As previous speakers stated, this is a technical Bill. I will not go into the technicalities of it. I note the Minister stated in a written reply that “Recruitment continues and has resulted in 238 personnel being inducted as at 30th June 2021”. How many further inductions will take place this year? The Minister, in his reply, also stated:

As at 30th June 2021, the strength of the Permanent Defence Force (PDF) was 8,519 personnel ... [and] the Government remains committed to returning to, and maintaining the agreed strength of the Permanent Defence Force at 9,500 personnel, comprised of 7,520 Army personnel, 886 Air Corps personnel and 1,094 Naval Service personnel, as set out in the White Paper on Defence (2015).

It would be lovely to see the Air Corps personnel figure increase to 1,000. It is a nice round figure and it would be great reach that level, but we all must commit to bringing the number of Defence Forces personnel to 9,500 again.

When speaking to young people in second level schools, in particular, and some starting third level, I am struck by the number who say they would love a career in the Army. For some reason - perhaps it is because we do not sell it to them - the interest just dwindles away. We need to look at a better way of selling a career in the Army, promoting it in a different way and giving it a special place. When people speak to their career guidance counsellor, it should be explained that a career in the Army can be highly satisfying. I know many people, some of whom went to school with me, who are now retiring. Serving in the Army was such a satisfying career for them where they travelled abroad and helped communities. I recall how, in rural Ireland, the Army provided security for the cash being transported to the banks. When we were going to school it was exciting to see the Army on the street at our local bank branch as the money was brought in by the security people. Unfortunately, not many bank branches are left in our smaller towns.

I commend the Minister on the way he is handling recent events. We are taking this opportunity this evening to make that point and I am sure he appreciates that. I wish him well with the progression of the Bill. He will certainly have my full support in ensuring Defence Forces

numbers increase to 9,500 and, in whatever possible way, we sell an Army career to people in a more professional way because many more people would join if it was sold in a better way.

**Minister for Defence (Deputy Simon Coveney):** I thank Senators for their contributions. To respond to the issues they raised, which have come to light because of public comments made by the group now called “Women of Honour” and which have been reinforced by conversations my Department and I had with serving personnel, I wish to reinforce to the House how determined I am to address this issue. I say to anyone who suffered during his or her time in the Defence Forces that, as Minister for Defence, I am truly sorry that they had that experience. That is not the Defence Forces that we work for. There is a need for a core change of attitude and culture among some in the Defence Forces towards women and diversity more generally. It is not only women who are affected in the Defence Forces. That is a matter that my Department and I and the leadership of the Defence Forces are determined to deliver. We will first work with women who have been brave enough to come forward, and others, to make sure we put in place a structure that is independent, strong and robust enough, has terms of reference that are fit for purpose and allows a group to start that piece of work and come back with clear recommendations that we can focus on implementing.

A number of Senators asked why it takes a public scandal for action to be taken. When Dr. Tom Clonan did his doctoral thesis on this issue in November 2000, his findings were shocking from many people at that time. Quite a lot happened after that. In September 2001, an external advisory group chaired by Dr. Eileen Doyle was established to deal with the challenge of the workplace in the Defence Forces. Its remit was clear. It was “to determine the nature and extent of any harassment, bullying, discrimination or sexual harassment within the Defence Forces; to review existing policies and procedures on interpersonal relationships within the Defence Forces specifically in regard to harassment, bullying, discrimination, or sexual harassment; to make recommendations on strategies and programmes for the development of a culture based on dignity of the individual and mutual respect.” That was 20 years ago.

Unfortunately, we have heard far too many examples of disgraceful breaches in standards that have resulted in isolation and discrimination and, at times, sexual harassment in the Defence Forces. We have also heard stories that occurred all too recently. This issue is not necessarily about putting structures in place. In 2004, we had an independent monitoring group, phase 1. In 2008, we had an independent monitoring group, phase 2. In 2014, we had an independent monitoring group, phase 3. Good people were on those review panels trying to bring about change, and the Defence Forces tried to put new structures in place to respond to that.

In 2015, there was a report of Defence Forces which included a have your say climate survey conducted by the University of Limerick. It was comprehensive survey work which tried to understand people’s concerns and anxieties in the Defence Forces in order that we could respond to them. In 2016, phase 2 of the report, Workplace Climate in the Defence Forces, was published. In October last year, a report by the Defence Forces working group on the implementation of the independent monitoring group and its phase 3 recommendations was published. There has been much supposed change but the truth is we must ask if it is changing the environment for vulnerable people or those who become vulnerable in the Defence Forces because of the attitude problem of a minority who can cause huge problems for people trying to develop a career in the Defence Forces. We have an obligation to protect them in terms of structure and systems, standards and attitudes. We are going to fix that this time. I wish to state clearly to Members that we are going to work with people who have been brave enough to come forward because sometimes that has a consequence and takes its toll on people on a personal ba-

sis, that is, on their family, friends and indeed on their careers. We know that and consequently, despite all the work that has been done in the past 20 years, we must find a way of really changing the experiences of people in the Defence Forces for the future. If we do that we will make a very significant contribution to the lives of young women and men who join the Defence Forces, of course, but we also will make a positive impact on recruitment and retention. We will see a shift within the unique structure of the Defence Forces, which, as many Members are aware, is a hierarchical structure with a chain of command and so on. Nobody in the Defence Forces, regardless of who he or she is or how high-ranking he or she is, should be allowed to abuse their power and people must be held to account. I am not sure who made the point but this is both about a change in culture and about clear protections and accountability within the Defence Forces from the very top down. That is what I hope we will be able to achieve, following the bravery of many people who have come forward in the last number of weeks.

As for the legislation itself, on the Reserve and the multiple questions people have had in respect of employment protections, Senator Craughwell is right in this regard. If you are a reservist who is working and if you want to volunteer for a mission at home or abroad, we must find a way of ensuring you can do that without risking your own job, whether it is in the public or private sector. I gave a commitment that we would try to progress that. I cannot progress that on my own as Minister for Defence. I must work with other Ministers who are responsible for employment legislation and so on, be that across the public sector or more importantly, in respect of employment legislation in the Department with responsibility for employment. We will try to progress something there and do it in a pragmatic way that can work for employers but also for people who want to be active members of the Reserve.

On the issue of training, it goes without saying that I am not going to sanction anybody travelling abroad to a complex peacekeeping mission without appropriate training and equipment. The life of a reservist is just as important as that of a member of the Permanent Defence Force. It is my obligation to do anything we can to manage risk before sending anybody abroad. We will of course ensure the standards are as they should be.

On the issue of child soldiers, I am very outspoken internationally on this issue, as is Ireland as a country. We must be crystal clear on this issue, that is, no children coming into the Defence Forces. I understand about some of the programmes and schemes in other countries with respect to pre-military training and so on but in law we must be very clear and consistent with international law, quite frankly.

**Senator Gerard P. Craughwell:** There is a bit of a difference between the categories.

**Deputy Simon Coveney:** I take the point Senator Craughwell made and am not casting aspersions on that. I am just giving the reasoning for why we are so clear on that.

Some Members have raised individual barracks and so on, such as Custume Barracks in Athlone. It is a fantastic facility and I can promise we will continue investing there. It is a very strategic part of our Defence Forces infrastructure, as Senator Carrigy knows. It has very strong advocates and we hear them.

There are of course other issues in relation to HR, which we are working on. I hope to be able to make a decision on the post-1994 contracts issue quite soon. I am meeting both of the Defence Forces representative groups, namely, PDFORRA and RACO, in the next few weeks and hope we can come to a conclusion on that sooner rather than later. I gave a commitment

we would do that before the end of the year. We can do that well in advance of the end of the year - within the next few weeks - to be able to give people certainty quite a long way out before the issue comes to a head, as it otherwise would, at the end of next year. We owe that to people.

Many Senators have raised the role the Defence Forces play in the context of Covid-19. As Minister for Defence, let me tell Members that what the Defence Forces have done during this period has been quite extraordinary. Whatever we have asked of them, they have delivered. This includes hotel quarantine, quietly dealing with supplementing staff in nursing homes, doing some of the most difficult transportation for patients who may have tested positive and flying samples to Berlin to get quick turnaround times from labs there. Whatever it is they have just delivered it and that is the way the Defence Forces are. It is important to recognise just how flexible they are because it does not work like that in many other countries.

I am more than aware of the recruitment and retention issues. Believe me, it is a big priority. As I said, I hope there will be a positive by-product of dealing with some of the fundamental issues and problems in the Defence Forces with respect to diversity and sexual harassment and bullying more generally.

Senator Wall asked a number of specific questions on the upper age limits, rather than the lower ones. I do not want to make any commitment on that, apart from to say I will look at it. I have a good record of looking with an open mind at issues relating to the Defence Forces to try to improve things, particularly numbers. By the way, on the independent review we are going to bring about over the next few weeks, we will include both PDFORRA and RACO in the consultation process on that, as well, of course, as the women involved, as I said earlier.

On the Curragh Camp, it is in many ways the flagship of the Defence Forces. It is the headquarters of the Army. While it is true there is still some dereliction there, we have a rolling investment programme which is quite evident when you go there. It cannot happen quickly enough as far as I am concerned but obviously I must operate within budgets. We will continue to invest, as we have committed to in the investment programme.

On Jadotville, I am somewhat limited in what I can say because there is a judicial review under way and that constrains me in making any comment on it. Once that legal issue is settled I am certainly happy to have that discussion and debate again. We must delay any ceremonies we may have planned until we get legal clarity on that issue.

On what Senator Higgins said, I was listening. I apologise, I probably should not have interrupted her in relation to battle groups. The term, "battle group", is a very unfortunate name for groups that are effectively there to ensure countries can train together and work on interoperability. The purpose is to ensure that if we must send an emergency mission somewhere that involves more than one country, however comprehensive or challenging that may be, our soldiers can go and work shoulder to shoulder alongside others with whom they have been training. This is a good thing, not a slippage or a bad thing. I hate the name "battle groups" because these are essentially crisis intervention groups and this is very much consistent with peacekeeping, peace enforcement, post-conflict management and so on, which is what Ireland brings to many of these missions. In relation to the safeguards around the triple lock, which I assume is what the Senator was talking about, and on ensuring there is a UN mandate and so on to send Irish troops abroad, if we needed a triple lock and a UN mandate to send troops on a humanitarian mission we could not have sent a team to Kabul. Within 48 hours we made a decision because we managed to get the partnership and co-operation we needed with the French to be able to get

a team in there quickly, to get people out quickly and get everybody back out within 48 hours.

**Senator Alice-Mary Higgins:** I specified that that was under a different section than the one under which I have a concern. My concern relates to Part A, which involves the delegation of the secondment of forces. It is Part F that relates to humanitarian concern. This is just for clarity.

**Deputy Simon Coveney:** I am just dealing with the general point. When we sent ships to the Mediterranean Sea, I was the Minister who made that decision. Some people did not agree with that at the time but it turned out to be an extremely valuable mission for the Defence Forces, particularly the Naval Service, and also for some 18,000 people who were taken from the sea by our personnel. That was, in the first instance, a humanitarian mission to which Ireland signed up, working on a bilateral basis with Italy. It was simply no longer possible to work on a bilateral basis with Italy once Operation Sophia was set up, particularly as Italy was central to that operation. We did not have the option to keep doing what we were doing. We had the option to leave or to stay involved in a new and more structured mission. I felt, on balance, that it made sense to stay. You have to work with what you have in front of you in terms of what is possible and the partners who are willing to work with you. You cannot operate in isolation on your own in the Mediterranean Sea. That is what happened there.

The point being made by the Senator on the delegation of powers to a force commander is fair. There is no actual change in practice regarding what happens today. When I choose to send troops to UNIFIL in southern Lebanon, we have to transfer a certain amount of power to the force commander of UNIFIL so that he or she can ensure there is proper co-ordination between the countries involved in contributing troops across the board to the mission. I believe this can involved up to 15 countries. The position is the same in the context of UNDOF and with the mission in Mali to which we have deployed personnel. You have to have a force commander who has a leadership function that co-ordinates across all countries. That transfer of power, however, must be limited within the confines of what I outlined earlier in order to ensure that Irish troops are still the responsibility of the Irish leadership and Irish officers. If there is a military police investigation, the matter would be handed back to the Irish system to conclude investigations and so on.

The Senator's question was a fair one but I wish to reassure her. This issue also came up in the Dáil when people wanted to understand what we are actually doing here, namely, if we were giving away power to a force commander from another country who could ask Irish soldiers to do things that they were not comfortable doing. The answer to that question is "No". That circumstance is not going to happen because force commanders must operate within a UN mandate. Believe me, for UNIFIL, UNDOF or other UN missions, this is a pretty clear mandate given by the UN. This is what the force commander has to manage. Within that, we are responsible for the welfare of Irish troops and the role that they play. There has to be a leadership balance between the force commander and a lead officer that ultimately has responsibility for the Irish troops when they are abroad.

**Senator Gerard P. Craughwell:** Will the Minister address the commencement of the Bill?

**Deputy Simon Coveney:** One of the reasons for this Bill is that we have asked the Commission on the Defence Forces to do quite a lot of work on the future role of the Reserve Defence Force and the capacity issues relating to it. I wanted this legislation done by the time the commission makes its recommendations. The last thing I want is for the commission to make

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a recommendation for new roles for the Reserve and then for me to have to start the process of legislation that might take another year after that. We are getting the legislation out of the way first and then we are giving the commission the option to be able to make decisions. I hope the commission will be as ambitious as I am for the potential role of reservists at home and abroad. Once this legislation is enacted, we will no longer have a legal impediment in the context of our ability to implement future recommendations from the commission. Will it be possible to have reservists abroad and overseas next year? I believe that would be very ambitious but, legally, it would be possible. Of course, from a training and equipment point of view, and in the context of coherence and interoperability that would work for the Permanent Defence Force too, and that may take a bit of time.

Question put and agreed to.

**Acting Chairperson (Senator Mary Seery Kearney):** When is it proposed to take Committee Stage?

**Senator Micheál Carrigy:** Next Tuesday.

**Acting Chairperson (Senator Mary Seery Kearney):** Is that agreed? Agreed.

Committee Stage ordered for Tuesday, 5 October 2021.

**Acting Chairperson (Senator Mary Seery Kearney):** When is it proposed to sit again?

**Senator Micheál Carrigy:** Tomorrow at 10.30 a.m.

The Seanad adjourned at 8.26 p.m. until 10.30 a.m. on Wednesday, 29 September 2021.