



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Dé Céadaoin, 6 Deireadh Fómhair 2021

Wednesday, 6 October 2021

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

*Machnamh agus Paidir.
Reflection and Prayer.*

Gnó an tSeanaid - Business of Seanad

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

The need for Minister for Housing, Local Government and Heritage to make a statement on the changes being made to the mica redress scheme affecting homeowners in Donegal, Mayo and other counties.

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 Lynn Boylan of the following matter:

The need for the Minister for the Environment, Climate and Communications to make a statement on greenwashing in the electricity market.

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 noticed from Senator Maria Byrne of the following matter:

The need for the Tánaiste and Minister for Enterprise, Trade and Employment to make a statement on the eligibility criteria for grants from local enterprise offices and Enterprise Ireland for businesses with ten to 29 employees.

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

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The need for the Minister of State at the Department of Agriculture, Food and the Marine to make a statement on ash dieback disease, in particular with regard to roadside trees and hedgerows.

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

The need for the Minister for Education to provide an update on plans for new school buildings at Scoil Mhuire, Moycullen, and Scoil Chaitríona Senior and Scoil Chaitríona Junior, Renmore, County Galway.

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

The need for the Minister for Education to provide an update on the timelines associated with the design and planning for the proposed new build for Summercove National School, Kinsale, County Cork.

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

The need for the Minister for Transport to provide an update on the development of greenways and blueways in County Louth.

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 the provision of grant aid for wastewater infrastructure group sewerage schemes for communities with population bases under 10,000.

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

The need for the Minister for Transport to make a statement on current connections to Portiuncula University Hospital, the train stations in Ballinasloe and Athlone and the new Technological University of the Shannon: Midlands Midwest in Athlone for people who hold travel passes and students in light of the loss of the Bus Éireann 20/X20 regional service.

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

The need for the Minister for Health to make a statement on the role of carers in the healthcare system and to commit to annual support for the carers' guarantee proposal.

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

The need for the Minister for Social Protection to extend the hot school meals programme to all DEIS schools.

Of the matters raised suitable for discussion, I have selected Senators Blaney, Cummins, Boylan and Malcolm Byrne and they will be taken now. I regret that I had to rule out of order the matter raised by Senator Dolan on the ground that the Minister has no official responsibility in the matter. The other Senators may give notice on another day of the matters that they wish to raise.

Nithe i dtosach suíonna - Commencement Matters

Defective Building Materials

Senator Niall Blaney: I welcome the Minister to the House to discuss the mica and pyrite redress scheme. I thank him for the time and attention he has given us thus far and I also thank the Taoiseach and other parties to Government. The report of the working group released last week has caused an awful lot of distress to families in County Donegal and probably County Mayo. The Minister is well aware of the mental health issues and grievances of and difficulties faced by families and this seems to be adding to them in terms of the sum of €3.2 billion that has been put out there, which had not been discussed within that forum. I spoke to some members of the working group earlier. There is a feeling within the group that it is some effort to make this extortionate, which it in no way is. All they are seeking is what other members of the public received in the past and to have their homes rectified. That is the first thing I want the Minister to address in that regard.

There are many other issues in the scheme that have to be addressed, such as the regulations that currently exist and also with respect to HomeBond. This is something I want to Minister to keep at the back of his mind. They need to be addressed to ensure this does not happen in the future. There is also mention of €350,000 in the report last week. Building costs in Donegal have increased by 40% to 50% in the last nine months alone. If one were to incorporate that increase against the old ceiling of €275,000, the sum of €350,000 would not address the cost required in Donegal. I hope any new proposals in the scheme take cognisance of that.

Could the Minister inform the House when he expects to meet the three party leaders? Can he inform us of any timeline regarding any changes in the scheme that he intends to make and announce? Will planning exemption be a part of the scheme? If so and if a family wishes to downsize to a smaller scale of the same house within the original print of the house, will they be part of any such exemption? With regard to the square footage caps of the old scheme, is there an intention now to set them aside and to go purely on a cost basis? As I said, I understand the difficulties with the budget over the next week or so, but I believe the Minister can alleviate many of the fears people have with regard to, first, the timeframe for the announcement and, second, the report last week and the difficulties it has caused.

Minister for Housing, Local Government and Heritage (Deputy Darragh O'Brien): I thank Senator Blaney for raising this important issue. First, I commend the residents and their representatives on the input they had into the working group. I inherited the original scheme. The scheme was agreed and launched in 2020. One of the first visits I made when I was appointed Minister in summer 2020 was to Donegal, where I visited homeowners. I met residents in Buncrana, where I announced that the scheme the previous Government had brought forward would be a multi-annual scheme. I want to assure people that whatever changes happen will happen across the board.

I also said in Buncrana that day, and the Senator was there, that any scheme I have seen in the past has always evolved. It is only by engaging with the scheme that we find out what the deficiencies are and, indeed, if there are positives in it in some areas. That has occurred. I said in a statement last week after I met the residents that the scheme as it is currently constituted does not work as intended and must be greatly enhanced. As Minister, I committed to doing

that. When residents of Donegal and Mayo came to Dublin in the summer I met them. I committed to setting up a time-bound working group, and I did that. The working group was to get their views on board by meeting with the most senior officials in my Department, from Secretary General, assistant secretary general to principal officers, to go through every aspect of the scheme and the issues the residents had found with it. We did that. The residents asked for an extension to the end of September, which we were happy to give, to get separate engineering advice. I brought the Housing Agency into the process. I have said from the start, even in Donegal in July 2020, that I believe the Housing Agency should have a role in this, and I still believe that. I believe it will.

The working group report was published last Friday. It was circulated to all Opposition spokespersons on Monday seeking the input of other parties into it. I am acutely aware that residents have been disappointed with aspects of the report and some of the commentary on it. I committed to the residents that their full request, as in the residents' submission, would be one of the options that would go to the Government as well and would be published as part of the working group. The other aspect was effectively a summary of the discussions that were held to date. That is there, and I wish to reiterate to all Senators that nothing is off the table. Our job now, which I said directly to the working group when I attended the meeting on 29 September, is to work through the options and through the enhancements. I will do that. In what I will bring forward to the three party leaders and to the Government I will be proposing significant enhancements to the scheme that was brought forward by the previous Government, which committed at the time to a projected expenditure of approximately €1.4 billion. Any increases or enhancements to the scheme, and this is understood by the residents too, will lead to a further increase there, and I will have to get that agreed by the Cabinet. I am committed to doing that. We are working through the details now.

The Taoiseach is in Slovenia at present. I expect to meet with the party leaders, the Taoiseach, the Tánaiste and the Minister, Deputy Eamon Ryan, in the coming days. We are preparing a submission and a memorandum to bring forward to the Cabinet. There are a number of issues on which we have made real progress. For example, removing upfront costs has been agreed, including rent cost, as well as clarifying storage. Planning exemptions have also been agreed and, importantly, a guarantee on second grant access, something that was sought, and the role of the Housing Agency. Very significant progress has been made on many of the serious issues that were raised directly by the residents and Members of the Oireachtas, such as Senator Blaney, in Donegal and Mayo. I will bring the defective block arrangements for improvements for the scheme to the Cabinet in the coming weeks. I have to get agreement for that at the Cabinet. It is not a decision I can make alone. However, I have kept the Taoiseach, the Tánaiste, the Minister, Deputy Eamon Ryan, and the Ministers for Finance and Public Expenditure and Reform abreast of the work we are doing and they all have been very supportive of that.

I want residents to be able to get on with their lives. I want them to have hope and trust in a scheme that they can actually access, and for them to know that in the terrible tragedy that they have been living through, which is not of their making, the Government is here to help them to get their lives back on track. I am committed to doing that. Again, I thank the Senator for raising the matter this morning.

Senator Niall Blaney: I thank the Minister for his comprehensive reply. It is very welcome, as is the Minister's first-hand engagement on the scheme from day one. It is very much appreciated. I do not believe we would be where we are today without his input and dedication. I wish to refer again to the planning exemption. Is there any further detail about that, particu-

larly whether somebody who is downsizing can be part of it? Lastly, can the Minister give any timelines at this stage regarding the final outcome?

Deputy Darragh O'Brien: On the timeline, I do not want to delay the process at all. We have a great deal of work to do on foot of receiving the working group report. I have sought submissions and views from the Opposition parties, which I believe is important. I did that with the Housing for All plan, and many other parties sent in submissions. It is important to know that we have a consensus on this and how we are approaching it because whatever scheme is put in place will be with us for a number of years and will endure past the term of this Oireachtas into the next one. It is important to do that. I am hoping and aiming for the next two to three weeks, but I have to get Cabinet approval as well. We are working through that and I will keep the Senator and the residents fully informed of how we are going on that. I again thank them for their engagement.

With regard to planning exemptions, they are for same homes. We are looking at homes that are smaller as well. If people are right sizing for a smaller home than they had already, we are looking at being able to exempt that. We have given a firm commitment on planning exemptions for same builds. There are no upfront costs now. I will take this opportunity to say that any changes we bring forward, which are going to be significant, will apply to anybody who currently has an application in the scheme and will apply to any county that comes into the scheme. Finally, I believe this will also require legislation. I have said that to the residents' group. We cannot just keep adding counties to it. We are going to look at a wider approach because, unfortunately, it is not just Donegal and Mayo. Other counties are affected by this, and I am also mindful of others who have defects in their homes.

I will keep the Senator and the Seanad fully informed of progress. It is an absolute priority to get these changes through and to bring them to the Cabinet.

Acting Chairperson (Senator Pat Casey): I thank the Minister for coming to the House to answer that important question. As he said, many thousands of families need a resolution to this to allow them to get on with their lives and move forward. I thank the Minister for coming in.

Housing Provision

Senator John Cummins: I thank the Minister of State for coming to the House to take this Commencement matter. The Minister of State at the Department of Housing, Local Government and Heritage, Deputy Peter Burke, was unable to attend due to prior commitments in his schedule but I appreciate the Minister of State, Deputy Feighan, taking this Commencement matter. What I am proposing is a sensible, proactive and reasonable measure which would increase the supply of smaller homes to enable individuals and couples to right-size into them. The Housing for All policy document commits the Government to, "Increase the housing options available to older people to facilitate ageing in place with dignity and independence, including policies and operational supports for older people considering right-sizing to smaller housing homes". It goes on to state that there will be a specific focus on the delivery of housing which is appropriately sized and in line with age friendly and universal design principles.

Naturally the policy position around right-sizing will be optional. Unfortunately many scaremongering narratives seem to take hold when discussing this topic, which can be emotive

for some people and understandably so. Nobody will be forced to move homes but incentives may become available which would make it financially attractive for some to do so. That being said, not everybody is interested in the financial side of things. I have spoken to many older individuals and couples in recent times who have told me they are ready to right-size because the house they are in has become too big for them to manage and maintain but they cannot find a suitable smaller property to move into. This has the impact of not being able to free up larger housing stock for families.

One of the barriers which has been brought to my attention by two builders in Waterford is the density requirement, which is being rightly requested by planners in line with national policy. Waterford has been designated as one of the five main centres for 50% to 60% population growth out to 2040 and much of that will result in compact development within the outer ring road. However, 35 units to per hectare is not always conducive to the delivery of appropriately sized housing schemes that are specifically geared at older persons. That is why I am asking for a circular to be issued to all local authorities to inform them that the density requirements can be relaxed for land zoned for residential use when purpose built housing for older persons is being proposed.

I also want to acknowledge the Trojan work done by my Fine Gael colleagues, including former Minister of State, Jim Daly, and the Minister of State, Deputy English, for their work on the development of the Housing Options for Our Ageing Population policy document. That policy acknowledges that as people age, their housing needs are likely to change. It states:

A key principle underpinning the Government housing policy is to support older people to live in their own home with dignity and independence for as long as possible. The aim is to ensure that older people will have greater choice by developing a range of housing options that are suited to their needs, so they can plan ahead and, insofar as possible, choose the right home for them.

However, in order to achieve those goals we have to look at giving specific guidance to local authorities to relax the density requirements where such proposals are forthcoming, particularly for our urban areas. I hope that request can be acceded to.

Minister of State at the Department of Health (Deputy Frankie Feighan): On behalf of the Minister for Housing, Local Government and Heritage, I thank the Senator for raising this matter. It is important to clarify that current planning guidance seeks to ensure that the diverse needs of our society are catered for by facilitating a greater mix of housing typologies. This includes a choice of accommodation types for older people. It is a key objective of Government to encourage a shift in the pattern and format of future development towards more compact urban growth to support proper planning and sustainable development and to address climate change. Compact growth is the first national strategic objective in the national planning framework and the national development plan.

Guidelines on sustainable residential development in urban areas were originally published by the Department of Environment, Heritage and Local Government in 2009 to build on density guidelines that date back to 1999. This is to enable more sustainable patterns of development, also taking into account the critical need to ensure the availability and choice of housing, including for older people as the Senator said. The efficient use of urban land, existing service amenities and infrastructure and issues such as traffic congestion, competitiveness and public health also need to be taken into account.

In terms of the issues raised, it may be helpful to set out some key information. Guidelines require net housing densities of more than 50 dwellings per hectare in central urban areas and 35 or more dwellings per hectare in larger towns, especially those close to cities and in the suburban areas of cities. Achieving 35 dwellings and over per hectare is essential to cater for the needs of a more diverse range of households, including smaller households such as older couples trading down or younger people who may wish to live in apartments, thereby creating choice and flexibility for people to continue living in their communities as their housing requirements change. The guidelines also provide scope for densities below 35 dwellings per hectare, especially in smaller towns and villages. To emphasise this, the Department of Housing, Local Government and Heritage issued a circular to all planning authorities early this year to provide clarity on the interpretation and application of the guidance and to enable lower residential densities in certain circumstances. This is in advance of issuing updated density guidelines that will address sustainable residential development in urban areas and which is progressing in the Department. Updated guidelines will allow for a greater range of densities and housing typologies relative to context and location. This is to provide for greater diversity in urban and regional contexts as elements of the housing building sector have tended to remain focused on the more traditional housing formats, rather than developing new products tailored to changing demographic needs.

Providing a range of housing options is a Government priority and for older people who are committed to ensuring that they are supported to stay in their homes and communities for as long as possible. This is in line with the vision for an age friendly Ireland in which older people can live long and healthy lives, participate in their communities and have a range of housing options and health supports available to them to make this possible. Housing for All, launched earlier this month, targets the delivery of more homes of all types for people with different housing needs. The housing needs of older people are specifically addressed in several actions in Housing for All.

Senator John Cummins: I acknowledge that densities of below 35 per hectare are permitted in smaller towns and villages and I welcome that circular the Department issued. The point I am making in this Commencement matter is that 35 per hectare is not conducive to attractive housing units for older persons. I am talking about the likes of a group scheme of 15 bungalows with shared garden areas and community spaces that are managed by a management body. I know from speaking to constituents that these are the type of developments that older individuals and couples want to move into but we have to address the density requirement.

11 o'clock

Otherwise, all the visions and policy documents in the world will not result in units on the ground. I acknowledge that in his reply, the Minister of State said the Minister is advancing updated guidance that will enable a broader range of density and housing types. I understand that he has also met the Office of the Planning Regulator regarding this matter. I ask that updated guidance be issued to local authorities on this issue for urban areas without delay because it takes time for units to go through the planning process. If we want to see older people downsizing and having the option of rightsizing, we must facilitate that change.

Deputy Frankie Feighan: I will bring to the Minister the Senator's concerns that a density of 35 dwellings per hectare is not conducive to the provision of housing for older persons. We need to provide a greater choice of housing types for older people in their communities. This includes new typologies that tie in with compact growth objectives to address the efficient use

of urban land where services and supports are available.

The Senator rightly said that the current density guidelines allow for more flexibility in many circumstances. This has been clarified by the circular. The Minister is advancing updated guidance relating to a broader range of density and housing types. This is one of the many actions arising from Housing for All. As the Senator said, hopefully we can address the housing needs of older people. This can be another key to ensuring we can deliver under Housing for All.

Acting Chairperson (Senator Pat Casey): I thank Senator Cummins for raising this important issue. Unless we build these facilities, we cannot downsize in the first place. They must also be attractive enough for people to want to move into them.

Electricity Generation

Senator Lynn Boylan: The cost of energy is going through the roof, mainly due to the rising cost of gas. Curiously, several energy suppliers that claim to offer 100% renewable electricity are also raising their prices. How are companies that are supposedly 100% renewable exposed to the volatility in the gas market? At least part of the answer has to do with the fact that they are not 100% renewable at all. For that reason, I will talk about greenwashing by electricity suppliers in this country. When a person signs up with a 100% renewable supplier, he or she is probably expecting that his or her electricity will be generated from wind, solar or hydro power but in reality, 100% renewable involves suppliers getting electricity from whatever dirty fossil fuel source they like and buying pieces of paper to offset the non-renewable electricity. These are called guarantees of origin. One guarantee of origin corresponds to a megawatt hour of renewable electricity. It is a financial document. If a supplier wants 100% renewable electricity, it simply buys from a producer that offers the guarantees alongside the sales. It seems straightforward, but it is not because there does not seem to be a link between the physical electricity and the guarantees. An energy supplier offering 100% renewable can simply buy the guarantees from anywhere in Europe but the actual electricity delivered will still come from the power plants in Ireland. For example, a consumer on a 100% renewable tariff could be getting coal-fired power from Moneypoint. On paper, it will read as 100% renewable because the supplier has bought a guarantee from as far away as Greece, regardless of the fact that there is no interconnector between Greece and Ireland. It is this unbundling from actual usage that lets companies greenwash dirty electricity.

It is a hugely damaging practice because people have a right to know where their energy is coming from. If they want to avoid fossil fuels, there is no way of knowing which energy company does not use them. Several of the 18 suppliers whose fuel mixes were disclosed this week by the Commission for Regulation of Utilities, CRU, claim to be 100% renewable but this is simply not true. Customers are being misled. This system disincentivises real investment in renewable energy. Why would a supplier bother investing in actual renewable energy when it can invest buttons in pieces of paper in order to claim to be 100% renewable? It can cost as little as 30 cent to greenwash a family's annual consumption of 3 MWh. Some generators enjoy the trickle of income but according to the UK regulator Ofgem, there is no evidence that 100% renewable tariffs materially support the production of renewable energy over and above what is already in place so it is bad for consumer confidence. We know we need a lot more renewable energy in this country but in many parts, its reputation is already in tatters so playing games

with bits of paper brings the renewable energy industry into further disrepute.

Big tech companies like Amazon are also buying these guarantees of origin to cover the non-renewable energy they use in Ireland while their web services support logistics for greater and faster extraction of fossil fuels. These practices are also bad for those suppliers that are actually making a stand and buying more from renewables. Regardless of what efforts they make to buy actual electricity from renewable sources, there will always be others that will simply greenwash by buying these certificates. This is a murky problem that has to do with how energy suppliers are taking advantage of loopholes in the way they report their annual emissions in the fuel mix disclosure. There is a dire need for clear definitions and transparency. What is the Government going to do to address this in the interests of transparency for customers?

Deputy Frankie Feighan: I thank Senator Boylan for raising this very important issue. I listened with interest to the points she raised. The Government will continue to monitor the issue of greenwashing to allow businesses and consumers to make informed choices. The CRU plays a very important role in ensuring that electricity companies are transparent on the source of their electricity through the publication of their annual fuel mix information paper and through the requirement that electricity suppliers publish their own fuel mix on all bills issued to customers.

As we aim for a climate-neutral economy by 2050, the low-carbon transition has become a defining force for business. For Irish companies, this means opportunities to compete and grow as global investment in a greener future accelerates. Enterprises that make the move early to reduce their carbon footprint will be more resilient to climate change impacts, including the rising costs of mitigation against transition risks such as policy changes, reputational impacts, shifts in customer preference and evolving supply chain requirements. Businesses that take action to mitigate the risks of climate change and those with environmental credentials can benefit from increased access to environmentally conscious customers, markets and workers; green equity and loan funding; and support from local communities. The European Commission proposal in April 2021 to amend the non-financial reporting directive and to introduce a corporate sustainability reporting directive was welcome. The Department of Enterprise, Trade and Employment is engaging with the EU regarding these developments.

Companies giving a false impression of their environmental impacts or benefits make it difficult for businesses and consumers to make informed decisions and increase the uncertainty about how to best tackle the climate crisis. The 2009 internal market in electricity directive contained a provision, which, following transposition into Irish law, required the CRU to ensure electricity suppliers provide reliable fuel mix information on all bills and promotional materials issued to customers. The 2019 internal market in electricity directive underpins the fuel mix disclosure. The CRU publishes an annual information paper setting out the fuel mix disclosure and the CO₂ emissions for suppliers licensed in Ireland and operating in the single electricity market. It includes an all-island fuel mix.

Electricity suppliers publish their own fuel mix information, as well as the all-island information, on all bills no later than two months after the publication of this information paper. This provides consumers with information on the recent environmental impact of electricity from the supplier compared with the all-island average. A supplier's fuel mix information must be presented on bills in accordance with certain requirements. Where fuel mix information is presented on the back of a consumer bill, reference must be made to it on the front of the bill. CO₂ information should be given in units of grams of CO₂ per kW. In addition to fuel mixed

disclosure requirements, the CRU's decision paper on the regulation of green-sourced products in the electricity retail market governs the display of fuel mix information for suppliers who offer green-sourced products. Suppliers may use a guarantee of origin certificate, which is an instrument defined in the renewable energy directive that certifies that electricity is generated from renewable energy sources. In relation to advertising promotion products, suppliers should also follow the CRU's code of practice on marketing and advertising from the suppliers' handbook.

Senator Lynn Boylan: I thank the Minister of State for his response. Unfortunately for consumers, they are not engineers or experts in electric provision. Therefore, it is hard for anybody to understand in terms of their bill. Even the CRU fuel mix disclosure is not transparent. It is not good enough to hide behind the regulator because the Government can change the remit and legislate for what the regulator does. We need greater transparency. Consumers need to be assured that the 100% renewable guarantees of origin match the electricity that was bought and sold by the energy suppliers.

I respect that the EU is moving on this issue. However, I would say to the Minister of State that we do not have to wait for the EU. Austria has already gone ahead and done what needs to be done, namely, ensuring customers have transparency about the type of energy they are buying. If we want to bring people, who are trying their best, along with us in this transition, then we cannot undermine their confidence in the system that when they think they are buying 100% renewable, that is what they are getting.

Deputy Frankie Feighan: The Senator spoke about transparency and the need for legislation, and mentioned countries like Austria. I will bring that back to the Minister. The CRU does play an important role in ensuring electricity companies are transparent. I have noticed it on my own bill and I would not be technically minded. It is interesting to see where your electricity is coming from.

There have been several developments in ensuring information being presented in the energy market is accurate and transparent. They place obligations on the electricity fuel suppliers to detail the fuel mix. Companies that give a false impression of the environmental impact or benefits make it difficult for businesses and consumers to make informed decisions. It does increase confusion over how to better tackle the climate crisis.

The CRU has published an information paper on the topic, with up-to-date information on fuel mix disclosures. Officials in the Department of the Environment, Climate and Communications are reviewing the paper, which was published this week. The Senator is right that it is vital both consumers and businesses are well informed about the composition of the electricity supply. A lot has happened but I take on board the Senator's point about the need for transparency and legislation. Certainly we can look to Austria as an example.

Further and Higher Education

Senator Malcolm Byrne: I thank the Minister of State for coming to the House to take this matter. He will be aware the Cassells report was published in 2016. For five years, it has been kicked to touch, but having sought advice at European level, we did get an assurance from the Minister for Further and Higher Education, Research, Innovation and Science that we will finally come to crunch time - I believe the phrase he used was "this is the year" - and that there

would be an update published this autumn on how we are proceeding with implementing the report. My question and that of most of the sector is when we will see that update this autumn. Will we clearly see, either as part of the budgetary process next week or in the very near future after that, a clear timetable to ensure we have a sustainable model for funding of higher education?

Higher education has been underfunded, as I am sure the Minister of State is aware, but during the pandemic the situation became even more critical. Higher education institutions and students responded very well in difficult circumstances, but the financial challenge facing those institutions grew even more. As the Minister of State will be aware, the income from international students effectively collapsed and the opportunity to gain income from commercial activities also disappeared. We also saw a significant increase in the number of higher education places in terms of the number of students coming through the CAO system, which was most welcome. I think it is something we should be very proud of in this country that we have one of the highest participation rates in higher education in the world. Even though all those additional places were made available, and students will talk about this, the additional staffing and resources behind it were not there to match it.

Therefore, I am asking the following questions. Will we see the publication of the report quite soon? In the budget, or soon after, will we see a sustainable plan for the long-term funding of higher education? The Minister has also promised we will have a national strategy on research, which will be crucial for this country's long-term development. The current Government allocation for research and development is 0.94% of GDP, which is well below the EU average of 1.4%. There is also a commitment to undertake a review of SUSI, which is particularly important to students. Students are experiencing enormous financial difficulty at the moment. This is feeding into the funding crisis in higher education. I would appreciate an update soon on where we are with the SUSI review.

During the course of the pandemic, we saw the operation of a number of very inclusive working groups for the higher education institutions and those in the sector to try to resolve the problems. It has been a tradition in higher education that the approach would always be collaborative. This makes sense. I understand the group dealing with student accommodation is now being reconvened. It is important that all of the players are involved. However, in terms of this country's long-term development, everybody accepts our investment has to be in education, training and research. We have been kicking this can down the road for far too long. I am hoping the Minister of State will be able to provide us with some kind of update today on what is happening with the Cassells report and whether we will see a long-term strategy to ensure a sustainable higher education sector.

Minister of State at the Department of Further and Higher Education, Research, Innovation and Science (Deputy Niall Collins): I thank Senator Byrne for raising this important matter.

The expert group report of 2016, entitled *Investing in National Ambition: A Strategy for Funding Higher Education*, confirmed that higher education makes a hugely positive contribution to the development of individuals, employers, society and the State. The report concluded that the approach to funding at the time was unsustainable and that substantial increases in investment in higher education must be made to ensure the sector can remain viable and provide the capacity to meet the major increase in student demand projected up to 2030.

In advance of and since the publication of the 2016 report, my Department has been working hard to deliver a significant programme of reinvestment in higher education. It is important to acknowledge that, since 2015, a very significant programme of reinvestment in higher education has been implemented. Over that period, current public expenditure allocated to the higher education sector has increased by in excess of half a billion euro or almost 40%.

Funding and policy developments taken in recent budgets have taken significant steps to address the funding needs of the sector. Most notably and in line with the recommendation of the Cassells report, a new stream of employer funding was introduced upon a review of the National Training Fund. This level of investment responded to demographic pressures and underpinned a range of initiatives in the higher education sector, including a substantial investment in the evolution of technological universities and significant skills-enhancing opportunities for individuals, sectors and regions.

In 2021, excluding additional Covid supports, total planned current expenditure funding for the higher education sector, exclusive of research provision, is in the order of €1.98 billion. This significant allocation of public resources is a clear demonstration of the Government's commitment to meet the funding needs of the higher education sector to realise more fully its potential in contributing to economic and societal priorities which are central to this country's long-term sustainability.

Regarding ongoing work to implement the recommendations of the Cassells report, the development of a sustainable funding model for higher education is essential in light of the centrality of higher education to our progress as a country. In this regard, my Department's statement of strategy, which we published on 8 March last, contains a commitment to put in place a sustainable funding model for higher education.

In that context, I am very encouraged by the recent completion of a comprehensive economic evaluation of the funding options presented in the report of the expert group on future funding for higher education as supported under the European Commission Directorate General for Structural Reform Support, DG REFORM, programme. The key aim of this review is to investigate methods of increasing the sustainability of higher and further education provision in Ireland, including an examination of the funding options. My Department has commenced its examination of the report's analysis, findings, conclusions and recommendations to develop proposals to bring to the Government to seek its support for a sustainable future funding model and transformed further education and training, FET, and higher education, HE, sector as contained in the statement of strategy. This will be brought to the Government for consideration in advance of its publication.

Senator Malcolm Byrne: I welcome the fact that the Department has that report but my question is when we will see publication. It is important we have an open debate on this and that all the stakeholders are involved in the process. The Minister, Deputy Harris, has previously promised that the report would be published this autumn. Given the critical nature of investment in this sector, as the Minister of State himself outlined, that report needs to be published quickly.

As for Ireland's very specific international offering, our economic strategy was based for a long time on tax and talent. We now know we will no longer base our arguments solely on tax, perhaps rightly so. This country will rely very heavily on its talent offering. As the Minister of State will be aware, that is part of the reason our party ensured the established of the Depart-

ment of Further and Higher Education, Research, Innovation and Science as something to drive that, but you cannot have the driver unless the sustainable funding model is addressed. I therefore ask the Minister of State that this document and the strategy to follow be published this year and that we commit to the necessary serious investment in higher education and research.

Deputy Niall Collins: Unfortunately, I am not in a position to give the Senator a publication date today. Suffice to say that, apart from my previous opening remarks, there is a serious commitment in the programme for Government on addressing the sustainability and the funding model of our higher education sector. That has also formed part of the negotiations and the discussions between the Department of Further and Higher Education, Research, Innovation and Science and the Department of Public Expenditure and Reform in advance of budget 2022 in the context of providing a multi-annual funding stream for our higher education sector, which I think will drive a lot of Government discussion and consideration quite shortly.

The Department will continue to work with stakeholders on this comprehensive analysis of funding options for higher education and the assessment of the appropriate balance in provision across the tertiary education system. Our Department is committed to ensuring we will utilise the opportunity provided by the independent and comprehensive report, which has now been completed. The sustainability of the further and higher education system is a critical issue which will enable extensive transformation and responsiveness to central Government priorities. This requires a sustained commitment to investment and transformation, and we are actively engaged in the Estimates process for 2022, which I have outlined to the Senator.

In addition, my Department is continuing to address the demographic pressures on the sector through the provision of additional places in further and higher education, to which the Senator himself has alluded. We are also seeking additional funding for sectoral pensions. There is quite a large and serious pensions issue right across our universities.

Through the recent publication of the national development plan, we welcome additional Exchequer investment of nearly €2.9 billion in further and higher education infrastructure, research and innovation over the five-year period 2021 to 2025. The overall objective of this investment is to support a knowledge-based, resilient and innovative society and economy in which all citizens will have the opportunity to reach their full potential.

While I cannot give the Senator a specific date, this is a key priority within both the Department and the Government and I hope we will hear more about it in the not-too-distant future.

Acting Chairperson (Senator Pat Casey): I thank the Minister of State and thank the Senator for raising this important issue. I am sure my fellow constituent and colleague, the Minister, Deputy Harris, will not let us down.

Sitting suspended at 11.26 a.m. and resumed at 11.33 a.m.

An tOrd Gnó - Order of Business

Senator Regina Doherty: The Order of Business is No. 1, motion regarding the Twelfth Report of the Seanad Committee on Parliamentary Privileges and Oversight, to be taken on the conclusion of the Order of Business without debate; No. 2, motion regarding the continuation of

provisions of the Health (Amendment) (No. 2) Act 2021, to be taken at 1 p.m. and to conclude at 3 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, with the Minister to be given not less than ten minutes to reply; No. 3, Private Members' Bill, Registration of Wills Bill 2021 - Second Stage, to be taken at 3.30 p.m., with the time allocated to this debate not to exceed two hours; and No. 4, statements to mark dyslexia awareness week, to be taken at 6 p.m. and conclude at 8 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, with the Minister to be given not less than ten minutes to reply.

Senator Fiona O'Loughlin: I support the Order of Business as outlined by the Leader. I compliment the Leader on her leadership and work around the March for Maternity, which is to take place at 1 p.m. today. It is a really important matter that affects so many young mums and dads. We absolutely want to see a position where maternity treatment and care is the same as it was before Covid-19. We have spoken about it many times in the House but I wanted to say "well done" to the Leader on her work.

It is very welcome to see this morning that the Minister for Defence has outlined what he is doing for the victims whose story was told in "Women of Honour". Members know that Senator Chambers and I raised this matter last week on the Commencement and we are really pleased that much of what we said has been taken on board. It is important there is an independent commission but there must be a trusted confidential service available for the victims of sexual abuse and harassment, whether they are men or women. It is important that sanctions should be put in place for perpetrators. While we help victims, the perpetrator must absolutely suffer sanction.

A really important part of Monday's national development plan launch was the extra investment in public transport. It is important for so many different reasons. Extra funding or support should go to the Rural Link service, which does absolutely tremendous work linking smaller communities and villages with larger towns. I know from experience in Kildare, where Mr. Alan Kerry is chief executive, there is an excellent service but it could be so much more if it was funded for development. In a household a second car may be required to go perhaps ten miles to a local railway station in order to commute to Dublin. If there was extra funding, it might be possible to enable a minor bus link to join a larger commuting hub, which would be well worth doing. We must also look again at rail fares, which must be affordable, accessible and flexible. We must have a medium hop zone between Sallins and Portarlinton, as commuters and students in particular may not be able to afford accommodation in Dublin at this point.

It was very refreshing to hear dads on the radio yesterday speaking about international surrogacy. We know the upcoming assisted human reproduction Bill will deal with domestic surrogacy but, unfortunately, there is a lacuna relating to international surrogacy. A mum is a mum, and that absolutely needs to be addressed. It is something we should highlight in the Seanad.

Senator Seán Kyne: I also welcome the national development plan. Amidst all the debate about roads and rail projects, I understand the Leader has invited the Minister for Transport, Deputy Eamon Ryan, to attend the House to discuss the national development plan as it relates to transport. I certainly welcome that.

One of the projects mentioned in the plan is the bypass for Moycullen. I am pleased to report a contract of a value in the mid €30 millions has been awarded to Wills Brothers for the development of the Moycullen bypass in my community. This is great news for a community that has been hearing about and listening to talk about a bypass going back to the 1970s. It is really a red letter day to see a project going ahead to construction in the coming weeks. It has been a long-running saga. The first phase commenced in 2014 and the then Minister, Deputy Varadkar, sanctioned the upgrade of the road into Moycullen. Like any project, and particularly where there is traffic passing by as construction goes ahead, it was not without difficulty or complaint but I am thankful it turned out as a wonderful project.

The original bypass and upgrade was sanctioned in 2012 with respect to planning permission and it has been a long-running saga in getting to this stage, involving pre-qualification tenders, tender assessment and tender award. The letter of acceptance is to be issued to Wills Brothers for this 4.3 km bypass, with two entrance points at either side of Moycullen at Clydagh and Drimcong, both via roundabouts, with improved lighting in the area and realignment of the Tullykyne road between the church in Moycullen and down towards the business park and the Cloghaun junction. It is all very positive for my community so I put it on record in the midst of all the questions about future projects and all that. It is important to acknowledge the successful endeavours as well.

Also on the NDP, one of the issues I have been pushing is in relation to amenities and facilities, in particular, community centres. I welcome the fact there is a commitment for a community centre fund, albeit it for upgrade of community centres. That is positive but it is for existing community centres. There is still no fund for new communities - a fund of scale. Small communities probably find it easier, which is ironic, because there is a lower population. Very often a field might be donated to them or they can get money through the LEADER programme or whatever else whereas for large, growing communities where land is zoned and expensive, there is no fund to which they can apply for a few million euro, plus they must try to negotiate or work with the local authority on rates or the development contributions to get things going. I have pleaded for something. There has to be an opportunity there because we encourage people to support housing projects and to welcome new houses, which we need, and yet the infrastructure piece in terms of amenities and community centres is not always there. I would welcome a debate on the NDP in regard to that.

Senator Rónán Mullen: Would it be timely for us to have a debate on the ongoing progress of our vaccination programme against Covid-19, in particular, and of course with other vaccination programmes in mind as we enter the flu season? There are many important issues to discuss, such as the issue of the booster vaccine, the ethical question around the developing world and its need to access even first vaccines for its people and where we fit in and what kind of decisions we should be making as a first world country in regard to that. It would also be timely because of the controversy we hear these days about soccer players not taking the vaccination. I am thinking of Callum Robinson and the ongoing news story there. Speaking as somebody who chose to be vaccinated, there is a delicate balance to be reached. It is undeniable that we want people to take up the vaccine and it is more than legitimate for people in authority to propose this to people, such as soccer coaches and managers. There is, however, also a need to respect human freedom. Where we need to get in this area is to a culture of ethical and informed decision making by people. A person might refuse a vaccine because he or she subscribes to some conspiracy theory. Equally, he or she might refuse to take a vaccine because he or she has arrived at a personal decision about the ethics of the vaccine or issues of safety as he or she has

made his or her judgment listening to whatever news is available to him or her, and that has to be respected. The tension is caught in the use of that phrase “herd immunity”. On one level we want to get herd immunity but on another level, we have to realise that we can never be a herd. We are human beings, and that has to be respected throughout all of this.

I draw colleagues’ attention to an information event. It is a webinar which I am hosting and which has been organised by the all-party Oireachtas life and dignity group on countering human trafficking in Ireland. All colleagues have received an invitation to it, and many will be joining, but there is still time to indicate interest. Sunniva McDonagh, a senior counsel and lawyer specialising in fundamental rights and a member of the Irish Human Rights and Equality Commission, and Dr. Ewelina Ochab, a lawyer and international human rights advocate, will address us at 11 a.m. tomorrow. I mention it because we recently had the very welcome Criminal Justice (Smuggling of Persons) Bill 2021 in this House. That is a necessary part of combatting the wider problem of human trafficking but I mentioned last week the sad fact of Ireland’s very low ranking in the 2020 Trafficking in Persons report. It is appropriate that we should acknowledge the steps that have been taken by the Government in this area, the revision of the national referral mechanism to make it easier for victims of trafficking to come forward and so on. Progress is being made but we must keep our foot on the pedal. We are coming from behind on this issue, so I would encourage and welcome colleagues who might be interested in that webinar on countering human trafficking in Ireland to participate tomorrow.

Senator Paul Gavan: About 30 years ago Professor Edward Walsh promoted the idea of the Atlantic corridor, linking Cork, Limerick and Galway. It was a fantastic idea to act as a counterweight, or a counterbalance, to the eastern side of the country and to ensure we had balanced regional growth and development. It took quite a while to get the motorway to Galway linked up with Limerick but it has certainly made a significant difference. Thankfully, we now have a rail route to Galway, albeit one that is too slow at the moment.

A really disappointing aspect of the national development plan, NDP, in regard to Limerick is the lack of a commitment to a M20 motorway. It is such a disappointment that 30 years on from the idea of an Atlantic corridor, we see a plan that talks about bypassing towns as opposed to building a motorway, if anything is to happen. It is a cause of consternation not only in Limerick but in Cork as well. It is further compounded by the fact that the northern distributor road, an absolutely key part of infrastructure in Limerick, is not even mentioned in regard to the NDP. This road would complete the opening up of Moyross, and I would ask the question as to whether the Green Party really want to go back there again. It would also ensure that we could have transiting buses crossing the city. It is, therefore, crucial for public transport as well as road transport. It is mentioned as being essential in the Limerick-Shannon transport plan 2040, but it is not mentioned in the national development plan. People, in particular on my side of the city, Castleconnell and Castletroy, are astounded by this. At present when you approach the Matthew roundabout, you see cars queueing outside the motorway turn off. That is the extent of the chaos and traffic congestion right now. Yet there appears to be no plan from this Government to address that matter, or to complete the Atlantic corridor. I call for an urgent debate in regard to this issue. The people of Limerick must not be left to be second class citizens again in regard to this plan.

I again raise the issue of Julian Assange. He is facing his appeal trial at the end of the month. We are very good in the Seanad at raising human rights issues. It is something we should all be proud of, and we did it again last night in regard to Belarus. I commend all the speakers in that regard. Julian Assange’s only crime was to outline what happened in Iraq and Afghanistan,

to expose US war crimes. If he is extradited he faces 175 years in jail. *The Irish Times* gave us an editorial calling for this process to be stopped. It is hardly a bastion of radical left wing thought. Amnesty International has called for it, as has *The Washington Post*. Why will no one on the Government benches simply say what all of us know to be true, that the extradition of Julian Assange should be stopped and the man should be released and recognised for the huge service he has done for humanity?

Senator Marie Sherlock: Over the past eight weeks, I have had reason to meet a considerable number of apartment dwellers in the area of Dublin Central where I am based. They live in apartment blocks which were built in the late 1990s and early 2000s, and over the past three to four years, they have had to come to terms with the horrendous reality that they are living in units that are effectively fire hazards, and units that are riddled with construction defects. Despite the impressive exterior of many of these apartments, behind that there are instances of negligent design and contemptible behaviour with regard to construction standards. There are cavity barriers that are not mechanically fixed, there is no fire stopping around many openings, there is soil in service pipes, insulation cladding has been found to contain combustible material, and the list goes on. This is a nightmare that thousands of people living in apartments in this city and throughout the country have to deal with day in, day out.

The consequences for many apartment owners and dwellers is that they face bills of up to €50,000. For some, that bill will be spread over a number of years. I know of one apartment block where €15,000 is demanded of each owner between now and the end of the year. For some, that is simply impossible. Failure to provide it will mean that they will not get insurance and, of course, will have to live with the risk that they are living in a unit that could go on fire at any time. Yet, the people who fraudulently signed off on the self-certified fire safety certificates, the well known names around this city who built those apartment blocks, continue to design and get planning permission for further developments in this city and throughout the country, and there are no consequences for them for the havoc they have left behind them.

There is no doubt a number of legislative changes are needed, and that the State needs to step in with regard to a fund. There is, however, an immediate action that the Government can take next week, which I hope will be relayed back. Last week the Minister for Finance clarified to my colleague, Deputy Ged Nash, that tax relief on levies and service charges incurred by apartment owners is allowable for landlords, but is not available for those who own apartments. Last week, the Minister for Finance clarified to my colleague, Deputy Nash, that tax relief on levies and service charges incurred by apartment owners is allowable for landlords but is not available or allowable for those who own apartments. That has to change. It will not make an enormous difference to those apartment owners in respect of the bills they are facing but it would be something. We all have to remember that Priory Hall was only acted upon when somebody took their life. We could face a similar situation in the context of the bills people are facing at this point in time. We need the Government to respond now.

Senator Malcolm Byrne: I will raise again the need for a debate on how technology is changing the world of work and, indeed, all aspects of our lives. I do so in a couple of contexts. The Leader will be aware of the testimony of Frances Haugen before the US Congress. She is the Facebook whistleblower who revealed a number of things many of us have heard about Facebook and some of the other social media companies. It is very clearly the case that Facebook has put company above country and, in many ways, above ethics. I raised this issue previously. It will come before these Houses in the context of the discussion on the online safety and media regulation Bill, the debate on the need for greater transparency, the need to

ensure these social media companies are properly regulated and, when it comes to algorithmic decision-making, the need for us to have clear policies in place. I want to make it clear that I expect the legislation that will be brought forward by the Government will be sufficiently strong and we will have an online safety commissioner with real teeth. If we do not, I will have a problem supporting the legislation. We need to address some of the underlying issues, which pose some of the greatest threats to society and to our democracy.

It is also important we have a broader debate on the changes to the world of work, post pandemic. I have also raised this issue previously, but in the context of the skills shortages we are now experiencing, while there are many excellent initiatives through Springboard and others, we are seeing such rapid changes that we need to look at how we upskill and reskill all our citizens to be able to avail of those. I ask that the Minister for Further and Higher Education, Research, Innovation and Science, Deputy Simon Harris, comes before the House to discuss how we are going to prepare for the future of the world of work.

Senator Martin Conway: I too acknowledge last night's debate on Belarus. It was a very strong, positive message from the Seanad. The House has a great record when it comes to sending out clear messages about wrongdoing in the world. We need to continue with those debates.

During a meeting of the Joint Committee on Health this morning I raised the issue of University Hospital Limerick with the Minister. In the past few days, 82 people were on trolleys despite the fact that a 60-bed modular unit was commissioned and built in the hospital within the past 18 months or so. We are still in a situation where 82 people are on trolleys. God only knows what it will be like in January. I put that to the Minister and I did not get a satisfactory reply. We need a debate in this House on how emergency departments throughout the country are being managed. We also need a debate on the winter plan once it is published. It is totally unacceptable that we keep pouring resources into University Hospital Limerick and yet we are not dealing with the issue.

Like everybody else, I welcome the announcement of the NDP and the €165 billion in aspirational funding that is in it. Some of the projects are up and running while others are on their way to being completed, which is very welcome. I welcome the elements of the plan that support rural Ireland through broadband services and so on, but we need to get real about wastewater and sewerage systems in towns and villages throughout the country. In County Clare, there is a need for wastewater facilities to be built in places such as Doolin, Carrigaholt, Cooraclare and Broadford, to name only four. I will specifically talk about Doolin because it is operating at almost 100% capacity for approximately ten months of the year, but it could do so much more. Many people in Doolin are prepared to invest in developing products, accommodation, tourism facilities and so on. They cannot do it, however, because if they apply for planning permission they will not get it on the basis that the wastewater and sewerage system is at capacity. Let us get the basics right and development will happen. I would like a debate on the issue of wastewater and sewerage development in rural Ireland, especially in areas where investment can happen if the structure and infrastructure is in place.

Senator Sharon Keogan: There has been a lot of conversation on the energy crisis this past week in the media and both Houses. I could not help but think of a discussion we had on 25 June during the Second Stage debate on the Climate Action and Low Carbon Development (Amendment) Bill. There was a lot of talk about energy during that debate. Senator Joe O'Reilly rightly stated that we have to avoid energy poverty and we must ensure that low-income households do not suffer on account of the transition to renewable energy sources. Yet, it seems that will

be the case. Perhaps the lights will not go out this winter, but I assure Members some will be turned out by families who cannot afford to risk a grossly inflated bill at the end of each month.

I understand the setbacks to the interconnector plan with France, Wales and Northern Ireland were unexpected, but even once our offshore wind turbines are contributing significantly, beginning circa 2028, fossil fuels will still be relied on due to fluctuations in wind-generated electricity. Entirely aside from emissions, fundamentally, a constant energy source cannot be replaced with a fluctuating one. The industrial batteries that store the power generated by fluctuating energy sources come at an incredibly high price, one that will be set to climb with global demand.

Can we please have a debate in this House with the Minister for the Environment and Climate and Communications, Deputy Eamon Ryan, on the role nuclear power can play in our electricity sector? It is far and away the cleanest and most cost-effective way of producing the vast amounts of power we will need. It is time to sustainably end our reliance on foreign supplies of natural gas and put the spectre of Carnsore Point behind us.

Senator Catherine Ardagh: I will raise the issue of early-school education and after-school education. I raised the issue last week in the context of the national childcare scheme and how it is disadvantaging children from lower socio-economic areas of the city and country. I support those providers, and parents, who were outside Leinster House yesterday in their campaign to get clarity. They hope the employment wage subsidy scheme continue because at the moment it is masking major deficits in the national childcare scheme. Ultimately, the Seanad should be ambitious. I would love to see a motion tabled in this House on a national childcare scheme. Childcare should be brought within the ambit of the Department of Education and all children from the age of two should have free early preschool childcare within a more streamlined and regulated environment, such as the Department of Education. We should lead on it in the Seanad and campaign for it together because when we work together our voices are much stronger than individual ones.

I also raise the issue of the assisted capacity legislation, which was enacted in 2015. At present, the Office of Wards of Court is working from legislation dating from the 1900s, the Lunacy (Ireland) Act 1901. Families are struggling. Anyone with diminished capacity is affected by this legislation not being implemented. There are families looking to place parents in nursing homes and children with severe disabilities who cannot manage their financial affairs. There is a major struggle going on within families throughout the country. I am sure many of us have been contacted by families asking for help with the fair deal scheme, or whether they are entitled to this or they need to do that. This legislation would make it so much easier for them.

12 o'clock

We need to make sure that this legislation is enacted sooner rather than later and is not put on the long finger again because we have been promised it for a long time.

Senator Mary Seery Kearney: I want to echo the requests from Senator Ardagh and the Dublin 8 After School Alliance. The alliance came before the Committee on Children, Equality, Disability, Integration and Youth yesterday to make a strong case as to why we need changes.

I want to bring to the attention of the House the fact that over the past few days Fine Gael has launched the care of the child policy lab report and seek a debate on childhood and the care of children in childhood. The policy lab came about after extensive engagement with more

than 2,500 participants via a survey, followed by intensive policy kitchens to allow group discussions, feedback and the shaping of ideas from parents, childcare providers and early years professionals, which was particularly instructive. The resounding message is the underdevelopment of early childhood policies in Ireland, and that this is hampering progress and well-being in our society and stifling opportunity in childhood. I would like that to be the subject of a debate.

All children in Ireland should have the opportunity to participate in universal early childhood education and care systems developed around their needs, regardless of where they live. The recommendations are based around three cornerstones, namely, parents, providers and staff, with the well-being of the children being the overall priority. The recommendations include filling the yawning gaps in services that make life so difficult for parents, requiring flexibility and local access, making service more accessible and affordable and offering parents a chance to participate in policy.

We need a broadening of the national childcare scheme to include that universal component. I hope, on the basis of all of our advocacy on behalf of groups such as the Dublin 8 group, that we see a significant change in childcare provision in next week's budget and that the gap is funded. I will end there.

An Cathaoirleach: No, you are fine. Keep going. It is important.

Senator Mary Seery Kearney: Well-being in early childhood needs to be systemically prioritised so that it links into workplaces and community spaces and infrastructure owned by the State, such as schools, is used. We need to deploy what is already in place so that the well-being of children, parents and all of those in the sector are brought together and united in the support of childhood.

Senator Lynn Boylan: I would like to raise the issue of Dublin Fire Brigade, whose firefighters and ambulance crew are currently at risk of exhaustion due to staff shortages. In fact, twice in the past ten days Dublin Fire Brigade was called to my road. In one instance it was for a fire and the second was an accident. In the second case a young man waited an hour lying on the ground in the rain for an ambulance and the fire brigade to arrive. This is happening because Dublin Fire Brigade is operating with an over-reliance on overtime, and on certain watches there are insufficient staff available to allow for the full complement of fire tenders to be deployed.

Dubliners are immensely proud of our fire brigade service. One only has to ask the families of the Stardust victims about this. Fire brigade staff were the first responders to that tragedy and have continued to support the families for more than 40 years in their fight for justice. It is incredible that firefighters protested outside Dublin City Council last night because of the conditions they are working under and staff shortages.

I would like the Leader of the House to write to the Minister, Deputy O'Brien, to ask how he will ensure we have a full complement of Dublin Fire Brigade fleets and how he will ensure they will remain fully operational while we are waiting on additional firefighters to be recruited. As I said, it should not be the case that firefighters are protesting. They should instead be looking after the safety of people in Dublin. It is especially essential that we know that our fire brigade is fully equipped and supported, in particular coming up to Halloween.

Senator Joe O'Reilly: At the beginning of this term I set myself an objective to continue

harassing the Leader until the gambling regulation Bill came to the floor of the House and we appointed a gambling regulator. The Leader has been extremely responsive and organised a debate for me, to which a Minister responded. On many occasions I have outlined what a tragedy gambling is for people. There are approximately 30,000 people in Ireland with a gambling addiction. Charities have reported a 46% increase in people with gambling difficulties during Covid, in particular online. There is a move towards using smart phones and PCs. Very ominously, smart phones are now very much part of the gambling mix. When sports were off, poker games online became a big issue. When will the Bill come before the House? When will we have a regulator? I have no reason to doubt the sound promise made by the Minister of State, Deputy Browne, but when will that be implemented? Will the Leader ensure that happens?

The next thing I will harass the Leader about over the coming weeks is CAMHS and waiting lists for childhood and adolescent mental health services. I gather in the region of 2,500 people were waiting at the worst point. I understand some efforts were made this year. My question relates to what Senator Seery Kearney said about childhood. What steps will be taken to address waiting lists? Could the Leader get a response for me on that? Could she commit to a debate on this in the House? I will raise this, along with gambling, until both matters are resolved.

Senator John Cummins: I want to raise the issue of school transportation and ask that an urgent debate is scheduled with the Minister in order to address what I see as a fundamental lack of common sense and satisfactory responses from Bus Éireann which operates the school transport scheme on behalf of the Department of Education. I am raising this issue on the Order of Business today because a Commencement matter debate may be ruled out of order. I will submit parliamentary questions on this matter.

To illustrate this point, I know of an exceptionally frustrated constituent in County Waterford. I am sure other Members of the House have their own examples and frustrations. On 2 September, I was made aware of the case of a family who have children attending a local school. They qualify for a concessionary ticket, but have to travel 2.4 km in the opposite direction to the school in order to be picked up by the bus. In order to arrive at the pick-up point, the bus has to drive from a local road 2.4 km away, pick up children along the way and loop back on itself on the same road. It then travels 3 km onwards to the school.

My office has put forward a reasonable and sensible solution which, I understand, the operator is happy to facilitate if approved by Bus Éireann. Instead of the bus looping back on itself it could continue on the same road which would bring the bus past the gate of the family I represent, and then travel onwards to the school. I have done the measurements and it would reduce the existing route by 100 m. The answer I have received so far is another bone of contention. The responses I have received have not been satisfactory. I ask that common sense prevails. It is administration gone mad. It is not as though I am asking for a significant distance to be added to a route. This is a matter of common sense and we need an urgent debate with the Minister because I am sure other Members of the House have similar examples.

Senator Garret Ahearn: When one talks about common sense, I ask Members to wait until they hear this one. Funeral directors in Cashel, County Tipperary, received a letter from Tipperary County Council last week, stating that the payment for funerals must be made before the burial takes place. I do not know if everyone in this House has experienced going to a funeral director and the interaction involved. There are decisions that must be made, including picking a coffin and everything that goes with that. The last thing one wants is to have a discussion about payment. Even in the letter the council sent out, a copy of which I have here, it states

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that if the funeral is on at the weekend, of course the offices are closed so one cannot make a payment. One can, however, do a bank transaction and the details are included in the letter. Is there any sort of cop-on there at all?

I understand that councils must get paid for a service, whether that is digging a grave or paying for a plot, but there are ways of going about it. There are different types of funerals. Some celebrate life and others are tragic. Telling a family that they must fork out €450 to dig a grave, or €1,800 to buy a plot, which is really two plots, before they even have the burial is a mad idea, beyond a bad idea. It is absolute madness that this would happen.

Will the Leader ask the Minister with responsibility for local government to write to Tipperary County Council? This is happening in Tipperary town and Cashel at the moment. I spoke to Mr. James Devitt, a brilliant funeral director in Cashel. He is a good, decent and hard-working man. It is not his responsibility to collect money for Tipperary County Council. That is the responsibility of the council. There are occasions where a funeral happens and people cannot afford it, for whatever reason, and the State comes in to support it. That comes after the funeral. One cannot expect people to pay for something when the State is covering them for it after the fact. The situation around the school bus is mad but this is absolutely bonkers and totally unacceptable. I would appreciate it if the Minister would write to the county council as quickly as possible to ensure this does not happen in other areas. It is outrageous.

An Cathaoirleach: As the Senator said, there are bad ideas and mad ideas. In the history of bad ideas, that one is not the worst I have ever heard, but it is pretty close.

Senator Micheál Carrigy: I wish to raise a couple of issues. Many of my colleagues have spoken about the national development plan and the welcome investment that will happen in the coming years. I want to highlight a couple of issues in the plan, in particular the upgrades to the Dublin to Sligo railway line. The upgrades are happening on the Dublin to Mullingar leg of the journey. Longford is the first point from where the early-bird trains travel to Dublin, bringing workers who are commuting. I ask for that to be looked at and for those upgrades to be extended as far as Longford.

I am thinking ahead. We had discussions about N roads and M roads. We will be quite happy if the N4 is upgraded. That is not just for the area I come from and the section running from Mullingar to Longford. The only route in the country that is not serviced properly is the route to Sligo. That services the whole north west of Ireland and encompasses counties Longford, Roscommon, Sligo, Leitrim, Mayo and Donegal. That needs to be prioritised. I know other colleagues are looking for other connectivity but the whole north west of Ireland does not have full connectivity to Dublin. That must be prioritised in the national development plan.

Various organisations have, naturally enough, made contact with all of us ahead of the budget. Like other Members, I have met local representatives of the Irish Farmers Association. I know there are a large number of asks within its proposals but we need to come some way towards looking after a number of those asks for our farming community, which is extremely important throughout the country.

Despite all the money we are paying out, the school library fund is low or has not been restored. It is a small figure of €5 million, a modest investment that can open up a lifetime of possibility and excitement for children. That says it all. That investment is a must.

Senator Maria Byrne: When I raised an issue about the M20 yesterday, I called for the

Minister to come to the House to discuss the important road projects in the national development plan. I will add today that a number of businesses on the south side of Limerick, including in the regeneration area around Southill, and the Limerick Enterprise Development Partnership, are hoping that as part of the M20, the artery by Carew Park that was closed up many years ago will be opened up for the survival of businesses. It is a pertinent time for that debate. I call on the Leader to contact the Minister with a view to coming here for a debate.

The main reason I rise is because I want to acknowledge Olympian Róisín Upton; Emma Langford, who has national fame for her ability to sing; and our mayor, Daniel Butler, who is going to lay 30 white roses on the River Shannon on Friday as part of the launch of Limerick mental health week. It is a lovely gesture, not only for the 287 people who died in Limerick as a result of Covid-19, but also for their families. On Friday evening, all the main public buildings will turn green as a mark of respect. Limerick city has the highest suicide rate in the country. That is a continuing trend, which is quite frightening. There is a lot of work happening around Limerick mental health week. After more than a year of lockdowns, mental health issues affect many people of all ages, the young and the not-so-young. It is an opportune time to call on the Minister of State with responsibility for mental health and older people, Deputy Butler, to come to the House. I know she has a firm commitment to mental health. Perhaps we could have a debate on mental health in the next week or two.

Senator Barry Ward: The Leader will remember that last week in this Chamber a number of colleagues raised the issue of antisocial behaviour on our streets. A particular video was going around on social media showing a Deliveroo driver being attacked. In the aftermath of that, I was contacted by a number of people and I subsequently put out a call on social media for people to share their experiences with me. I have been not only disappointed and disgusted, but shocked and astounded by the volume of responses I received from people all over this country in cities and towns around the country. The responses have come from Irish people but mostly from non-Irish people. It fills me with shame that there are Irish people out there who think it is acceptable to behave in any way approaching what we have seen. The video we talked about last week is only one example. There have been hospitalisations as well as more minor attacks, but there have also been deaths arising from attacks. People have shared hundreds of examples with me, and I do not say that by way of exaggeration. One person said that a group of kids threw eggs at her and told her to get out of this country. Another person said that as a Chinese girl living in Dublin, she has to be prepared to be verbally harassed every time she goes out. She said people come up to her and try to make her uncomfortable. She said they make racist remarks. She said she does not feel safe going out by herself. She has been shouted at, followed and attacked twice in two years while living here. She was attacked by a group of teenagers when she was getting off the Luas. We cannot tolerate this kind of behaviour. We are asking foreign nationals to come to this country and share their skills, labour and time with our economy, if nothing else. Beyond that, they are our neighbours in humanity, if that is not putting the matter too tritely. It is unacceptable that this kind of behaviour would continue and it is time we put a stop to it. I do not know what the answer is but I ask that we have a debate on the issue and explore whether we need more resources, more legislative solutions or something else. We cannot allow this awful, disgusting and intolerable situation to continue. Something must be done to put a stop to it.

Senator John McGahon: I wish to talk about an issue that affects my local area and other areas across the country, that is, the severe lack of carers in the country to be able to provide home care packages. It is an issue I have been dealing with over recent months, particularly

with one family. I spoke to Sinéad, the daughter of the lady for whom I have been working, and she gave me permission to mention the following story, which highlights the issue we have in providing carers. Ann Hearty was 61 years of age when, unfortunately, she had a debilitating stroke. She was to be discharged from the hospital, pending a home care package, on 20 September 2021. However, 17 days later, here we are on 6 October, and she has not been discharged due to a lack of carers.

The family were unable to apply for a housing adaptation grant because the sheer amount of money required was too much for what a housing adaptation grant could provide. They put a serious amount of their life savings into adapting their home so Anne could come home, yet she is sitting in a hospital bed in Dundalk. She has been unable to come home for 17 days because, while 50% of the carers needed can be provided, the other 50% cannot. How can we turn around with a straight face to a family and say we want their loved one to continue occupying a hospital bed and that she cannot be taken home because of a lack of home care packages and carers?

The reason I ask about this is simple. I do not just want to have debate because we all have different stories and anecdotes about this; I want an answer. First, I want to know why there is such a lack of carers. Is this something that has emerged because of Covid? Was it clouded in the mists of Covid such that it is only on emerging from Covid that we realise there is a situation? Why do we have a lack of carers? What does the Government want to do to resolve it? In this day and age, it is just not acceptable to have discharge dates overdue for 17, 18, 19 or 20 days. People want to be cared for in the home. We need to have them looked after in the home and to get them home. We can do that only with proper carers. I would love to know why we do not have them at this point.

Senator Regina Doherty: I thank my colleagues. Senator McGahon asked the \$64 million question. I would love to know the answer. An obvious answer is that caring is a bloody hard job. Some of the conditions that the State has imposed on private care providers make it even harder for them to do their hard job. They make it harder to recruit people to do the hard job. One concerns the rate of pay, which is €11 per hour, although I am aware the HSE pays a little more. A carer might have to look after one person in Dundalk and another in Blackrock, County Louth, but the time taken to travel between both houses is not included in his or her working day. This is ludicrous. A genuine review of the national strategy on carers is certainly long overdue. It should be prioritised by the Department of Health. We met representatives of Family Carers Ireland and other such organisations in the past couple of weeks when they were on their pre-budget tour. There are certainly several small things we could do as a State and Government to go a long way towards providing the support structures needed for family carers, and improving working conditions and, hopefully as a consequence, the recruitment prospects of the private companies that provide the care, which is so valuable in our communities, on behalf of the State. I will write a letter to the Minister for Health and ask him about the status of the review of the carers strategy.

Senator Ward raised an issue we touched upon last week. I am referring to the video of the attack on the young Deliveroo rider, whom we all know is new to Ireland and who is probably working in the gig economy, being paid buttons and being mistreated. Senator Seery Kearney has met the Deliveroo people. I will not say that we need to accept that we will always have troublemakers in Ireland looking for trouble. When I looked at the video, the thing that made me feel the most shame was the crowd of Irish people standing around cheering on the tramps attacking the young man. What the Senator has described means we have a problem with the

culture, including the changing culture, in this country. That is not something that is going to go away on its own.

I was dismayed to hear the assistant Garda Commissioner telling us on television on Monday that we do not have a problem, that we have vibrant cities and that everything is wonderful. This morning, I was pleased to hear our Minister for Justice not contradict but perhaps disagree slightly with the assistant commissioner and say there will be a new active policing plan introduced, not just for Dublin but for all the other urban areas where there is a growing antisocial behaviour problem. I am not sure whether that will address incidents such as the throwing of eggs at the Chinese woman getting off the Luas, as described earlier, and the name-calling or other forms of insidious racist behaviour that are a growing problem in this country. Maybe we need a more universal or national debate on how we can address this. I am not quite sure whether something like a citizens' assembly would highlight the matter but some forum needs to be found in which people can share, in full view of other Irish people, their experiences so people can realise just how important this issue is and how prevalent the problem is in society. I thank the Senators for raising it. I will revert to them on whether I can arrange a debate in the House.

Senator Byrne talked about the M20. We referred yesterday to what she raised, namely, the need for a debate on public transport. Several colleagues raised this yesterday. I have asked the Minister for Transport to come to the House to talk about public transport, particularly in light of the NDP developments and announcement on Monday. As soon as I have a date, I will revert to Senators.

Senator Carrigy mentioned the need for the Mullingar–Longford part of the Dublin–Sligo route to be included in the project in question. I hope to be able to give him a date for that as soon as I can.

Only in Ireland would something as bizarre as what Senator Ahearn described happen. Ireland is renowned for how empathetic its people are when somebody dies and for how communities, families and extended families come together to cherish memories and support families, so to be talking about money is just bizarre. I am not sure whether I can ask the Minister to write a letter; I can certainly try but we can write the letter to Tipperary County Council. I can certainly do that on the Senator's behalf.

Senator Cummins raised an equally bizarre matter that would happen only in Ireland. I am now in the Oireachtas for nearly 11 years. We have had the debate on school transport. I am referring to the bizarre way in which Bus Éireann tries to solve a problem in a way that only an Irish person would try to solve it. Every year, however, the same issues arise. The only thing I can say to the Senator is that tenacity will inspire him to seek a resolution, but it seems bizarre that we have to do as we do every year to solve the same problems for different people. I wish the Senator well and hope he gets for the family the resolution he is looking for.

I am pleased to have Senator Joe O'Reilly harass me weekly on the gambling regulations Bill. I will ask the Minister of State, Deputy James Browne, where the legislation is on the list of priorities and revert to the Senator.

On the CAMHS waiting list, I am aware of the matter. I will ask the Minister of State at the Department of Health, Deputy Butler, to schedule some time in the coming weeks to come to the Seanad to talk about her plans. She is well aware of the waiting lists for CAMHS. She

is pursuing options to alleviate the pressure on the waiting lists beyond just recruiting more CAMHS personnel. She has been looking at some of the wonderful organisations that are assisting people under 18, such as Jigsaw and Pieta House. However, I will get her to come to the House to tell Senators about the work she is doing.

Senator Boylan referred to the overworked workforce that is Dublin Fire Brigade. It is particularly overworked at this time of the year. It should not be overworked at any time of the year. We definitely need recruitment. One of the Senator's colleagues mentioned the matter last week or the week before. I had reason to write to Dublin City Council a couple of weeks ago to ask it about its position on recruitment. I am still waiting on a letter to come back to me. I will certainly ask the Minister today on behalf of the House to revert to us on this.

Senator Seery Kearney mentioned the launch over the weekend of the Fine Gael policy on the care of the child. It represents a wonderful body of work. I realise people might believe I am saying that because I am a member of Fine Gael but I genuinely welcome the approach taken by the policy lab in Fine Gael because it is a new initiative for us. It is important that people feel policies are made from the ground up because, for far too long in this country, we have had policies that have been made from the top down. It is afterwards that one reflects on some of the obvious steps that should or could have been taken through policy. I welcome the body of work.

It is time for us to have a national conversation. Every year around budget time, we talk about needing more money for childcare. Every year, budgets are announced and we just tinker around the edges. We all know how important the years from zero to six, six to 12 and 12 to 18 are in children's lives. We certainly have not got it right yet and, therefore, I welcome the policy. However, I will ask about it. The Labour Party launched a policy last weekend on its childcare initiatives but it is time for us all to have a proper debate about what we would like to see as a State and put our heads together to determine how we can resolve the problem.

Senator Ardagh mentioned her support for the ECCE scheme, but again recognising that the providers who were in the building yesterday said it is not meet all the needs of our children or realising our ambitions for them. More attention needs to be paid to the scheme and the support network. The Senator suggested that childcare should be under the Department of Education. When Deputy Richard Bruton was the Minister in that Department, an idea was circulated that childcare providers could use the school system before and after school on the grounds that we own the buildings and that they are empty before and after school, when children have gone home or have not yet arrived. Actually, we do not own the buildings; the patrons own the buildings, which is a huge stumbling block. It is not unique to one particular patron. All the patrons own the buildings so it may be time to think about how we provide public services and pay for them to make sure we can get full value out of them.

Senator Keogan called for a debate on energy prices. The issue is topical. I have requested that the Minister come to the House to talk about it. In the budget this year, a top priority should be meeting the needs of the most vulnerable in light of us having introduced carbon taxes to curb and change people's behaviour. The arrangement for the most vulnerable will not be enough this year owing to the increase in prices because of supply shortages. The increases imposed by providers in the past couple of months, including Electric Ireland only this week, are not because of carbon taxes; there are other reasons. We need to be mindful of that because some of things that have been suggested this morning, while they might not be widespread, will certainly be true for some families. The Senator is right to raise the matter.

Senator Conway talked about University Hospital Limerick and the requirement for a debate on rural Ireland due to wastewater shortages. I will try to arrange a debate as soon as I can.

Senator Malcolm Byrne talked about Ms Frances Haugen. On a number of occasions the Senator has raised the issue of social media, its pervasiveness and how activities have not been curbed. What Ms Haugen has said sends chills up one's spine. Sometimes whistleblowers are treated with contempt and told they must be making half of it up. Even if Ms Haugen made up 10% of what she said yesterday then we should be incredibly afraid for the outcomes social media will have on adults, democracy and how we are duped but, genuinely, on how our children's lives are being shaped. I am not surprised that the requirement for the child and adolescent mental health services, the resilience in our children, and the vulnerabilities that we all see, even in our own families, have multiplied in the last ten years. It is also not really a surprise that this has occurred at the same time as an increased use of social media. I have four children at home and their phones are never out of their hands. I think that I am a strict parent but clearly I am not strict enough. We need to have a serious debate and not just in the Seanad or the Dáil but at a policy level so that regulations can swiftly be brought into place so that social media usage can be curbed and the algorithms benefit us as a people.

Senator Gavan talked about the Atlantic corridor and the N20 motorway. I appreciate his bona fides on this matter. I have asked the Minister for Transport to come in as soon as possible and I will probably attend the debate. The project is very much needed.

I cannot answer the Senator's question on Julian Assange but only because I am not as knowledgeable as I should be and do not want to say something that would be ignorant. It strikes me as odd that Mr. Assange, who is the gentleman who just highlighted major ills as he saw them, has suffered. I will research the matter and get back to the Senator.

Senator Mullen asked for an ongoing debate on the progress of vaccinations. Part of me thinks, holy God, is the pandemic not behind us yet but the Senator is right because booster jabs will be needed. Although I never think of it this way there is a need for an ethical debate because, as the Senator mentioned, not everybody believes the conspiracy theories or that people have other reasons. We should respect those reasons and not necessarily try to change people's minds. I will ask the Minister for Health to schedule a visit here for a debate in the next couple of weeks.

Senator Kyne talked about the welcome news about the Moycullen bypass and the awarding of a €30 million contract. The project has been very important to him and his locality for the last number of years.

Senator O'Loughlin mentioned the "Women of Honour" group and the response by the Minister for Defence and his Department to their experiences that have been shared in the last number of weeks. I would say that it is probably only the tip of the iceberg and it is not just in the Defence Forces that there is a repugnant culture, which we do not and would not like to admit exists. Perhaps it is time to have a commission on these matters covering all male-dominated environments and I do not mean to be disrespectful when I make that suggestion. For far too long vulnerable people, and in a lot of cases they have been women, never had an opportunity to speak out and express either their concerns or share their experiences. It is time that we shine a light on all things that are repulsive in Irish society and the State because it is only when one does so that one can do something about it.

6 October 2021

Today, outside Leinster House, we will shine at a light at 1 p.m. when we, the ladies of the Oireachtas, and gentlemen are very welcome to join us, will march for maternity services. Albeit that the pandemic is nearly over and 92% of the adult population are, thankfully, vaccinated, the partners of the women who are going through the nine months maternity journey and giving birth and the care that is provided to both the baby and the mam afterwards, the partners are still being excluded. We do not have uniformity across the 19 maternity hospitals. We certainly do not have the same access that would have been provided pre-pandemic, which is all that we ask for. We ask for one nominated partner for any lady who is having and experiencing the maternity journey, and giving birth to much wanted children, and in some cases losing much wanted children. The one nominated partner should be given equal access to all visits, scans and pre-natal and post-natal appointments. The entire maternity journey should be shared because it was shared at the beginning and should be shared all the way through the journey. I invite Members to join us and march in solidarity with the women of Ireland who will be outside these premises at 1 p.m. Some of whom will bring their babies who were born during the pandemic, and demand better maternity care in this country.

An Cathaoirleach: I thank the Leader for informing the House of that important initiative.

Order of Business agreed to.

Twelfth Report of Seanad Committee on Parliamentary Privileges and Oversight: Motion

Senator Regina Doherty: I move:

That the Twelfth Report of the Committee on Parliamentary Privileges and Oversight on new Standing Order 63A be adopted, laid before the House and printed.

Question put and agreed to.

Sitting suspended at 12.35 p.m. and resumed at 1 p.m.

Health (Amendment) (No. 2) Act 2021: Motion

Senator Lorraine Clifford-Lee: I move:

That Seanad Éireann resolves that Part 2 of the Health (Amendment) (No. 2) Act 2021 (No. 24 of 2021) shall continue in operation for the period beginning on the 10th day of October, 2021, and ending on the 9th day of January, 2022.

An Leas-Chathaoirleach: I welcome the Minister, Deputy Stephen Donnelly, to the House. It is great that he is here to take this motion. It is appreciated. I now ask the Minister to address the House for up to ten minutes or whatever is appropriate.

Minister for Health (Deputy Stephen Donnelly): I am in the House today to introduce a resolution to extend the sunset clause of Part 2 of the Health (Amendment) (No. 2) Act 2021. The Act is due to expire on 9 October. The sunset clause of Part 2 provides that each House of

the Oireachtas may, on or before 9 October, pass a resolution to continue Part 2 in operation for a period not exceeding three months.

For the purpose of giving the House some background on this, Part 2 of the Health (Amendment) (No. 2) Act 2021 provides for the reopening of indoor hospitality under certain conditions. The Act was passed by the Houses of the Oireachtas last July and gave effect to the Government's decision taken then that provided for indoor hospitality premises to reopen to persons who are fully vaccinated and persons who are immune from Covid-19 on the basis that they have recovered from Covid-19, as well as certain children and staff. The decision was made in line with the public health advice. Ultimately, the Government's decision made it possible to get pubs, cafés, restaurants and other licensed premises reopened for business in a safe and sustainable manner. This Act and associated regulations were of vital importance in ensuring that hospitality businesses could reopen safely and begin to recover from a very difficult period of closure. It occurred against the backdrop of the Delta variant. In a lot of ways, this last period, coinciding with the introduction and subsequent dominance of the Delta variant, has been the most demanding on us as a people. Our resilience has been tested by the variant's virulence. This variant of concern has continued to circulate extensively, especially among people who either have not yet been vaccinated or are not yet fully protected by vaccination.

From the outset, the Government has been guided by the public health advice provided by the National Public Health Emergency Team as to what restrictions might be necessary to manage or suppress the disease. Along the way, extraordinary measures have been introduced to protect public health and the most vulnerable in our society. These were difficult and challenging decisions in a crisis scenario, with an evolving understanding of the disease, its impact, how best to manage the situation, what vaccines might offer and what variants might do to undermine our plans.

The decision to require proof of vaccination or recovery to access indoor hospitality arose in the context of advice from the National Public Health Emergency Team, NPHE, on 28 June last. That advice was that indoor activities expected to reopen on 5 July "which, by their nature are high risk activities involving significant levels of social mixing in indoor environments, should only be permitted for those who have been fully protected by vaccination or who have had Covid-19 infection in the previous nine months". NPHE advised that easing of these measures should proceed only when supported by a robust, non-reproducible and enforceable system of verification of vaccination or immunity status. The Health (Amendment) (No. 2) Act 2021 embodies this system of verification.

This House has already recognised the intrinsic value of the measures in the Act in order, on the one hand, to get indoor hospitality businesses open and, on the other, to protect public health from a variant that continues to be dangerous, unpredictable and virulent. The measures in the Health (Amendment) (No. 2) Act 2021 balance both these requirements and have enabled and permitted indoor hospitality premises to continue trading while maximising the opportunity to protect public health.

This is about maintaining an equilibrium between the social, economic and public health interests of the State. Ireland has endured a profound shock to its social and economic life as we have dealt with the impact of this disease at an individual, community and societal level. It has had an impact on almost all aspects of our lives and, for many, their livelihoods. It is in this context that the Government agreed Ireland's next plan in its response to Covid-19, entitled Reframing the Challenge: Continuing Our Recovery and Reconnecting. This recognised that

Covid-19 has had a global impact, sending shockwaves around the world, with its effects felt in every section of Irish society. Reframing the Challenge declares that if it is not possible to eliminate Covid-19 completely, we need to move to manage Covid-19 in a more “mainstream” way rather than as an exceptional threat requiring society-defining interventions and actions which are increasingly burdensome and scarring on our economy, society, health and well-being. We must manage the burden of Covid-19 on the basis that it will likely continue to be constantly present into the foreseeable future.

This House will know that extraordinary measures have been introduced to protect public health and the most vulnerable in our society. These were difficult and challenging decisions in a crisis scenario, with an evolving understanding of the disease, its impact and how best to manage it. Our plan provides that the public health management of Covid-19 should transition, in broad terms, from a focus on regulation and population-wide restrictions to a focus on public health advice and personal judgment and personal protective behaviours, subject to certain criteria.

Reframing the Challenge includes a series of planned measures, such as the transitioning of the public health response and interim arrangements pending transition. The Government decided to remove further statutory restrictions in respect of events and activities from 22 October next based on criteria which include the achievement of at or close to 90% of people aged 16 or over being fully vaccinated. In effect, the statutory regime in place to support the protection of public health is to be largely wound down in line with the agreed removal of restrictions. For indoor hospitality, the Government’s plan specifies, “No further changes are proposed to the current arrangements in respect of the hospitality sector until the final transition point is reached”.

I am mindful of the precariousness of this virus. The Chief Medical Officer has advised that the future trajectory of the disease cannot be predicted with certainty. As a result, a response to this disease that is agile and flexible, with an ability to pivot rapidly and respond to any emerging threat, needs to be ensured. The Health (Amendment) (No. 2) Act 2021 is a key part of that response should the potential for one arise in the future and, while unlikely, it cannot be fully ruled out because of the uncertainty of the future trajectory of the virus, given how novel it is. I assure the House that existing regulations under the Act will be revoked with effect from 22 October, pending a Government decision, in line with the Government’s plan for this phase of Covid-19. However, the Health (Amendment) (No. 2) Act 2021 is being proposed for continuance for a period of three months, without any regulations being imposed providing for restrictions on the indoor hospitality sector. The continuance in operation of the Act is solely to align with the public health advice that the possibility of the reintroduction of any given measure cannot be fully ruled out in order to enable us to respond to the disease and the challenges its transmission might pose for us. We must continue to ensure our response is agile and flexible, with an ability to pivot rapidly and respond to any emerging threat that might arise.

It is in this context that this resolution to extend the Health (Amendment) (No. 2) Act 2021 is being presented to the House. The continuance in operation of the Act maintains the potential and flexibility to respond to an emerging Covid threat that could jeopardise public health and safety were it to go unchecked. The Government, while working to reframe the challenge and reopen society, must act cautiously and prudently to ensure the most vulnerable continue to be protected to the best of our ability, should the need arise, from this unpredictable and virulent disease.

In summary, the measures for indoor hospitality are due to expire on 22 October. I cannot pre-empt a Government decision before that date. The current trajectory is encouraging and, because of the policy measures taken previously, we are broadly aligned to the optimistic scenario of the four we were presented with, as was the policy intent. I cannot predict what will happen between now and 22 October but progress to date is steady and stable and we are tracking the best scenario we were presented with. If all were to go to plan, from 22 October all restrictions for indoor hospitality would be removed. The current Act and timing would remove the ability for those to be in place earlier, I believe from 9 October, which is in the next few days. There was broad agreement that we would extend at least to 22 October. I seek the House's agreement that we extend the legislative framework for about 11 weeks, to 9 January. The restrictions will not be in place but if things were to change rapidly, it means we could move rapidly in terms of putting the restrictions in place. The restrictions are not broad, sweeping societal ones. They apply specifically to indoor hospitality. It is just those restrictions and speed could be of the essence.

The week before last Christmas, on a Friday evening, the UK Government sent out an international signal about the Alpha variant. We met all through the weekend and on Monday and Tuesday made some serious decisions. That is how quickly this can move and how quickly we need to be able to respond. Some have suggested letting the legislation expire or extending the sunset clause to 22 October and then letting it expire and if we need more ability to respond, we can re-legislate. While that is a reasonable position, there is no way we could have done that last December. There is no way that could occur between a Friday and Monday, in terms of seeing something serious, making the decisions and going through a legislative process. I hope it will never be used. On the current trajectory, it would not be used, but as we know from last December, things can move with this disease very quickly. The ask is to extend it for about 11 weeks past the end of October as a safety net that we hope we will not have to use.

An Leas-Chathaoirleach: I thank the Minister for that clear presentation and summary at the end.

Senator Lorraine Clifford-Lee: I thank the Minister for his comprehensive and fully thought-through position on what he is asking us to do. It is a reasonable position. We know how dangerous this virus is. We have performed well but the threat has not gone and we need to be in a position to act rapidly. It is a limited power he is asking for regarding the hospitality industry. This concerns people's businesses, lives and livelihoods. They have been through a lot and enough. I hope we do not have to extend any more restrictions. I am glad to hear we are on the positive trajectory and I hope we stay on it. I have happy children in school and neighbours. Everyone is happy things are getting back to a better position but we want to make sure it stays there and that we are able to enjoy a much better Christmas this year.

I appreciate the Minister said that, given the way things emerge, he has to act rapidly. He cannot wait for us to reconvene and pass further legislation. That is the basis on which I am happy to offer our group's full support to the Minister in his attempts to keep us all safe. The Minister, Department and everybody in the HSE has done Trojan work over the past almost two years. We are at the top of the world league table in terms of vaccine roll-out. That is a great source of national pride. The solidarity the public showed to get to that position is needed for the final stretch. I hope everybody here sees the Minister's sincerity and caution and that he is acting in the best interests of the people of the country in his proposal today. I call on colleagues to offer full support to the Minister, his officials, the Department and this motion.

An Leas-Chathaoirleach: It is my pleasure to call on behalf of the Independent Group my county neighbour, Senator Keogan.

Senator Sharon Keogan: I thank the Leas-Chathaoirleach. The Minister is welcome to the House for the last hurrah of Covid measures, we hope. It seems like only yesterday that the legislation to which this motion refers was rushed through the House, all Stages in one sitting, with pre-legislative scrutiny having been waived. I opposed it then and oppose it now. I watched the motion being debated in the Lower House yesterday and was struck by the clear and candid summary of events by Deputy Connolly. We were told this legislation was essential to reopening. It was put through on a Government majority and, four months on, we have no clear picture of how it is operating and no numbers on compliance officers hired, emergency cessation orders handed out or compliance notices served. There has been no independent assessment of adherence to GDPR by businesses carrying out functions under the Act. However, we are again trotted into this Chamber to rubber stamp the extension of this outrageous Act because the Government wants it just in case.

On 5 October last year, there were 518 cases; this year, there were 1,124. On 5 October last year, not a single person in the world had been vaccinated; now, 7.4 million vaccines have been received in this country, with the 90% of the adult population mark passed in September. Aside from breakthrough cases which were expected in older persons and those with underlying conditions, the vaccines have largely succeeded in reducing the hospitalisation rate per thousand. This is reflected in the planned date of 22 October for the roll-back of Covid measures.

All of this begs the question of why we are here. The Act provides for an extension of any period up to three months. Why opt for the full three months? Why not match the sunset clause of the Act to the Government's chosen end date for the use of domestic vaccine certificates? Do we expect the Covid ghost of Christmas past to rear its ugly head again? If so, what modelling is that based on? Where was it published? Is it NPHEt's minimal change modelling from last summer which predicted 2,300 cases per day? For those who can remember, that modelling was undertaken to provide scenarios to inform the Government's reopening of society. Minimal change meant outdoor dining remained closed to all. The Minister will remember the modelling as it was sent to him. The most pessimistic scenario projected 681,900 cases by the end of September, while the most optimistic scenario projected 81,000 cases. There were in fact 35,700 cases. The most optimistic scenario projected 165 deaths between the end of June and September. The actual figure for that period was just over 60. The data were widely inaccurate. This is NPHEt's best case scenario versus the reality. That was certainly not the one that got the headlines, "Grim" and "Sobering". The Minister warned us that the biggest hurricane that had ever hit Ireland was coming. It was not true. It did not happen. I do not for one second believe the Minister was being disingenuous; he was simply being cautious. We cannot afford to be so cautious for caution comes at a price. When caution is based on such inaccurate data or, as in the case of this Act, no data at all, it becomes an impossible pill to swallow.

Let us for once recognise the reality of the situation. We need to send out the clear message to the public that the blunt instrument of lockdown will be put away for good and that the insidious practice of dividing society based on vaccination status will be likewise put to rest. I oppose the use of domestic vaccine certificates and I oppose this motion before the House today.

Senator Martin Conway: I welcome the Minister to the House. I seem to be meeting him a great deal today. I welcome this legislation. We have been successful in regard to Covid-19 precisely because we have been cautious, we have followed public health advice and, by and

large, the public have bought into and supported politicians, the Department of Health, the Minister for Health and the Government in terms of the leadership that has been shown by abiding by restrictions and accepting the vaccines.

It is a fact that Ireland is a world leader when it comes to Covid-19 vaccinations in that over 90% of our adult population are vaccinated. We are the envy of many countries throughout the world that cannot get their vaccination rates over 50%. Some countries would consider themselves to be successful on achieving a vaccination rate of over 70%. We are in the situation where over 90% of our adult population are vaccinated. This is proof that when the Irish people roll up their sleeves and get stuck in, Ireland is a world leader, as it has been in so many areas down through the years. Ireland is now a world leader in terms of dealing with a pandemic and a world health emergency. It has led the way in terms of the leadership shown by the previous Government and this Government, the former Minister for Health, Deputy Harris, and the current Minister, Deputy Donnelly, in dealing with the pandemic. In fairness, throughout the country the public have been leaders as well in terms of how they have adapted to very difficult situations, including staying at home, working from home and through businesses closing their doors. Some businesses will never reopen. All of that was done because people wanted to save as many lives as possible.

We must always reflect on the lives lost. More than 5,000 people lost their lives to this disease and thousands more are sick as a result of it. Many thousands more might have died but for the coming together of various components in our battle to save lives and to reduce the risk as much as possible.

The Minister is aware of my concerns in regard to long Covid. I do not think we have dealt with it in the way we should. This is an evolving situation and a learning process in terms of the consequences of long Covid. I know the Minister has put together a high level group to address the issue, but I think it probably needs more attention and more resources. So many are suffering from long Covid. It is one of the legacies of the pandemic. We need to deploy the best possible medical resources and research to help those people to deal with long Covid and, it is hoped, if at all possible, to overcome it.

The ask in terms of the Act is very reasonable. I would have been happy to support a six-month extension. If it is necessary to extend it beyond 9 January, the Minister should not hesitate in coming to the House this side of Christmas to do that. It is important this legislative mechanism is in place in order that the Minister can act and move swiftly if necessary to do so. That he was in a position prior to last Christmas to act and move swiftly in terms of the reintroduction of restrictions saved many lives. It did not save all lives, but it did save many lives. The Minister needs to have that flexibility. He does not need to be looking over his shoulder in regard to the legislative framework and his powers to act when dealing with health in the public interest. As I said, if prior to Christmas this Act needs to be extended further, the Minister should by all means do it. We wish him well.

We are seeing much brighter days and we are all looking forward to 22 October, depending on what comes between now and then, but it is looking good. We can be reasonably positive and optimistic that, as we move towards Christmas, we will see a significant return to normality. I am sure the Leas-Chathaoirleach will agree it is great to be back in Leinster House, to meet people again and to see the self-service and Members' restaurants open and people somewhat returning to normality. That is reflected throughout the country. Those who are vaccinated have the confidence to return to work for a couple of days per week and many more will be

returning on 22 October, all going well.

I hope the motion in respect of the legislation is agreed. There is no argument as far as I am concerned as to why it should not be. I wish the Minister well with it.

An Leas-Chathaoirleach: I echo the Senator's sentiments in regard to our being back together again. It is also great that we are back in our beautiful Chamber as a collective again. It is another important milestone for us.

Senator Paul Gavan: It is nice to see the Minister. Before I get to the substance of Sinn Féin's position on this Act, it is important to reflect on what we have achieved nationally in regard to Covid. The current vaccination rate of approximately 87% - it may be slightly higher - is a huge achievement. The political consensus on the importance of science on vaccines has been crucial to that. At the Council of Europe last week I had an opportunity to chat to colleagues from countries that do not have that consensus. For example, in Armenia only 10% of the people are vaccinated but not because there is a shortage of vaccines. They have ambulances outside market squares inviting people to get vaccinated but there is a huge level of government distrust and, unfortunately, there is a far-right opposition in this country that is anti-vaccination and anti-science. Thank God we do not have that in this country. With the possible exception of the odd Tipperary Deputy we do not have that, thank God. It is important to reflect on that and on the progress that has been made. That is an important point.

While we are on the issue of vaccines with the Minister, I also raise the issue of the lack of Government support to date to a call for a waiver on intellectual property, IP, rights for vaccines. That is a significant disappointment to me. I am sure the Minister will accept the logic that no one is safe until everyone is safe and that we need to assist the developing world in a way that we just have not done to date. We need voices at European level. This was brought up at the Council of Europe again last week and it was very disappointing to hear the Commissioner not back the idea of dropping intellectual property rights. It is so depressing to see western governments aligning themselves with big pharma rather than with the world. We need to give the world the right to produce its own vaccines. I cannot for the life of me understand why this Government cannot make that simple and clear call. I ask the Minister to reflect on that and perhaps respond to this point.

Moving on to the issue of this debate and the powers, the Minister is correct in what he said in that there is a consensus that we should extend legislation until 22 October. Sinn Féin will certainly support that but we cannot support its extension beyond that date for the simple reason that the restrictions are being lifted, which we welcome and want to see happen. This Government has shown on several occasions in the past that we can move legislation very quickly, if needs be. It is important to recognise that we have to be very careful in regard to the extraordinary powers that were granted and to how they were granted and managed. I reflect that when the need arose, we signed up to a €64 billion bailout for banks overnight. The idea that we could not come in here, if necessary, to reintroduce this legislation just does not fly. Christmas this year is on a Saturday. Even accepting the Minister's scenario, we could take the week coming up to Christmas and still come back and pass this legislation. Our view is that that would be preferable in terms of respect for human rights than the tack the Minister is taking. I stress that our party thinks that the approach has been broadly correct but on that one issue, we do not agree with the Government, so this is a respectful difference of opinion.

We need to reflect on the fact that even if these restrictions are dropped on 22 October, there

will be partners who still cannot join their loved ones in maternity wards. For the life of me, I cannot understand that. They are marching in the rain as we are conducting this debate. I ask that the Minister respond to that point and say what else he can do. I have spoken to colleagues in Limerick on this issue and have stood with them. There seems to be a significant disconnect between what the Minister's Department is saying and what is actually being implemented. Ultimately, I argue that the buck stops with the Minister on this issue. We have all spoken about this and it has come up almost every week in the Seanad since we have come back and yet it persists. I ask the Minister address this issue.

An Leas-Chathaoirleach: Gabhaim buíochas leis an Seanadóir féin. Our next speaker, as per the agreed rotation, is Senator Black on behalf of the Civil Engagement Group.

Senator Frances Black: Gabhaim buíochas leis an Leas-Chathaoirleach.

I welcome the Minister to the Chamber. It is the first time we have been in the Chamber with him, so it is good to see him here. Thankfully, there appears to be a light at the end of what has been a very dark tunnel. I commend the Minister on the work he has done in taking on that role as Minister during a very difficult period in the history of the State. Not only did he have to deal with the pandemic but with all of the data issues as well. At times during the pandemic, it seemed as if normal life, or at least a version of it, might never resume. Thanks to the sacrifices and the sensible decisions made by the Irish people, we are back on track to seeing most of the remaining public health restrictions lifted on 22 October. Thanks to the impressive rate of vaccine uptake and the buy-in by the Irish people to the remaining public health restrictions, we have avoided the worst case scenario as modelled by NPHET, both in terms of case numbers and deaths attributable to the virus throughout the summer months. Additionally, we have had fewer deaths attributable to the virus throughout the summer that was modelled in NPHET's best case scenario.

Despite this relative success, we need to progress with caution from this point. Break-through cases persist in some people who have been fully vaccinated and the risk of infection remains high for those people in Ireland who remain unvaccinated. While our case numbers are stable, they remain stubbornly high. Our hospitals remain under pressure and we must ensure they have the capacity to deal with the seasonal surges in presentations this winter. I have full confidence in the Irish people to look after one another as they have done so well over the past 19 months.

Different industries and sectors of society have all made sacrifices throughout the pandemic but, as I have said here many times, our hospitality, entertainment, cultural and creative sectors have, potentially, shouldered a greater burden than many others. There is no doubt about it that 22 October is a beacon of hope for those employed in those sectors and those who take so much from them, socially and culturally.

While the Government is confident at present that it will not require the emergency powers as set out in the Health (Amendment) Act 2021, it has decided to extend the legislation which underpins these powers as a precautionary measure. I understand the rationale in doing so and the caution around it but I remain concerned that the continuation of this Act makes legal provisions for an Irish society in which people can be treated differently on account of their vaccination or health status. While the Government may not utilise the powers as set out in the Act past 22 October, there will remain provision for it to do so as it sees fit until the legislation expires on 9 January 2022. We must, therefore, have the conversation as to what will happen

in the circumstances where the emergency powers are required. I invite my colleagues in the Chamber, in the Government and in the Cabinet to speak to those considerations.

If the Government chooses to invoke its powers as set out in this Act over the coming three months, it must ensure that expert public health modelling informs its decision-making while also actively consulting with experts in human rights and civil liberties. Additionally, those sectors which will be affected by this legislation must be consulted and communicated with regard to Government decision-making in a clear and transparent way.

While there is a specific endpoint to the legislation, it is vital that we ensure that it is adhered to. However, with this in mind, what does the Government suggest might happen if the public health landscape deteriorated to such an extent that it required the emergency powers to be extended past the date currently provided for in the Act? Expert groups on the protection of both data and civil liberties have expressed concern about the use of the Covid-19 tracker app as an e-wallet within which to store the digital Covid certificate. These concerns were raised with the Department of Health, the Department of Public Expenditure and Reform and the Data Protection Commission in the first iteration of this Act. These concerns, to my knowledge, have not been adequately addressed to date.

Specifically, I would welcome assurances that the use of special data in this way, medical data in this case, is not demonstrative of an instance of scope-creep by the Government. Further, I ask for assurances that the data protection impact assessment undertaken in designing this app and the EU digital Covid certificate, DCC, was thorough and considered the principles of necessity and proportionality, having adequately assessed risks and the safety and security measures necessary to mitigate it.

While people are not required to upload their digital Covid certificate to the Covid tracker app, this is the format in which many people are storing their certificates. We must ensure that the sensitive personal data that we are storing and processing to facilitate this is kept as safe and as secure as it can be.

I thank the Minister and commend the Irish people on the Trojan efforts made to keep people safe throughout this pandemic. I hope with all of my heart that this sense of unity and togetherness is something that we continue to hold on to long after the darkest days of this pandemic are well behind us.

An Leas-Chathaoirleach: I thank Senator Black for that contribution and I now call Senator Kyne to speak.

Senator Seán Kyne: The Minister is welcome back to the House. I will start, as I did this morning at the meeting of the Joint Committee on Health, by acknowledging the success of the vaccination programme. I commend the Minister, his team within the HSE and the Department of Health and, most important, the Irish people, as well as, in some instances, the mothers and fathers who persuaded younger persons in particular of the importance of taking up the vaccine to protect themselves and others. The success of the vaccination programme has been acknowledged in worldwide league tables.

I have always acknowledged that the issue all along was the supply of vaccines. All present are aware of the current situation in New Zealand and Australia that has resulted from a mixture of hesitancy and the non-prioritisation or non-supply of vaccination. We are lucky to have had the power of the European Union behind us in that regard. Despite a slow start, it came through

in terms of supply of the Covid vaccine, so well done to all involved in that.

I welcome the decisions relating to mandatory hotel quarantine. I do not think anybody, not even the Minister, was overly supportive of the initiative but it was a necessary measure at the time. The Delta variant has now spread worldwide and it was very much evident in Ireland. Most important, the success of the vaccination programme has negated the need for mandatory hotel quarantine. It is a chapter of this saga that has ended and I welcome that.

The legislation relates to the extension of emergency powers to January of next year. These are powers that I am sure the Minister hopes will not be needed and does not expect to use. However, it is important to have them in place in case they are required. As they say, “fail to prepare, prepare to fail”. It is a precautionary measure as recommended by the team in NPHET, which has been proven to have given proper advice in all its various interventions in the past year. Although the advice was not always politically welcome or welcomed by the public, it was necessary and has proven to be correct, so we have to respect it. Out of an abundance of caution, we must ensure these measures are available and can be easily put in place if required. As I stated, we all hope they will not be required.

The flu vaccine is an issue related to that of vaccine uptake. Ireland has a strong record in the context of the flu vaccine, particularly among older people. One could argue that a lack of hand hygiene and cough etiquette, such as shaking hands and so on, was a vector for spreading infection pre Covid. That is important. I urged from the start that there be strong messaging on this issue. People have been in close contact, whether at funerals or various other events. I hope that does not stop, but the use of antibacterial and antimicrobial hand sanitisers and the like will be very important and should be continued. I would like those products to continue to be available in shops, supermarkets, churches and at funerals or wherever there are large crowds gathering. I encourage everyone to use them. It is particularly important that they be available for those who wish to do so. That should continue in an effort to combat the spread of infectious disease, particularly flu, which can be debilitating and life-threatening, particularly for older people. I ask the Minister to ensure the Department continues to look at messaging on that issue and to roll out guidelines or messaging relating to the flu season that are similar to those rolled out in the past 18 months in the context of Covid. That would have a very positive effect in the context of flu prevention. Members are aware of the number of people who appeared in accident and emergency departments pre Covid, particularly in January, suffering from flu. Prevention and messaging in the context of maintaining proper cough etiquette, hand hygiene and hand sanitisation are important aids in preventing the annual surge that takes place every January. They are probably as useful as many of the more expensive measures needed to treat flu. Prevention is more important.

I again acknowledge the work the Minister, his Department and the HSE have done. I wish him well on this measure.

Senator Mary Seery Kearney: To come into Cabinet and take on the gauntlet of the health ministry is a daunting challenge at any time, but it is particularly daunting to come into that role at the height of a pandemic. It has been no joke. I say “Well done” to the Minister. We are where we are largely due to courageous decisions that have been made.

The roll-out and uptake of the vaccine have been fantastic. I look forward to the next phase, encouraging the last section of the population to take it, and its possible extension to younger groups. On a personal level, I believe in taking on the responsibility of vaccine justice. My

family has donated elsewhere the cost of vaccines as we have benefited from the wealth of this country and its being able to provide us with the vaccine. I encourage others to do likewise and I ask the Minister to be active at governmental level in ensuring that is given consideration. We are not safe until we are all safe. That is important.

I welcome that the extension of the powers is a restricted extension. It is good to have that caution in respect of the necessity for an extension of these restrictions and powers. I trust and believe that the Government and the Minister will be responsible in their administration. However - there is always a “however” - I refer to the issues being experienced by certain women, men and families. I know the Minister has done everything he can in that regard, but I ask him to consider whether more can be done to hear their experiences. We have met them in virtual meetings in recent weeks. To hear their stories is horrific. It is hard to believe that in 2021 women are going through pregnancy loss, and then the whole experience of birth, alone. In the context of pregnancy loss, I refer to those moments where a woman is going in to a scan that may reveal bad news. There is nothing like the moment when one is told there is no heartbeat. It would be just horrific not to have a partner with one for anything like that.

I refer to couples who were due to go for IVF treatment in time-critical circumstances. The availability of IVF treatment in Ireland is based on the age of the mother. As a result of Covid, in some instances, women seeking IVF treatment have gone past the required age through no fault of their own without being able to access the treatment. We need to look at that as a hangover from, and a consequence of, Covid. It means that some couples will be denied their opportunity of parenthood through IVF as a consequence of Covid. Something needs to be done. We need flexibility such that the availability of treatment is based on ability to conceive or receive an embryo, rather than the age of the mother, because some women get pregnant at older ages. We need to consider that.

The Minister cannot come to the House without me raising my next issue. He knows the drum I am going to beat, which is that we need progress on the legislation relating to surrogacy and assisted human reproduction. At present, international surrogacy is excluded. There is a need for it to be included and for issues relating to dealing with children who are born here and Irish citizens and growing up to be dealt with retrospectively. The lack of legislation has caused real delays and problems. I know the Minister is meeting groups and there is action afoot, but I ask him to really put his influence behind this. We are mummies. We are the only mummies our children have ever known. We have the right for them to have a lifelong legal relationship with us, rather than one that expires when they reach the age of 18. It is horrific to think that in order for my child to inherit from me, I am reliant on a barrister giving a legal opinion that I was *in loco parentis* for all of her life. I should have the right to be named as her mother legally. I was there before she was born and all the way through it. That is a very important thing for us to do. When we look outside, we see mothers being judged in the consequence of their age, IVF and surrogacy. It is said that this is no country for old men. There appears to be no country for women. Very strong action needs to be taken in that regard.

Senator Jerry Buttimer: I welcome the Minister to the House. He has had a busy morning. I watched him attending the meeting of the Joint Committee on Health. It is important we continue to pioneer reform. I commend him on the appointment of the two new chairs of Sláintecare. His presentation this morning to the committee is one we should reflect upon as opposed to some of the populist commentary we have heard from some on other benches who do not care about the outcome other than what they can get in the newspapers and the headlines in the media.

I wish to acknowledge the response of, first, the people and, second, Government, in terms of the roll-out of the vaccination programme. We can reflect upon the rocky days at the beginning of the roll-out of the vaccination programme, when we were all inundated with reports that people had not received dates for appointments. We were all getting flummoxed and worried. Look where we are today. We are No. 1 in the Bloomberg Covid resilience rankings, with 92% of people vaccinated. Look at America, where 50% plus of the population is vaccinated. Rational, sane people are refusing to get vaccinated for reasons of political ideology, putting themselves and their colleagues at risk. That is why I am proud of our country, that we did the due diligence and listened to the science. Yes, there are people who hold different views. Senator Keogan gave a very spirited response to the debate today, much of which I did not agree, but that is okay; we can agree to disagree. The job of Government and public health is to lead, and the people responded and we saved lives.

The backdrop of our debate today, as Senator Conway rightly said, is the 5,000 people, citizens of our Republic, who have died: people we knew, grew up with, lived next to in our communities and estates, and in some cases they were part of our families. They were people of all ages and genders, with immunity and none. Our debate today takes place in the context of the deaths of those people.

As I have said many times, none of us would be making decisions to vote to curb civil liberties under normal circumstances. We are being asked to agree to a continuation of the legislation for three months. The Government is asking for extraordinary powers, which they certainly are. However, as the framework states, it is based on an evolving understanding and response to the virus. I can tell Members of the House there are friends of mine in many parts of the world who are envious of us because we have a vaccination programme that has worked.

I am a small bit concerned about two issues. One concerns the booster shot requirement. I appeal to the Minister, those in NPHE and in government to have an information campaign on why such booster shots are needed, if they are needed and who will get them. It should be clear and concise, as was the case with the vaccination programme. I heard the Minister's response in the context of the optimistic outcome, but I was struck by Professor Nolan's remarks yesterday when he said the situation is stable but it is a complex picture. I am small bit worried in two respects. First, on the issue of mask wearing, we say indoor retail and on public transport as two examples where it is to be continued. I believe we need to have a further debate on mask wearing to make it mandatory in all indoor settings. I was away two weekends ago and I travelled through Dublin Airport. It was a wonderful experience.

Second, I am still not impressed with our response to antigen testing. The Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media, Deputy Martin, made some remarks on the issue yesterday. I do not know why we have not proceeded with antigen testing as quickly as we did with other testing.

We have been listening to public health advice. I share similar concerns around the extension of the powers as those raised in the remarks of Senator Gavan and others, while understanding the reasons we need to be where we are and where we are going to. Finally, there will be no requirement for social distancing from 22 October. We are going back to serving customers at the bar. There are still issues with maternity hospitals that have not been addressed. However, I commend the Minister on his work.

Senator Maria Byrne: I welcome the Minister to the House today. I support the idea of

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giving the Minister the option of extending the restrictions if necessary when the time comes. Certainly, we have all been through a very turbulent time. On the Order of Business earlier today, I made the point that in Limerick, as part of mental health week, they are floating white roses on the River Shannon on Friday to mark the lives of the 289 people who died from Covid in Limerick city alone. The fact is it is the job of the Minister and the Government to act in a responsible manner and to provide guidelines to help people along and to protect their lives and health. Therefore, I fully support the extension of the powers. When people go into a restaurant or any enclosed setting, they want to feel safe. The fact the restrictions were brought in was very welcome at the time. Certainly, they should be kept in place for as long as necessary.

I know there is a protest outside Leinster House today in respect of maternity services. I wish to raise that issue. Access should be granted to partners of women using maternity services. I know the Minister is committed to looking at the issue and dealing with it as it comes along. I wish to put that on the record.

I must say that I believe the Government has done a very good job in terms of vaccinations and protecting people as much as possible. I support the Minister's proposal that restrictions may be extended down the line.

Senator Barry Ward: Cuirim fáilte roimh an Aire freisin ar an ábhar an-tábhachtach ar fad seo. I start by saying "Congratulations". The achievement of the Government and the Minister's Department in the roll-out of the vaccination programme has not just been exceptional but has been a watershed in terms of dealing with this virus. The Minister deserves great credit for it. We can rightly be proud of the work that was done by staff in the HSE, pharmacies and GP practices throughout country to ensure every citizen who wanted a vaccine could get one. I very much welcome that.

I know there are certain people who do not want the vaccine, and I agree with the right they have not to take it. I do not agree with some of the emails I have received recently to say this is the beginning of a fracturing of Irish society. While acknowledging that people have the right to choose not to take the vaccine, they also have the right to make that choice in circumstances where it gives rise to certain other consequences. When we make choices, there are consequences one way or the other. However, while part of the vaccination programme and part of this legislation does create, by some arguments, a divide, more importantly it facilitates those who wish to engage in particular activities to do so in a safe way. My colleague, Senator Byrne, just mentioned how important it is for people who go into restaurants to feel safe. That is exactly the purpose of this legislation, to allow businesses to re-establish themselves, get back to work, allow their employees to get back to work, and allow us as members of society to re-engage in the kind of activities we have all missed so much.

The Minister will be aware of the enormous demonstration that is taking place on Molesworth Street outside today relating to maternity services, which has been mentioned by other colleagues. I have been out there this afternoon listening to what are genuinely harrowing stories from not just women but their partners, who have been denied an opportunity to be together at wonderfully joyful moments and at tragic and sad moments when perhaps the news was not good in terms of a pregnancy.

2 o'clock

I understand that the Minister has listened to what they have to say and that he agrees with

them - at least on one level - but the time has come for the foot to be put down in the Department and for very clear messages to be sent to our maternity hospitals that the guidelines are to be followed and that it is no longer acceptable to exclude partners from the maternity process, be it an early scan, birth or postnatal care. The reality is that this is part and parcel of the care that is provided.

Covid has not yet left us. I recognise that by bringing this motion, the Minister recognises that and sees a need for the continuation of certain powers that we passed into law through this House and the Dáil. At the same time, we know that with the vaccination programme and the progress we have made on this, there is a safe way to facilitate people who must go into maternity hospitals and for people to be present at the birth of their children, at scans or, God forbid, when bad news is delivered. It is incumbent on the Department and by extension, the Minister to make it clear to maternity hospitals that this is the case. There are discrepancies around the country in terms of how hospitals deal with this, which is neither fair nor reasonable. The Minister has been here for the debate on this motion so he has not had an opportunity to go outside to talk to the people who are out there, but I can assure him there is a lot of deep feeling based on reality and reasonableness. It is not something they are saying on the hoof. These are people who have experienced the difficulty caused by those restrictions.

All of the restrictions create problems and I know the Minister and other Members acknowledge it. Every restriction will create a different level of difficulty for different people but I also think we recognise that they are necessary. I recognise the need for the continuation of the Covid passports or the digital certificate that allows people to enter restaurants but I also recognise that later this month, we will remove a lot of the restrictions about which we have been talking. I wonder whether the date until which the Minister is seeking to continue the restrictions is the right one. Could the Minister comment on whether an earlier date would be more appropriate?

I congratulate the Minister. I ask him to recognise the difficulties that restrictions cause. I ask him also to recognise that there is a fundamental inconsistency between the notion that we will lift those restrictions later this month and this proposal to continue the power of the Government to impose restrictions. Perhaps we should examine the possibility of an earlier closure of the powers the Government was given by the Houses of the Oireachtas.

Acting Chairperson (Senator Shane Cassells): I echo the comments regarding maternity services. It is hugely important that this is addressed because it is one of the most harrowing impacts on expectant mothers and their partners on what should be a very joyous occasion.

Minister for Health (Deputy Stephen Donnelly): I thank colleagues for their comments, feedback and acknowledgement of what has been done in healthcare in the past year and a half. We all know that the healthcare system in Ireland, and I have been involved in healthcare systems abroad, is under constant attack and criticism. We all know that when things go wrong in healthcare, it is the most serious situation we can have. I know from my current role and my previous jobs that it can be very demoralising for those working in healthcare - in a department of health, the HSE or the NHS - to be criticised again and again. If we were to look at the public narrative around the world - it is not unique to Ireland - we would be forgiven for thinking nothing good happens in healthcare systems. I really welcome the comments from colleagues acknowledging our healthcare workers; not just front-line workers but also managers including directors of nursing, directors of medicine, managers of hospitals and civil servants. My view, which I think is shared by everyone else, is that over the past year and a half, those working

across the healthcare family have demonstrated the very best of our nation. It has been really tough for them. They have had a brutal year and a half. Many of them are traumatised by it and it is great to hear an acknowledgement from the Oireachtas of what they have managed to do in the middle of the biggest health crisis in 100 years.

Regarding the motion, they are extraordinary powers but they are being extended by just 11 weeks. In answer to the question “why 11 weeks?”, that was the public health advice. That was the recommendation I got from the chief medical officer. While we hope not to use these powers, we are mindful of what happened the week before Christmas when we found out about the Alpha variant and how quickly we had to move. We simply cannot legislate and implement policy in that period of time. We could not have done it last time. The ask of the House is that it would agree to that. I thank colleagues for their input, debate and support.

Regarding global justice for vaccines, it is essential that we have a global and just solution to this. I think the waiving of IP rights has merit. The analysis I have seen, which looks solid, makes the point that waiving IP rights on its own will not answer the question. These are highly sophisticated compounds that require highly sophisticated manufacturing, cold chain storage, containment and distribution and one must get it all in place. I am very happy to be able to report that Ireland recently donated a large number of vaccines to Uganda. We will be doing more and through the international mechanisms of COVAX, we will donate millions of vaccines. We should be proud European citizens on this. The EU stands out as the region that has exported out of its region way more vaccines than any other region in the world. Some parts of the world that should know better have put restrictions on exports of vaccines and the raw materials for them. I want Europe to continue to play a leading role and I want Ireland to be a leading voice in the EU on this. It is essential.

I know the next issue is not part of today’s debate but as most colleagues and the Acting Chairperson have raised the question of maternity visits, I might have some leniency to discuss it. Covid has resulted in awful restrictions across the healthcare system. They have affected mums and their partners, nursing homes, hospital visits to people on bed wards and ICU. I have spoken with seasoned experienced ICU nurses who over decades have seen many people get very sick and die in intensive care and they tell me that they have been traumatised by Covid - both the viciousness of the disease and how it kills people, and the isolation of those people when they are so sick and trying to communicate with their families on phones and iPads. It is vicious. It has been brutal for mums and partners, patients and people in nursing homes and it has been brutal in intensive care. Covid caused a horrible situation for patients and our healthcare professionals supporting those patients. That is true in maternity services and across healthcare. I acknowledge the men and women who have come to Leinster House today to have their voices heard and I acknowledge their passion, frustration and anger. No woman in this country should be asked to deal with pregnancy loss alone. The brutal reality is that women have been asked to do that because of Covid. The question is what are we doing about it. I have worked very closely with the HSE and Department of Health on this. We established four criteria that had to be met. As we pushed successfully back against Covid and the vaccine programme took hold, we moved from four to eight criteria. We then moved from those eight criteria to much more comprehensive guidelines.

The HPSC guidelines were updated at the start of September. The guidance facilitates access for support partners when women are attending for antenatal care, during the period of labour and childbirth and during postnatal care. It includes, critically, antenatal appointments for 12-week scans and 20-week scans and unscheduled attendances. It also includes a minimum

of two hours access for partners per day where the woman is in a multi-bed room. If she is in a single occupancy room, the HPSC guidelines say that there is no time restriction. They are the guidelines, and more detail on the guidelines is available online on the HSE website.

There is a point on which we have to be very clear, namely that the safety concerns being raised by our clinicians are real and very present in maternity care today. I would like to share with colleagues one piece of data that emphasises how important it is that we are careful around maternity care. Pregnant women reflect 1% of the population. Believe it or not, pregnant women represent 8% to 10% of those with Covid in ICU. Let us think about the implications of that. Our clinicians have acted to try to protect mums and babies. We have to find a way to make access as full and complete as possible while protecting mums and babies.

I sought an update on this. As of yesterday, the HSE has advised that hospitals are broadly compliant with the current guidelines. We must always keep pushing on those guidelines to make them more and more open. Seventeen of the 19 units are being reported to the Department as being fully compliant. Two hospitals - St. Luke's in Kilkenny and Mullingar - are non-compliant. St. Luke's is non-compliant for high-risk emergency presentations. Mullingar is non-compliant for high-risk emergency presentations as well, but it is noted that following a clinical assessment on a case-by-case basis attendance is facilitated where it can be determined by the clinical team.

I wrote to the board and chief executive of the HSE yesterday and today to state that we must have full compliance and ongoing and very clear monitoring of that compliance, and where there is non-compliance we must understand exactly what the local reason for that is and do everything we can to support the maternity hospital or unit in addressing that issue. However, I have gone further. I believe that the women and men outside have experienced very real and traumatic experiences.

It is very easy for people to say that there are guidelines in place and compliance is being monitored. That is not enough. This morning I wrote to the chief executive of the HSE and board of the HSE to ask for a mechanism to be put in place immediately that would facilitate mums and partners who find themselves denied the access that is contained in the guidelines to contact the HSE to ask why access is being refused and to ask that it be followed up on. I want reassurance that if there is non-compliance, it is for a legitimate local clinical reason. If there is not a legitimate local clinical reason, we need to know about that so we can intervene.

I can assure the House and, more importantly, the men and women who have come to Leinster House today that we are taking this seriously and will always put safety of mums and babies first. Obviously, in a global pandemic that is priority number one. Once that is addressed to the satisfaction of the clinical experts, all other restrictions need to be removed.

A lot of the restrictions that are causing real frustration have nothing to do with Covid. They have to do with historical underinvestment in women's healthcare and maternity care in this country. A really good maternity strategy was introduced by the previous Government in 2016, the national maternity strategy. It puts choice for women right at the centre. If they want specialist obstetric care, they can choose that. If they want midwifery-led care, they can choose that. If they want a hybrid between the two, they can choose that.

This year, for the first time, that maternity strategy has been fully funded. I have been in maternity units and have spoken to caregivers who have talked to me about the benefits and

increased choice that is beginning to happen for women. I cannot commit to next year yet because the budget has not been agreed and signed off on, but I am again looking for considerable funding to continue the roll-out of maternity care. That is not enough because the facilities are not fit for purpose.

I do not believe it is a coincidence that some of the oldest hospitals are maternity hospitals. I honestly believe that if men had babies, all of these hospitals would look like the Blackrock Clinic, the Hermitage or some very fancy place. They do not. The Rotunda is 250 years old. Stand-alone maternity hospitals and maternity units need a level of investment they have never had, and that is something I, as Minister, am determined that we are going to see. I am determined that we are going to build a state-of-the-art national maternity hospital that can provide the care and experience that mums deserve and that our clinicians deserve to work in. Ultimately, that capital investment and increase in facilities is what will allow things like single-room occupancy and unrestricted visiting for partners.

Acting Chairperson (Senator Shane Cassells): I thank the Minister for addressing the broader issues raised during the debate.

Question put:

The Seanad divided: Tá, 25; Níl, 5.	
Tá	Níl
Ahearn, Garret.	Black, Frances.
Blaney, Niall.	Boylan, Lynn.
Buttimer, Jerry.	Gavan, Paul.
Byrne, Malcolm.	Keogan, Sharon.
Byrne, Maria.	Ó Donnghaile, Niall.
Carrigy, Micheál.	
Casey, Pat.	
Cassells, Shane.	
Conway, Martin.	
Crowe, Ollie.	
Cummins, John.	
Currie, Emer.	
Daly, Paul.	
Davitt, Aidan.	
Dolan, Aisling.	
Gallagher, Robbie.	
Garvey, Róisín.	
Kyne, Seán.	
Lombard, Tim.	
Martin, Vincent P.	
McGahon, John.	
O'Loughlin, Fiona.	
O'Reilly, Pauline.	
Sherlock, Marie.	

Ward, Barry.	
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Tellers: Tá, Senators Robbie Gallagher and Seán Kyne; Níl, Senators Niall Ó Donnghaile and Paul Gavan.

Question declared carried.

Sitting suspended at 2.33 p.m. and resumed at 3.34 p.m.

Registration of Wills Bill 2021: Second Stage

Acting Chairperson (Senator Róisín Garvey): Céad míle fáilte roimh an Aire. Gabhaim buíochas léi as teacht isteach. Tá sár-jab á déanamh aici agus is iontach an rud é go bhfuil sí anseo linn arís inniu.

Senator Victor Boyhan: I move: “That the Bill be now read a Second Time.”

I warmly welcome the Minister for Social Protection, Deputy Humphreys, to the House. She is somebody who I greatly admire. She is full of common sense and very dynamic. I know she will listen attentively to this debate. While we might disagree, the Minister has a job to do, and I always respect that. I, too, have a job to do and I gave a commitment to the former Senator, Mr. Terry Leyden, before he left this House that I would continue to raise this issue. It is timely and I am glad it is today, although that was not of my choosing, as such.

We know from the *Irish Farmers' Journal* and the Teagasc website that there will be a series of two webinars, one this evening, on the transfer of the family farm and on succession. A similar event was run last year and it was the most attended event ever held by Teagasc. It dealt with succession, the rural farm, the rural household and the family home, all very contentious issues when people have legitimate expectations to inherit them. Usually that is encouraged, fostered and supported by a parent or guardian who suggests to little Johnny walking the hills in Cavan that one day he will inherit this 70-acre place. Everyone is familiar with *The Field*, and with that legitimate expectation and excitement of inheritance, to carry on what one's father had. Someone sowed and someone reaps. Land is fundamentally important to our hearts and souls and to our belonging and tradition, which are very important things. It is funny that the further one travels north or west, where the holdings are smaller, there is an even greater intention and desire to continue, to carry on, to inherit and to succeed. That is where the will comes in.

I thank the Minister. At the outset, I wish to acknowledge that this is not my Bill. This is the Bill of many Members who put the work into it. I gave a commitment to former Senator Terry Leyden when he left that I would endeavour to pursue this issue. In the last two or three weeks I checked with the Seanad Office and it confirmed to me that the Bill had fallen. The Bill went through all Stages in this House, but in the parliamentary cycle it did not go to the Dáil. Hence,

it could be reintroduced. I sought to reintroduce the Bill in the House last week. I had the full support of every Member of the House and it was restored to the Order Paper. I am aware that the same content of this Bill was reintroduced yesterday in the Dáil, but it has a different date from this Bill. The only difference is that this Bill is dated 2021. However, that is the process and the way these things go. I acknowledge the enormous amount of work done by the former Senator and former Minister of State, Mr. Terry Leyden, on this important issue.

The Bill provides for an opportunity to register one of the most important documents a person can make, a will. Most countries have such a register in place. Having this debate highlights again the importance of making a will and of storing it in a safe place to which the appropriate people will have access at some stage in the future. Some legal firms go out of business and can no longer hold a will. Indeed, I will share a story with Members. I made a will over 20 years ago with a big Dublin firm. I inquired some weeks ago where it was. First, I learned that the company had split into two different groups. When I then asked where my will was, neither company could tell me. I put it to them that I spent €75 some 20 years ago for a will and that they had a duty of care to me personally. They said they would look into it. I happen to have found a copy, but this shows the importance of lodging a will and retaining it in a safe place. We do not know when we will be called or when our life will be ended or taken through health or whatever, so it is important to have that.

I acknowledge that there are issues that need to be teased out. I am the first to say, and I am not pre-empting what the Minister will say, that this Bill contains anomalies and shortages. However, I want to get it from this Stage to Committee Stage. The then Minister in 2016, Deputy Varadkar, later the Taoiseach and now the Tánaiste, said it was important to have this Bill. He heard all the debate. Many Senators then who are still Senators - I do not see them here but they may be tuned in somewhere else and might join us later - spoke in glowing terms about the Bill. It passed every Stage in the House, and that is important. Many current Senators spoke in support of it. The then Minister with responsibility for social protection, Deputy Varadkar, spoke about its importance and the right to choice. In fairness to him, he expressed some concern about aspects of the process. He asked if was a voluntary register, how much did a registrar know and have access to and what aspects were there in respect of confidentiality or abuse of access to wills, for example. He made some valid points but he suggested that pre-legislative scrutiny was the way to go in order to tease out this topic through committee. More important, it would get it to the next stage.

I am seeking a register of wills stating when and where the will was made, where it is held, the reference number and where it is available subject to the standard and appropriate checks, which are really important. We have a register for dog and television licences but we do not have a register for wills, which is extraordinary. We have a land registry and a very successful and professional probate service. We also have registration of births, deaths and marriages but we do not have a register for wills.

I note from previous debates on this matter that the Law Society of Ireland has expressed reservations and concerns, which I expect, as it represents the legal profession. It has views and it should be consulted. Again, either the Committee Stage process or pre-legislative scrutiny would be important in this regard, as that body would have opportunities to engage at that stage, which is important.

There have been times when people have felt they had to attend different solicitors in different towns to make different wills, which is extraordinary. It happens nonetheless, and it is

very problematic. I have spoken with a number of solicitors in the past week and they told me they often receive emails from the incorporated Law Society asking if they have a certain will belonging to a certain person. People go through an exhaustive process, usually starting in their town, whether it is in Galway, Cavan, Waterford or Wexford, but may not be able to find a will.

I heard a terrible story of two women. One sister had minded her mother for 40 years and the other sister came home six weeks before the mother's death, admitting afterwards that she removed and destroyed the only will they had in the dining room. That case went to litigation at great cost to both of the women. The two sisters fell out and the courts forced the sale of the property. The sister who spent 40 years with her mother, giving up everything in her life, was chucked out on the road. How sad is that? Had the will been safe and out of the family home - or at least if a copy was out of the family home - she would have had some protection. The courts and the legal profession was sympathetic but there was simply no evidence of a will. The estate was declared intestate, the courts forced the sale and the legal profession made much money. Meanwhile, the two women now have virtually nothing. That should not happen and if there had been a register of wills, they would have known what was going on.

A national register of wills could address such matters. We all know what matters to people and disputes around estates can become very divisive, difficult and upsetting for all involved. Many people became benefactors of homes, farms and businesses that were not willed to them. Another solicitor told me thousands of wills were left in this city of Dublin in an old building not too far away from Leinster House. The business was completely wound up and in the normal set of circumstances the incorporated Law Society should have been informed of those wills. He told me the wills dated back from the early 1900s to the 1970s. Probate was never taken out on these wills and many were never opened. We only know they were filed alphabetically in a box and if a person said his or her name was "Boyhan" or "Humphreys", they would see if the file was there. Those wills were destroyed. It is a person's last will and testament but there are issues of concern around this. Not all solicitors are complying with regulations in that when they cease to be in business or amalgamate with another firm, they may not transfer the wills to the people. It is important because we know that if a will is found after probate takes place and assets have been distributed, the will is null and void.

People could find an only existing will five years afterwards but if the case has been in probate and the assets have been distributed, that is the end of it. It is a case being sorry but it is not good enough. The best way to achieve the key objectives of this Bill is to pass the legislation now. I know the Minister has considered this already. That is her style and I know how she operates. I know she will have an idea she will like to share with us. I respect that but I am conscious of the amendment that the Government has put down. I am proposing the legislation but the first I learned of the amendment was when it was notified to me in a general email some time late yesterday afternoon. I had no prior knowledge or discussion about it and nobody told me, as the person who moved the legislation, that this would be done. That is the process and I deal with that process.

The amendment proposes a delay of nine months, which is, to be frank, too long. We have been talking about this since 2005. I know that because I looked at the relevant sections of the Official Report. The Tánaiste has spoken about this and urged that we go ahead. I have the transcript of the speech where he suggested we go to Committee Stage. All I am asking today is that we go to Committee Stage. So what? I am not saying we should have that next week or next month but let us agree today not to have to bear another reading but to agree to go to Committee Stage. If it takes two or three months, that would be grand, but it cannot be nine months

for another reading at this point. After all, this was passed through the Houses and been voted on by many Members. It is an important point.

I understand there is an idea of an online register. One aspect of the Tánaiste's contribution from back then that I like is that there may be a need to look at an online Irish wills register. Covid-19 has taught us something about being online. This is simply a register and it is not about the content and who made what. This would be a central register pointing to where the wills are deposited. He spoke about looking at the possibility of an online system. A wills register is an essential part of legal services. I am talking to the Minister, who wears several caps and is the Minister for Justice as well, but she is not here today in her capacity with the justice brief. She has much influence and people listen to her. They do not take "No" from her. She can make this happen. She represents a rural constituency.

I will tell her about two brothers in Bailieborough that I flagged with her when I spoke to her outside. They were promised they would inherit the family farm but in the end there was a dispute, as has happened so many times. It is so sad when we think of people who have fallen out over disputes involving land inheritance. We are talking about their heritage, their belonging and where they came from. They want to keep it but that may not happen if there is a dispute. These brothers fell apart, with one developing mental health issues. He is constantly struggling and feels betrayed and done out because, again, the will was destroyed. Somebody consciously set out to go into the dresser in the kitchen, bring the will outside and burn it because it was advantageous to that party to do so. How sad could that be and what legacy does that leave?

I do not need to share with the Minister or anybody in the House why so many suicides have happened and so many guns have been pulled on brothers, sisters, mothers and fathers over land disputes. It is about inheritance. We should remember the little boy who picked the stones from the fields or the fellow who settled the dry wall. We should remember the fellow who drove the cattle across the road to a few conacres he rented because he did not have it himself. He did not want his few acres overgrazed. These were noble men working the land and were proud to do it. They wanted to keep that land in their family name. Would the Minister begrudge that to anybody? I certainly would not.

A lawyer spoke to me today about a promissory estoppel. Within contract law, promissory estoppel refers to the doctrine that a party may recover on the basis of a promise - an honour and commitment - when the party's reliance on that promise was reasonable and the party attempting to recover detrimentally relied on that promise. The three main components needed for promissory estoppel are the promiser, the promisee and the promise that was not honoured. The injustice happens when the promisee suffers loss when he or she relied on that promise but it was not kept. In simple terms, it is legitimate expectation of inheritance and belonging that was, in a person's understanding, entitled to him or her or due to come his or her way. That is not to mention the free labour, the toll and the commitment and sacrifices that one member of a family might have made to stay with an elderly parent and to allow the other members of the family move on. That comes at a price too. As a rural representative, the Minister will appreciate that people make sacrifices, and not always by choice. Often an elderly father, mother or guardian cannot be left alone. Those who remain do not necessarily get paid. They might get out-of-pocket expenses on good days and nothing on bad days, but they have the hope that on the passing of the parent or loved one if a will is safe and can be found and executed they will inherit what they have been told is theirs. That is fair. People have the right to leave property to other people, to exclude others from their wills and to make early provision for people. That is important too.

I have made a reasonable case for this measure. I know the Minister is fair and reasonable. I paid particular emphasis to the importance of the family farm because that is the kernel of so many of the inquiries I have received. I have only one ask, that is, that the Minister agree to allow this Bill to proceed to the next Stage. I am not demanding that Committee Stage would take place this month or next month, but that she would give reasonable consideration to my request such that people listening in to this debate can have hope. I know the Minister is committed, fair and reasonable. This is a time for her to support and stand in solidarity with the people who need a decision today.

An Cathaoirleach: I thank Senator Boyhan for his impassioned speech on the legislation, which has been before the House previously and discussed at length. The next speaker is Senator O'Loughlin.

Senator Fiona O'Loughlin: I echo the Cathaoirleach's words in regard to Senator Boyhan's passion and eloquence in terms of the issue at hand. There is no doubting the principle of what he is promoting and proposing. What Senator Boyhan has proposed is in the best interests of the people of Ireland. It is only right that we remember the work of the former Senator, Terry Leyden, in regard to this issue. I appreciate Senator Boyhan mentioning him. I recall Terry Leyden speaking very eloquently and passionately about the need for this legislation at a Fianna Fáil Parliamentary Party meeting. He had the full support of the party in bringing forward legislation to deal with it. I was pleased to see Deputy Devlin seek leave to have it reintroduced in the Dáil in order that it could be progressed further.

On the Bill, Senator Boyhan covered it so well that I cannot expand in any way on the reasons we need to have legislation that deals with wills and ensures that following death, the last wishes of a person are respected such that we do not have situations where land, property and money, etc., unfortunately do not go where the deceased person wanted or, indeed, where solicitors and the State end up taking the bulk of it. I have been through the probate process in regard to my father. It is a difficult enough process when there is a will that is very clear in that it takes a significant amount of time. I can only imagine how difficult the process is when there is no clear will. We should send out from this House a clear message that everybody should make a will and ensure it is clear in terms of their wishes. As stated, none of us know the day nor the hour in terms of where we will be.

With regard to my party's support, we had a lengthy discussion on this legislation when it was put forward by Terry Leyden. At that stage, it was allowed to progress. Fianna Fáil is not opposing this Bill but we support the nine-month timeframe set out in the Government amendment.

It is fair to say that the concerns which were expressed in relation to the previous Bill still stand. The Law Society of Ireland and the General Registry Office, GRO, have previously raised concerns with regard to weaknesses in the approach being proposed in this Bill. I would hope that those weaknesses could be strengthened and that the Bill would come into law. There is no doubt that detailed further engagement with the relevant authorities is needed, including with the Department of Justice, the Probate Office, the GRO and the Department of Social Protection. The proposers of the Bill rightly claim that such a register will reduce the risk of the existence of a will remaining unknown or being found belatedly and will facilitate the discovery of a will after the death of a testator. That is important. The Bill will also enable a solicitor to register the name and address of the custodian of the will to reduce the risk of it remaining unknown or being found belatedly. It also provides for the privacy of the registered particulars

of the will prior to the testator's death. All of these are important provisions.

In terms of the concerns raised by the Law Society of Ireland and the GRO, in 2005, when a Bill was first proposed, the Law Society of Ireland opposed it on a number of grounds, primarily that the proposed registration is to be voluntary and would have limited effect, that registration does not guarantee that the registered will is the final will and that registration is not proof of validity. We would need to devise a system to ensure the will that is registered is the final will. A responsible person might make a will at an early age. As we age and go through different stages in our lives, to whom we wish to leave the benefits of our life's work will, possibly, change. Ensuring that a will is the final will and testament is important.

There is also concern in regard to the appropriateness of establishing the proposed register by amendment of the Civil Registration Act 2004 because civil registration deals with registration of life events such as births, stillbirths, marriages, adoptions and deaths and not with matters relating to public or legal administration. These systems are central to the determination of identity and legal underpinning of identity. The registers currently maintained by the GRO have the presumption of accuracy based on independent evidence of the event. The GRO has expressed concern that the establishment of such a register could undermine the reputation of that office. We need to look at how we can address its concerns but, again, I think that is something we can do.

I appreciate the opportunity to speak on this noteworthy Bill. I wish the proposers well and thank them for bringing it back before the House. It is an important Bill.

Senator Garret Ahearn: I move amendment No. 1:

To delete all words after "That" and substitute the following:

- "the Bill be read a second time this day 9 months to allow for comprehensive consideration of the implications of the Bill."

I note the comments of Senator Boyhan. In fairness, this amendment is not about opposing the Bill. Rather, it is about ensuring it is given full consideration, as is expected of us. As Senator O'Loughlin said, it is important to acknowledge the work that has been done here previously by others. I was not a Member of this House when Terry Leyden was a Member. He had an excellent reputation as a Senator. It is important for him that we follow through on the discussion on this Bill. I acknowledge Senator Boyhan in bringing this Bill forward and the passion with which he delivered it. There are an awful lot of people in this House who share his views on the complications that can arise in relation to wills. I come from a farming family. We have some land that has been handed down within the family over six or seven generations.

4 o'clock

One is only a custodian of land for a period and then it is passed on. We all know of situations where what has been expected to happen has not actually happened and families have been left in a very difficult situation. We all know of families or people in communities who have experienced difficulties so it is extremely important for people with land to make a clear and definite last will.

When the Bill was first proposed in 2005 it gave rise to two issues. First, which Department would take responsibility for it and, second, the validity of the voluntary scheme for register-

ing wills as proposed. The Law Society of Ireland was asked for its view in 2005, as Senator O'Loughlin said. It was asked for proposals on the basis that no scheme could succeed without the support of solicitors. The society strongly opposed the Bill on a number of grounds. The society pointed out that as the proposed registration is to be voluntary, it would have limited effect in remedying some existing deficiencies. The society also observed that registration does not guarantee that the registered will is the last will, which is a key point. The most the proposed registration system could achieve would be to confirm that a particular will was registered on a particular day. Furthermore, registration is not proof of validity; to be valid, a will must comply with statutory requirements.

In general, the Law Society opposed the Bill both in terms of day-to-day practicality and the infringement of certain legal principles. The only significance between the 2005 Bill, subsequent Bills in 2011 and 2016, and this Bill in 2021 was the insertion of a new section which provided that the registration or non-registration of wills could not be evidence or provide any presumption of the existence of a will or the evidence of any particulars entered in the registered will. The new section attempts to address the deficiencies brought to people's attention during the debate on the 2005 Bill in the Seanad. The amendments did not address the deficiencies in any substantial manner and left the Bill in a weaker position with those bodies that operate to an evidentiary standard with respect to official records. That is the key reason we have brought forward the amendment today. It is to give a timeframe to discuss the complexities of this matter. I know what the Minister has said about the timeframe but nine months is not a long time. This Bill is very important and I hope that the Minister can give it her support. As far as I am aware, most of the parties here are not going to oppose this Bill. Everyone supports the topic being raised and supports discussing it further. However, it is important to have the right legislation and that is why there is a request for more time.

I welcome the opportunity that I have been given to speak about this legislation. I also acknowledge the contribution and work done by Senators. I look forward to listening to the rest of the contributions.

Senator Pauline O'Reilly: I acknowledge the work done by Senator Boyhan and former Senator Terry Leyden. I can understand the passion because I am a former solicitor and sat behind a desk with a wills safe located right beside me. A safe is one of the most treasured possessions in a solicitor's office, partly because it is an asset but predominantly because, as solicitors, one sits down with families who are preparing for their deaths and one listens to them state their whole family's circumstances. One has a relationship with them in any case from other legal matters but one sits there with them and gives them the best advice based on their family circumstances. One goes through the Succession Act with them, which is a very enjoyable read as legislation goes. One goes through all of their rights, and the rights of those whom they may leave behind. It is important for people to realise that not everything in a will can always be executed. It is really significant that the Legal Services Regulatory Authority received 271 complaints from the beneficiaries of wills in a two-year period. I do not for one second believe that has to do with the solicitors that these people had seen because there is an awful lot of confusion about wills. I still get calls from people looking for wills because one does not know, and even more so now when families are so dispersed around the country or people are abroad. Wills are very complicated. The very fact that only 30% of people in this country write a will shows the complexity and lack of understanding about the importance of writing a will.

Two things happen if one cannot find a will. One is that there may be an older will that can be found in another solicitor's office. Second, there may be an assumption that there is no

will at all so the rules of intestacy kick in and often a piece of land, but other assets as well, are divided up, which can never really go back together again. Even if a will is found later it is incredibly difficult to undo all of that. It is for all of those reasons, and not withstanding the excellent work that I genuinely believe solicitors do in this area, the best thing is to move a will safe and put it somewhere more central due to the complex nature of society and the way that it has changed.

I agree that the Bill has many flaws, which has been acknowledged by Senator Boyhan and acknowledged by the Senators who spoke before me. I also think that Fianna Fáil Members acknowledged that at the time as well. It is important to get this Bill to a certain point, which is what we do here. We tease out legislation here. Senator Boyhan mentioned pre-legislative scrutiny. It is important to note that we have all put it on the record that we are committed to this legislation but believe it needs to be teased out because one needs solicitors on board. Even if one gets a will from the General Register Office or wherever it is, a solicitor will do the work on it and, therefore, solicitors must be on board. In the same way that we expect teachers to be on board if we make changes to the education system we must also have legal professionals on board.

Wills are not just important because of land. Wills are important as one can stipulate the kind of care one wants to put in place for a dependant or dependants who have been left behind. We really need proper education from a young age so that people can start making their wills before they reach the stage of preparing for their death because it feels somewhat imminent. Education is something that we should look at.

I wish to mention a campaign group called My Legacy that seeks to reduce the VAT rate of 20% on charitable donations that are written into wills. It is important that we consider this matter. We may even increase the 30% of the population who have written their wills if we conducted a campaign and informed people that society can benefit in other ways from a will and that making a will benefits one's family and the wider society with bequests to charities.

I support the Bill but I agree with the sensible suggestion of nine months for all of the reasons that I have outlined.

Senator Niall Ó Donnghaile: Cuirim fáilte roimh an Aire don phlé agus tréaslaím leis an méid a dúireadh faoinár gcara, an iar-Sheanadóir Terry Leyden. Tagraím don sárobair a rinne sé i dtaca leis an reachtaíocht seo sa Seanad deireanach.

I thank the Minister for being here for what has again been a very respectful and informed discussion on Second Stage. I read the previous Second Stage debate in the last Seanad and it is hard to believe that it was five years ago in 2016. That debate was very respectful and quite similar in that we all agreed something needed to be done. Yes, it needed to be tweaked, it needed amendments and it needed to be refined. We all agree that that should happen. However, here we are again in 2021.

When Senator Boyhan made his opening remarks, I set my speaking notes to one side. I felt I would not be able to improve upon the clear, coherent, logical rationale he offered as to why this legislation is necessary and why a new system is necessary. Respectfully, there are few Members of this House who can sail through a full 16 minutes and not hesitate at all. Well done to Senator Boyhan for that.

We all agree today that this legislation is necessary. We all agree and acknowledge that it

could be fine-tuned and that it needs that. The way to do that is, as Senator Boyhan outlined, to progress the Bill through the normal parliamentary process, and to get it to Committee Stage. I do not disagree, and in supporting the intent of the legislation I am also of a view that it needs to be refined and needs improvements. I would approach it in that regard as it passes through the House. However, we have it within all of our political and parliamentary craft to get it to Committee Stage way before nine months. Nine months is way too long. That causes me concern, given that we have been here with this Bill before, as well as because we all agree that this needs to be enacted and delivered to people, for all the reasons that colleagues across the House have outlined.

I do not say this to be facetious at all, but if we can put through this House omnibus legislation, hugely complex, vast arrays of legislation, quickly, speedily and efficiently, then it is within our political and parliamentary craft to get this Bill to the place where it needs to be much quicker than within nine months. I do not want to labour that point. The argument has been made well and comprehensively by others. I have no doubt other colleagues of Senator Boyhan in the Independent group will argue likewise. However, I support the principles of the Bill, much like we did in 2016. I think we can improve upon it. The onus is on us to work collaboratively to get it done. We can do it well within the scope of the nine months that is being advocated for by the parties opposite.

Acting Chairperson (Senator Róisín Garvey): Go raibh maith agat, a Sheanadóir. Anois, cúpla focal ó Sheanadóir Marie Sherlock, le do thoil.

Senator Marie Sherlock: On behalf of my Labour Party colleagues I thank Senator Boyhan for bringing this important Bill forward. I understand this is the fourth time that this Bill, or at least the concept contained within this Bill, has come before the House. I read back through some of the transcripts of those previous debates and, as other Senators have said, there is cross-party support for the concept within this Bill. However, the Oireachtas has failed on every occasion to progress it. As a House we need to look at ourselves and ask if we are determined to progress this legislation and tease through all the issues. Of course, no Bill that comes before the House will be perfect. The Bill needs to be tweaked, but it needs to be allowed to progress. I am struck that Ireland is, I am told, one of only seven EU member states without a national register of wills. A will is probably one of the most important documents in a person's life. We need to address how wills are alarmingly underregulated or underprovided for with regards to a register. We need to address that soon.

I have a concern about the Government amendment. I do not believe that we should be effectively kicking the can down the road. Of course, by the time we get to the proposed nine months, there will be further delays. There will be another additional number of months to try and put it through Committee Stage. I am reflecting on my own experience with the sick pay Bill, which went through the Dáil last September. That was 12 months ago. We were told then by the Government that we should wait for a delay on passing Second Stage for six months. Of course, we are now coming to the end of 2021 and we still do not have the sick pay Bill. That is one example by way of illustration. While I accept that the Government wants to engage, kicking the can down the road for nine months is simply not acceptable.

In the spirit of the Bill, I will go back to the point that a will is probably one of the most important documents in a person's life. It is also an important document to the life of a family of a person who has passed on. To provide certainty to a family at a time that is already difficult, it is important for them to know that a will is held within a centralised register. Like Senator

Boyhan, I know of many stories of people who had to send an email around to various solicitors, to go through the Law Society of Ireland, to get them to email solicitors in a particular town or district to try and identify if their loved one has left a will. There is also the situation where there can be multiple wills. Of course, somebody can make a will at a young age and may make another will many years later. That inconsistency between wills can be a source of great distress and additional grief to families. There is a general agreement that this is a good idea, but we need to try and push this on. It is important in terms of public confidence in us as a House that we do not see the fall of the Government, the start of a new term, and the reintroduction of this Bill for a fifth time. I ask that we progress this Bill as soon as possible.

Acting Chairperson (Senator Róisín Garvey): Go raibh maith agat. Anois, an Sheadadóir Seán Kyne, le do thoil. He has six minutes, and I will give him a warning after five so that he does not go over.

Senator Seán Kyne: I commend the authors of this Bill. As others have said, it has gone around the Houses for some years. It is an important issue. When people make a will, they like to think that it will be read and dealt with when they pass. As others, as well as the last speaker, have said, we all know of cases where we have gone astray, and difficulties have arisen. Dare I say, there are some unscrupulous people out there as well. I could name cases - but of course I will not - of which I would be aware, involving solicitors, bank managers and individuals. We will say no more on that.

One concern I have relates to the General Register Office. The Bill states that the register of wills should be kept in the General Register Office, Oifig an Ard-Chláraitheora, in Roscommon. If this is the same crowd that is dealing with the records of deaths abroad, I would not have a lot of confidence in them. I dealt with legislation on the registration of deaths abroad. I produced a Private Members' Bill a number of years ago. Deputy Humphreys's predecessor, Deputy Richard Burton, updated legislation on that issue. This legislation was on behalf of parents who lose a child abroad and who cannot get a death certificate in this country, because the death occurred abroad. We changed the legislation in this House. However, when I contacted the Oifig an Ard-Chláraitheora in Roscommon, I was politely told: "Just because ye changed legislation up there in Dublin doesn't mean we jump to your tune down here. We have to update and change the computer systems", and things like that. The last I heard, the office was on strike. If one tries to get this office to look after wills, never mind a nine-month delay, a nine-year delay might be more appropriate. We might get clarity on that. A kick in the proverbial backside is what that office would want, with the way they have respected people who lost loved ones abroad and who cannot get a death certificate. They said: "Just because ye do things in Dublin and changed the law, we basically act as we want down here in our office". That is the Oifig an Ard-Chláraitheora and how it deals with people who go through tragic cases involving deaths abroad.

I agree with the policy of ensuring that there is a register of wills. It is very important to give peace of mind to people. We all expect to be able to live a long and healthy life. Somebody in their 30s or 40s could be obliged, or rightly advised, to enact a will. Solicitors move on. Things get mislaid. Solicitors are struck off from time to time or files are transferred and all of that sort of stuff, which can be complicated. The idea of a general register is right and correct. It should be considered. Whatever mechanism that can be introduced to ensure this happens would be right and proper. The delay for nine months allows the time for the consultation, engagement, and certainty on this with the Law Society and other groups acting on behalf of solicitors to ensure whatever is done and put in place is correct and accessible.

There are also issues of confidentiality. A register would say that a will is there, but this does not mean that the will would be accessible to anybody, and this would be a danger particularly with online systems and security and so on.

Senator Pauline O'Reilly spoke about a safe beside her desk. I am sure every solicitor has something similar, and banks may have them as well. Perhaps somebody else can advise as to who else might have a copy of a will or if it is just the solicitor. Perhaps the bank or somebody else might have a copy also to ensure safe keeping. When a person goes to the trouble of executing a will, whether it is for something small or of sentimental value, or whether it is for an asset of significant value, it is important that the person's wishes are carried out and that they are carried through thereafter.

I commend those who have drawn up the Bill, and I look forward to the Minister's response, and the enactment of this legislation over the coming year, shall we say.

Acting Chairperson (Senator Róisín Garvey): Senator Higgins is next. The Senator just came in there and I caught her in the corner of my eye.

Senator Alice-Mary Higgins: This Bill had a great deal of scrutiny in the previous Oireachtas. The proposed legislation was championed by former Senator, Terry Leyden. It is an example of good faith legislation and an attempt to improve the lives and deaths of people, and to make those processes better. It has been subject to detailed debate and scrutiny. I have no doubt that it will be subject to further debate and scrutiny, including in the other House.

There are provisions that could be tweaked slightly such as the re-registering of new and subsequent wills, and the question of changes to appointed persons. The core of the Bill, however, is a massive step forward. It is about establishing a register of wills and having a place that people can go.

Another former Senator, Marie-Louise O'Donnell, produced a detailed report on bereavement and how we engage with that in Ireland, and the lack of supports and proper engagement. We are aware that sometimes people do not know how to deal with this area until they have to deal with it. The idea of having a register of wills and having clarity is important. It is a step forward. It will make family relationships and succession easier and clearer. It will reduce the number of cases where properties remain in limbo and in dispute for periods, which is one of the sources of the vacant properties issue we face. It may be a small reason but it is one. The Bill is a step forward.

I acknowledge Senator Kyne's frustrations regarding a particular office. If there are frustrations around implementation or practice in particular offices, it is appropriate that this would be addressed. I encourage the Government to address those practice issues. We cannot afford to be cynical or allow this to have any kind of setback in our ambition for the legislation. Legislation is what we produce. We produce good legislation. The delivery and administration of the legislation is one area of follow-up. This is where Departments must play a strong role in ensuring appropriate delivery and follow-up.

I support the Bill and we should not delay it. The Bill will address the issue of people postponing the making of wills. We should not postpone the legislation on the establishment of a registry for wills. We should not display the same kind of behaviour, where we are pushing it further down the line and wait for the right moment when we are sure of everything before we commence the process of creating a register of wills, just as we do not want people to employ

those same kinds of logic in their own decision to commence the process of making a will.

I support the Bill moving forward. I urge the Government not to seek a nine-month delay. There will be other opportunities. This is a Private Member's Bill and the time slots for it are dependent, to a large degree, on the limited slots available for Private Member's business. It is not going to rocket through the Oireachtas at a pace that will not allow for proper scrutiny. There will be time for proper scrutiny and amendment if that is required. I encourage that the Bill be supported to move forward without a nine-month stay.

I also endorse the proposal from Senator O'Reilly on the legacy requests. That is a financial matter with regard to tax so I am conscious that we would not be able to address this by amendment. Perhaps this issue could be addressed in the finance Bill when it comes through this House. It would be a good idea to abolish VAT on legacy donations to charitable institutions.

Senator Rónán Mullen: I am pleased to second this Bill. It is a long time since I have been before the Minister, Deputy Humphreys, and as she is a member of the Government I want to put something on the record of this House. I believe it very important that our Government is represented at the interdenominational service in Armagh on 21 October. I do not believe it has been made clear whether the Government is going to be represented. If the Government is represented, I hope that-----

Acting Chairperson (Senator Róisín Garvey): Speak to the Bill if you do not mind, Senator.

Senator Rónán Mullen: The Minister is the person who should be there because she would certainly represent this country and the Government with dignity and decorum. I just wanted to take this opportunity to put that important point on the record of this House. Sometimes it is the only way one can get the ear of the Minister.

This Bill needs to pass today. It should not be subject to a nine-month delay and there are two reasons for this. The Bill previously passed in the Seanad, which is a commendation of the good work of former Senator, Terry Leyden, for all he did to promote this legislation, and it is only for political reasons that Fianna Fáil put this Bill on the Order Paper in the Dáil yesterday.

This Bill is good to go in the sense that there will be plenty of time to amend it without such a nine-month delay, and out of respect for the Seanad and the good work that it did in the past. Let us consider also the rather crazy and counterproductive Bills that have not been subject to this nine-month delay but that have been allowed through this House on Second Stage. I could offer a list but I will not because I want to stick to the point.

The Bill mirrors the Registration of Wills Bill 2016, which passed all stages in the Seanad in 2019 but has since lapsed. The aim is simple. It is to assist in ascertaining upon the death of a person whether a will exists and in whose custody it is kept. It is no more and no less. Other matters such as the validity of the will, its contents, whether it has been revoked or revived, and whether there are codicils to the will, are irrelevant to the register and to this Bill.

It is a limited strike but it is a strike that makes sense because it allows people to establish whether there is a will on the register and to proceed with their search from there. The fact that the will has been registered is not proof of its validity and it will not invalidate any subsequent will that, for whatever reason, has not been registered.

On the previous occasion this issue was debated, there was an unfortunate attempt by the then Government to conflate these issues, almost to suggest that if the register said nothing about the validity or contents of the will, it would somehow make the registration irrelevant. That was to miss the point and that is not correct. A system that would allow us to assert whether a will exists and where it might be could be invaluable and prevent a lot of time, effort and resources being wasted.

Senator O'Reilly correctly referred to how interesting succession legislation is. We are talking about serious issues when we talk about succession. As always in our country, however, the seriousness of those issues makes them ripe for humour. We have all heard the line about where there is a will, there is a relative. For the benefit of Members who were not here in the House when we addressed this matter previously, I like to recall "Glenroe" when the great character, Dinny Byrne, had some expectations of inheriting from his uncle Peter. The bad news was conveyed to him by Fr. Devereux that there was no will. He said, "Dinny, I am afraid you Uncle Peter died intestate", to which Dinny replied, "I thought it was the heart". Anyway, that is not to make light of what is a serious matter.

We should encourage people to make wills as a matter of public policy. In an ideal world, everyone would do so early in order for their affairs to be promptly and properly administered according to their wishes after their death. We should provide every means we can to ensure that the record of existence of these wills or their whereabouts should be maintained in order to encourage wills as best we can. A problem clearly exists at some level with regard to missing wills, uncertainty as to whether a will exists and people dying intestate.

In the August-September 2021 edition of the *Law Society Gazette*, there were 19 notices from solicitors advertising to other solicitors asking their colleagues if they were aware of the existence of a will made by a named deceased person. Every edition of that publication contains at least as many such notices. In fact, the only people likely to be discommoded by the creation of the register would be the *Law Society Gazette* because it charges €155 for these advertisements. I have no desire to deprive it of revenue but I do not think the maintenance of its revenue is a sufficient argument not to provide for the registration and the possibility of registering wills.

As I understand it, solicitors also correspond with other solicitors in their locality inquiring as to whether they are aware of the existence of a will for a particular deceased person. All this adds to time and cost. Of course, the existence of a will does not mean that it is all plain sailing. I recently read *Bowen's Court* by Elizabeth Bowen in which she recounts the details of wills concluded in the 1700s, describes allegations of shenanigans with regard to their content and relays an urban legend about a stash of gold coins being secretly buried on family property. And that family was embroiled in two costly and futile legal actions, one of which went all the way to the House of Lords, causing resentments which survived into the 20th century. Most Irish families are not quite so fond of drama as the Bowens but problems can and do sometimes arise even where a will exists. However, at least if a will exists and is located then for good or ill, and no matter what fallout it might cause, it will show the wishes of the testator and surviving relatives can proceed from there.

The Bill, therefore, will establish a register making it easier to locate a will and to "reduce the risk of a will remaining unknown or found belatedly". There will be no requirement to file a copy of the actual will. Apart from very basic details identifying the testator, no details of any kind about the will itself will be registered. A will is a deeply personal instrument to which

the highest standards of confidentiality should apply unless waived by the testator, and even the bare details about the testator and the will's existence will not be a matter of public record. In the words of former Senator Terry Leyden, these details will not be made available "to any family member or inquisitive neighbour".

Finally, under section 10-----

Acting Chairperson (Senator John McGahon): The Senator has had a long time. I ask him to conclude.

Senator Rónán Mullen: Okay. The registration of a will is optional, not compulsory, and that is necessary because we do not want a situation whereby the failure to register a will would invalidate it.

Acting Chairperson (Senator John McGahon): I call Senator Gallagher followed by Senator Garvey.

Senator Robbie Gallagher: At the outset, I extend a very warm welcome to the Minister, who is my constituency colleague, into the Chamber this afternoon for this very important piece of legislation. I commend my colleague, Senator Boyhan, and his colleagues, on bringing forward this proposed piece of legislation.

I often think about my former colleague, and I am glad to say, current friend, Terry Leyden, who did Trojan work on this particular issue in the previous term and succeeded in ensuring that the Bill passed through all Stages of the Seanad at that point. I, for one, thought that was job done in that regard and it was passed over to our good colleagues in the Lower House. Here we are back discussing the matter this afternoon, however.

From the discussion today, one thing we all have in common, and one message we would like to send out loud and clear to everyone, is the importance of making a will. That is the key message I would take from the debate this afternoon. It is vitally important that people make a will. Those who come thereafter might not like the contents but I know from experience in a different field that where no will is made, it can be a terrible thing for a family. It can result in families being broken up and split for good. That is a very sad thing and something we should try to avoid at all costs. That is the first point.

The second relates to the principle, thinking and merit behind this piece of legislation. Again, we are all on one page as regards the idea that a register of some kind could be compiled, which would give details of wills. It is a good idea and one with which we are all in agreement.

Concerns have been raised, most notably by the Law Society of Ireland, none of which is insurmountable. The proposal being put forward this afternoon whereby we take some time to tease out the issues that have been raised by the Law Society of Ireland, among others, is welcome. It is not about the speed of legislation passing through both Houses; it is about the quality of that legislation and ensuring that we get the result we all require.

Having spoken to Terry Leyden on many occasions on this piece of legislation and as recently as today, his goal was that it would go through but that it would do so in a manner that would have benefit for those who would be affected by that legislation. That would be my key goal and principle in that regard. I understand the Minister is proposing this and that she was given a bit of space in order to arrest those issues. Knowing the Minister as long as I have, I

have no doubt that she will. I accept her bona fides in that regard 100%. I have no doubt that within nine months or even before that, she will be back in this House where we can take what is, at the moment, nothing more than a good idea and attach it and make it workable for everybody concerned.

In that regard, I am quite happy to support the motion being put forward. I commend Senator Boyhan. I listened to his passionate contribution earlier with regard to wills, land and the connection we all have to land. Like the Minister, I was born and reared on a small farm. We can all appreciate the connection people have with that land and with property.

In summary, I thank the Acting Chairperson for the opportunity to say a few words. I am happy to support this legislation, as I was when Terry Leyden brought it forward. I understand it is the exact same piece of legislation. I was delighted to support it then and I am delighted to support it now. As I said, my only goal is to ensure we have quality legislation going through in a timeframe we can all live with. I am sure we will get that. I look forward to the Minister's contribution after other Members have had the opportunity to have theirs.

Senator Róisín Garvey: I thank Senator Boyhan for his work on this Bill. It seems like the work was done before and, sometimes, we must resurrect Bills. I am working on a Bill that was brought through back in 2008. If we can get this Bill through in nine months' time we will be doing great.

I support the Bill but I support the amendment too. A will is a legal document. We often pass Bills about things that are not legal documents so one thing we must make sure of is to get this right. We all know wills can make or break families. In some ways, it is quite amusing that when it is an Opposition Bill, we are being accused of delaying it and when it is a Government Bill, we are often accused of rushing it. In this instance, nine months is not a big ask. It is important that it is done properly.

As the previous speaker said, I commend the Senator on the work. I also want to reiterate the issue around charitable donations being taxed at 23%. It is absolutely wrong. We will have to look at that as well. This gives us a bit of time to look at those kinds of things. We need to get this right. Even if we resurrect a Bill, laws will have changed since then and we must dot our i's and cross our t's. I can see why the nine months is requested. I welcome that timescale and I welcome the Bill.

Minister for Social Protection (Deputy Heather Humphreys): First, I welcome the opportunity to speak on the Registration of Wills Bill 2021. I acknowledge Senator Boyhan on his initiative to reintroduce this draft legislation. I really want to thank all the Senators for the contributions. I acknowledge the genuine concerns they have regarding wills.

It would also be remiss of me not to acknowledge the significant work done on drafting similar Bills on this topic by our former Oireachtas colleague and Senator, Terry Leyden, who I know raised this issue in previous Seanad terms.

I speak to Senators as both Minister for Social Protection and Minister for Justice. The General Register Office, GRO, is an independent office that falls under the aegis of the Department of Social Protection and is central to the proposal being advanced in this legislation, while the Department of Justice has a remit in respect of the administration of wills via the Courts Service and the Probate Office. It is fair to say that both Departments have concerns with the Bill as drafted. Notwithstanding these concerns, which I will outline in further detail later, I

accept the spirit in which this legislation is being brought forward. I am, therefore, proposing a timed amendment in order to allow for engagement between the Senators and officials from both the Department of Social Protection, the Department of Justice, the GRO, and the Probate Office, so that the merits of this Bill and the issues it presents for those bodies can be teased out in further detail.

The House may be aware that this is a further attempt to introduce a system by which wills can be registered. As I mentioned, former Senator Terry Leyden originally introduced the Bill in 2005. That Bill passed all Stages in Seanad Éireann in 2006, but it fell on the dissolution of the Oireachtas at the general election of 2007. Senator Leyden continued to pursue a Bill and introduced the Bill again in 2011. That Bill was similar to the 2005 Bill, in that it provided for a voluntary system of registration of wills by the General Register Office. That Bill also fell and was reintroduced again in 2016. Unfortunately, despite reservations being expressed on each occasion regarding the approach in those Bills, the text of the current Bill before us appears to bear no substantial differences to its predecessors. It is worth noting at the time the original 2005 Bill was introduced, the then Department of Justice and Law Reform sought the views of the Law Society of Ireland. In its response, the Law Society of Ireland expressed a number of reservations on the Bill both in terms of the day-to-day practical implementation of the proposed provisions, and on the infringement of certain legal principles. I have not had the opportunity to consult with the society on this Bill, given the time available to me since its introduction last week. However, as the contents of the Bill have not taken on the earlier concerns, I suspect that the Law Society of Ireland's reservations continue to persist. It might be useful to remind the House what the society concerns were. I share these concerns.

The Law Society of Ireland pointed out that as the proposed registration of wills is to be a voluntary code, it would have limited effect. Proponents of a register of wills suggest that a number of wills go undiscovered or are destroyed each year, sometimes resulting in the mistaken distribution of estates under intestacy rules, or on the terms of a prior will. Unfortunately, very little information has been advanced to substantiate the problem the Bill seeks to remedy. I am aware of a general concern that wills can go missing. However, I have no information as to the number of instances where wills are reported as missing or lost.

The Law Society of Ireland made the point in its commentary submitted on the earlier Bills that the problems of missing or lost wills would persist under a voluntary system of registration contained in this Bill. In addition, the society was of the opinion that the most the Bill's proposed registration system would achieve would be to confirm that a particular will was registered on a particular day. Crucially, it would not be conclusive that the will registered was the last one of the deceased person.

A further concern raised by the society was that the registration of a will offered no proof of the validity of the will registered. As I mentioned, the current Bill as it stands does not appear to address these earlier concerns. Neither does the Bill address concerns that a will has been executed in accordance with the statutory requirements and is valid. Importantly, registration would not prove that the will was made under undue influence. The society expressed the opinion that if the issue of the proper execution of wills is not addressed, the veracity of information held in a public register was doubtful and of limited use.

I would like to turn now to the concerns expressed by the Registrar General, who has responsibility for the General Register Office. The Bill proposes that the GRO will have responsibility for the registration of wills. The GRO is one of our longest surviving offices of State.

Civil registration was introduced in 1845 for the registration of non-Catholic marriages and expanded in 1864 to births, deaths and Catholic marriages. Registration of adoption was introduced in 1952, civil partnerships in January 2011 and gender recognition in 2015. The services of the office continue to evolve to reflect societal change but continue to be primarily concerned with providing legal certainty around the registration and recording of vital life events, such as births, marriages and, ultimately, deaths.

As the Registrar General has stated in his annual report to me, the GRO is concerned primarily with matters relating to identity and the legal underpinning of matters relating to identity. I do not need to remind the House of the importance of the registers maintained by the GRO. The data in the registers form a basic, continuous source of information about the population. The registers provide faithful records of vital events relating to people. Most importantly, they provide a reassurance that satisfies the need for evidence that has a bearing on rights, entitlements, liabilities, status and nationality. Senator Kyne raised a specific issue. I would ask him to provide me with the details. I would be happy to raise the issue with the Registrar General.

As emphasised in previous debates on the Bill, civil registration is relevant to each of us at important stages in our lives, beginning with the registration our births and ending with the registration of our deaths. Between those events, civil registration affects us directly, as in the case of marriage, and indirectly when certificates are required for many of the services available in society such as enrolling a child in school, obtaining a passport, taking up employment, participating in sports, and claiming a social welfare entitlement. Most importantly, each event registered under civil registration legislation has the benefit of an independent, evidential basis. Details of births are notified to the register independently of the parents. Details of deaths are attested, either by way of a certificate provided by the medical practitioner who had tested the deceased, or a coroner's certificate. Marriages are evidenced by the signatures of the parties to a marriage, the witnesses and the solemniser.

The importance of these independent verification processes is that the records of the GRO enjoy a high reputation for integrity and credibility, both nationally and internationally. Certificates of vital events are readily accepted as evidence of the facts recorded, without the need for further investigation or inquiry. Records contained in the registers are recognised for their value as evidence in court proceedings, and the processes that underpin them are relied on by our courts in determining the matters before them.

From the foregoing, Senators will recognise that the proposals to establish a register of wills by the GRO would represent a significant departure. The scheme of registration of wills proposed in the Bill is voluntary. It will not guarantee that a will registered in the manner proposed was the last will, that it was a properly executed will, and that it was not made under duress. The scheme also fails to recognise that wills may be amended, revoked or superseded. A key failure is that the Bill does not make any effort to address concerns that the validity of wills registered can be assured. I do not see how the scheme, as proposed, can achieve the underlying objectives of the Bill. In addition, placing the General Register Office in an area of legal administration that is not within its recognised public administrative function, runs the risk of undermining that body. The arguments that I have set out are equally applicable to other State bodies that have a role in the administration of wills, estates and inheritances. If we are to legislate for a register of wills, it needs to be done in a manner that addresses the concerns of the Law Society, GRO and others.

While I am not opposing the Bill today, I hope Senators will accept the genuine concerns ex-

pressed regarding it. As this is now the fourth time since 2005 that the Bill has come before the Oireachtas, I believe it is high time that there was a serious engagement between the relevant Departments and offices with the Senators who are putting the Bill forward in good faith. For that reason, and with the co-operation of Senator Boyhan and his colleagues, I propose to arrange a meeting between the relevant officials in the Departments of Justice and Social Protection, the GRO and the Probate Office in order that all of these issues can be considered in detail and a decision can be taken once and for all on the merits of this Bill, which has been knocking around the Houses of the Oireachtas for longer than me and many others.

We need to quantify the extent of the problem and get an understanding of how it can be addressed to proceed. We need to get everybody into the one room. I am happy to facilitate that so that we can move this forward. Gaining a better understanding will allow an opportunity to properly identify the solutions that can be crafted either by a legislative or administrative mechanism. I also believe further consultation with the Law Society would offer refreshed and valuable insights into how the legal profession would see the objective being progressed.

I thank Senator Boyhan for bringing forward the Bill. I also thank all the Senators who have highlighted how important it is to make a will. Senator Boyhan is correct that many a will has been burnt, many a bitter row has resulted over a will and many a family divided because of a will. Senator Gallagher is correct that it is about getting the legislation right. It is not about going around the houses; it is about getting everybody in the one room to thrash this out once and for all. As I outlined, I am happy to facilitate this engagement with the aim of getting a comprehensive understanding of the matter, identifying suitable and workable solutions, and engaging with other stakeholders such as the Law Society so that any proposals that emerge enjoy the strongest credibility.

Senator Victor Boyhan: One could say, follow that. I love the passion. The more passionate about it that the Minister got, the more the Northern accent came out. I do not doubt her credentials. I said to her in the anteroom before I came into the Chamber that she has a job to do, and I have a job to do. There is a terrible creak in the floorboard here every time I move forward. I am disappointed with the nine-month delay. That will bring us to next June and July. At the end of the day, Fine Gael and Fianna Fáil Senators put this Bill through every Stage. I take on board all the shortcomings. The Minister was not in this office when the Bill was before the House previously. The Tánaiste, Deputy Varadkar, who was then the Minister for Social Protection, dealt it. I note what the Minister's scriptwriter has done. I marked two pages of the script which were cut and pasted, line-by-line, from the response given by the previous Minister. At least there is consistency. I will not be critical of that. He stated:

The best way to achieve this is to allow the Bill to pass through Second Stage and proceed to Committee Stage and, under the new arrangements, to allow for a pre-legislative scrutiny hearing in order that we can hear from all those who have an interest and expertise in this area and perhaps tease it out further.

That was said by the leader of the Minister's party, the Tánaiste. He made that call as Minister and it was a good one. He suggested we go forward with the Bill and tease it out.

Poor old Senator Leyden. I too spoke to him. I know he is away because I received a text message from him. I hope he is enjoying the sunshine. For some reason, his colleagues did not reinstate this Bill. I am an Independent. I did not change one word in the legislation, other than to add "2021". I have no doubt he is listening in, because he is keen on the legislation. None

of his colleagues had the gumption to put the Bill on the Order Paper. Suddenly, a week later, a reference to the older Bill is on the Order Paper in the other House. We know that has gone on and on since 2005, as the Minister rehearsed herself. It is not in the programme for Government either, but suddenly there is a renewed interest in all of this.

5 o'clock

To be fair, I would have preferred if somebody had rung me up yesterday or come to me and said he or she was in the Department, the Seanad office or somewhere else and had put a proposal, but no one rang me, spoke to me or came to me. Nobody suggested six months, nine months or anything else. I am a man of compromise. I believe in getting things done. I am not in the business of opposing things. I might be on this side of the House because of the technical voting structure but, on the whole, I do not oppose the Government. I support most of the Ministers who come into this House and I support good legislation. However, this is critically important. The Minister could even have said six months. Why did she not go along with the previous Minister and let it move to the next Stage, Committee Stage? I will give a commitment. I am happy for Committee Stage to be dealt with in three months. Let us all agree that it should be put off for three or four months. Next June, no doubt we will be heading off on our holidays. We are talking about dealing with the Bill in nine months. This Bill will not be heard about for another year. How can we go back to our rural roots in our constituencies and say there is a delay yet again?

If I hear the name, the Incorporated Law Society of Ireland, once more, it will be too soon. It was used that more than any other term here today. The Incorporated Law Society of Ireland has vested interests too. There are conflicts of interest. It has done nothing. Litigation is shillings; it is bobs and money. Too many people in this country have spent too much of their hard-earned money on litigation. It is great. Bring them in. Wheel them in. If people have a problem with their spouses or siblings or so-and-so, it will have to go to litigation. They do not talk about arbitration or mediation; they talk about litigation. Shillings, boy, shillings. I am sorry. Not all people in the legal profession think like that, but many do.

A phrase used by the Minister today is that “mistaken distribution of estates” happened in some cases. Was that not a terrible thing to have happened? The mistaken distribution of people’s estate. I have no axe to grind. I did not come with any great story. This is nothing to do with me in terms of work. I just put “2021” on the Bill and got it on the Order Paper, because I wanted it back on the centre stage in the Oireachtas. I respect the Minister and, what is better, I like her. I do not want to fight with her. She is a hard one to say “No” to, but she has to do what she has to do and I have to do what I have to do. I will continue to respect her. I will continue to engage with her, and I will continue to pursue this issue.

Deputy Heather Humphreys: I want to work with Senator Boyhan.

Senator Victor Boyhan: I want to work with the Minister too.

Acting Chairperson (Senator John McGahon): Is that not a nice bit of collegiality?

Amendment put:

The Seanad divided: Tá, 26; Níl, 8.	
Tá	Níl

6 October 2021

Ahearn, Garret.	Boyhan, Victor.
Blaney, Niall.	Boylan, Lynn.
Buttimer, Jerry.	Gavan, Paul.
Byrne, Malcolm.	Higgins, Alice-Mary.
Carrigy, Micheál.	Keogan, Sharon.
Casey, Pat.	Ó Donnghaile, Niall.
Cassells, Shane.	Sherlock, Marie.
Conway, Martin.	Warfield, Fintan.
Crowe, Ollie.	
Cummins, John.	
Currie, Emer.	
Daly, Paul.	
Doherty, Regina.	
Dolan, Aisling.	
Fitzpatrick, Mary.	
Gallagher, Robbie.	
Garvey, Róisín.	
Hackett, Pippa.	
Kyne, Seán.	
Lombard, Tim.	
Martin, Vincent P.	
McGahon, John.	
McGreehan, Erin.	
O'Loughlin, Fiona.	
Ward, Barry.	
Wilson, Diarmuid.	

Tellers: Tá, Senators Robbie Gallagher and Seán Kyne; Níl, Senators Sharon Keogan and Victor Boyhan.

Amendment declared carried.

Motion, as amended, agreed to.

Sitting suspended at 5.14 p.m. and resumed at 6 p.m.

Dyslexia Awareness Week: Statements

An Cathaoirleach: I welcome the Minister of State to the House. I thank her for taking this important debate. She has ten minutes.

Minister of State at the Department of Education (Deputy Josepha Madigan): A cháirde, I am very grateful to Members of this House for allowing me the opportunity to speak today on the important occasion of Dyslexia Awareness Week. It is an important moment to take stock of where we are as a society in ensuring support and inclusivity is provided to those with dyslexia in our society. It also provides an opportunity to raise awareness and further develop our understanding about dyslexia and what can be done to further support people who have dyslexia.

While it is very common it is also important to recognise that each person with dyslexia is different and impacted differently. This is particularly important in our schools where reading and writing are essential parts of everyday learning. As Minister of State with responsibility for special education, I am firmly of the belief that education is a right for all and, furthermore, that our education system should not adopt a one-size-fits-all approach towards students and young people. Each child, as we know, has unique skills and characteristics. It is vital we ensure our schools and school staff have the resources and knowledge to provide a flexible and tailored support for each child, particularly those with additional needs.

I also want to acknowledge at this point the work of the Dyslexia Association of Ireland, which provides such great support for people affected by dyslexia, support which is critical for people to achieve their full potential in education, training, employment and all aspects of life. I have met the Dyslexia Association of Ireland and had the opportunity to learn about the positive impact it has on the lives of young people across our country. My Department provides funding annually to the Dyslexia Association of Ireland to support this work with a particular focus on the delivery of a public information service, assessments and targeted support for children who are disadvantaged. It is also vital that we continue to listen to the voices of people with dyslexia in all parts of society to learn from their experiences and to hear their insights. Empowerment is at the heart of education and gone are the paternalistic days where rights and protections were handed down from on high as though they were gifts or favours. In the 21st century it is vital the voice of the young person is heard as part of policy making. I will be working with officials to explore new ways of ensuring this is the case.

In terms of our education system, I want to stress that enabling students with additional needs to receive an education appropriate to their needs is a priority for this Government. Our policy is that students with additional needs should be included where possible and appropriate in mainstream placements with additional supports provided. Where students require more specialised interventions a continuum of education provision extends to include access to special school or special class places where appropriate. My Department provides a range of placement options and supports for schools that have enrolled pupils with a specific learning disability, including dyslexia. This is to ensure that a child will have access to an appropriate education wherever he or she is enrolled.

In 2017, the Department introduced a new special education teaching allocation model to support students with additional needs in our schools. Under this model, special education teachers, SETs, are available to ensure that those with the highest level of need can access the highest level of support within the school in a timely manner, regardless of diagnosis. Currently, more than 13,600 special education teachers are allocated to mainstream schools, which is an increase of almost 40% since 2011. This resource is particularly focused on supporting

those students who have difficulties in literacy and numeracy.

The Department also provides for special schools and special class placements where more intensive and supportive interventions are provided, including to students with dyslexia. It is important to note, though, that the majority of students with significant literary difficulties currently receive additional teaching support from an SET in a mainstream class and this is provided based on the individual learning needs of pupils, as identified in schools, as opposed to being based on a requirement for a child to have a diagnosis or an assessment of a particular disability. The benefits of mainstream education are known and recognised. We must continue to build a society with inclusion at its heart where everyone is welcome and where full participation is a right for all, no matter what their background or need. Our schools are where we nurture and develop the future of our society and, therefore, there should be no barriers to inclusion and no artificial segregation. It is our job to ensure that the necessary resources are provided to achieve that goal.

Additional supports exist for teachers and schools. These include funding under the assistive technology scheme for the purchase of specialised equipment to assist students with dyslexia. Targeted training for teaching is also provided for those teachers who support students with dyslexia. In addition, there is an information resource pack on dyslexia in digital and video format. Reasonable accommodations are also provided for in State examinations, which is crucial. These can include the provision of a reader, the use of a tape recorder or a scribe or the granting of a spelling and grammar waiver.

I am very aware, therefore, of the educational needs of students with dyslexia and of the need to ensure that appropriate supports are available to each school. I am committed to ensuring that the requisite level of investment is in place to ensure that these supports are available. Much work remains to be done, but I am determined to continue to advocate for all students with additional needs as part of this Government and to ensuring that their voice is at the heart of policymaking. This includes the provision of support from the National Council for Special Education, NCSE, and the National Educational Psychological Service, NEPS. Where advice relating to specific issues that have arisen in schools is required, including support needs related to dyslexia, the NCSE and NEPS are available to provide direct support to schools and individual teachers in as flexible a way as possible.

I am pleased that the issue of dyslexia is being discussed because it is an important matter in the lives of many children and their families. The extent and scope of the educational supports in place are helping these young people to progress in education and to go on to live happy and fulfilled lives. I look forward to hearing contributions from the Senators and to working to continue to build an inclusive society.

Senator Aisling Dolan: I welcome the Minister of State to the House to mark Dyslexia Awareness Week. I refer in particular to her role as Minister of State with special responsibility for special education and inclusion. As the Fine Gael spokesperson on education, further and higher education, research, innovation and science, I welcome the statement from the Minister of State and the aims that she mentioned. She spoke about empowerment for young people and for children. She spoke about us in the 21st century having the voice of young people at heart of our society, about inclusion and full participation. All these aspects are crucial.

Dyslexia is a common difficulty. People are affected by it when they are reading text. It is a specific learning difficulty and intelligence is not impacted. The main disruption caused by

dyslexia is the difficulty with phonological awareness and the ability to understand sounds and letters. It is incredible when we realise in this context that approximately 10% of students may be affected by dyslexia. It also means that 10% of people in any workplace may be similarly impacted. We are focusing on education at primary and secondary levels, but many of the people, some 10%, that we deal with every day in any workplace or environment may have a specific learning difficulty.

I thank my colleague, Senator Tim Lombard, for organising an informative session for us today with representatives of the Dyslexia Association of Ireland, DAI. The Minister of State referred to that in her opening statement. The representatives from the DAI spoke to us about many concerns. The organisation represents adults and teachers, and it conducted a survey involving more than 800 adults and 400 teachers with experience of dyslexia. They based their findings on those surveys. Some of the areas they highlighted included the early identification of dyslexia, resources and supports, teacher training and the provision of the technology required to support these children. I refer as well to the impacts in this regard on mental health and well-being.

The incredible part of this context is that our budget under special needs and inclusion and education is one of the largest ever allocations. Some 17,000 special needs assistant, SNA, posts have been allocated to primary, post-primary and special schools. The Minister of State also mentioned there being 13,600 special education teachers. It is important that we are seeing this allocation of funds to support children in schools and to deal with the immediate need. There are delays in children getting assessed, but we are dealing with an immediate need in respect of children in schools. It will be possible to support them straight away with the SNAs that are available in classrooms. I refer as well to the school inclusion model. It was based on policies devised by the NCSE and it is concerned with providing the right support at the right time and having people with the right qualifications and skill sets. The provision of certain therapies in schools, such as speech and language, as well as the allocation of SNAs and the training they require, is being considered as part of this inclusion model.

One aspect I would like to ask the Minister of State about is teacher training. Training is now being offered to teachers, but it is not mandatory. If the number of people with dyslexia is 10% of the population, or perhaps 15% as has been reported in some results in the UK, then perhaps this is an aspect that we might engage on with our teaching providers. Turning to the early identification of dyslexia, that is crucial. The support being put in place in respect of access to SNAs is important. Early identification, though, is something that we would particularly like to see. Supports should also be in place for children as they are developing. What is important here is giving children confidence when they start in school and giving them the confidence to succeed later in life as well. It is important, therefore, that they have that confidence at the initial stages when they start school.

I sit on the Joint Committee on Education, Further and Higher Education, Research, Innovation and Science, along with some of my colleagues. We are looking at the reform of the leaving certificate examination now. This is timely, because this reform of the leaving certificate is concerned with examining how we can ensure that it is fully inclusive of all abilities and needs. Exam settings sometimes do not garner the maximum potential from our young people. An important aspect that should be borne in mind when we are examining reform of the leaving certificate, and this was highlighted for us in our session this week by representatives of the Irish Second-Level Students' Union, ISSU, and the Union of Students in Ireland, USI, is to have a model where there is potential for some kind of continuous or secondary assessment that

will allow us to get the most from our students. Sometimes the exam model is not the best one.

I also highlight that a great deal of research is happening in this area. It is taking place in the context of Erasmus+, and globally in institutes across the world, including in the United States. This research is examining the supports that are in place. The Minister of State referred to the existing technologies. It is important that we see the deployment of those technologies to support children. This is something that the Department of Education should be looking at in future. I refer to how we will be preparing our children for the future, a future which will be even more digital. We must imagine having these types of technologies that can really support young people with dyslexia.

As has already been mentioned, people with dyslexia do not suffer any impact on their intelligence. Many people with dyslexia have high levels of creativity. When I was doing some background research on this topic in recent days, I was surprised to see the incredible artists who have been identified as having dyslexia. They included Pablo Picasso and Leonardo da Vinci. They had difficulties with dyslexia. It is incredible to think that there have been amazing artists with dyslexia. In more modern times, Noel Gallagher from Oasis also has dyslexia. I could not believe that when I read it. It is important to have people who are role models and who will demonstrate that having dyslexia does not hold people back in life and that there are ways to succeed. If we can showcase these models and people who are role models, it would be important, but the Department should take the lead in some areas. I thank the Minister of State.

Senator Victor Boyhan: I welcome the Minister of State and thank her for coming to the House to focus for a short period on dyslexia. The minute I heard she was coming I was reminded of the great autobiography of Micheal Heseltine, formerly a senior politician in the UK. He did not quite become leader of the Conservative Party for a load of internal reasons. In his autobiography he talked about hiding the issue of dyslexia and how he felt stupid. He was clever enough at five and six years of age to get a bag of sweets, empty them all out and sell them for a few pence or whatever it was then. He went on to create a great business. He always talked in the early years of his struggle and how he constantly hid, when he first entered the House of Commons, the difficulties of his own handwriting and his own coded stuff. It was okay for him because he developed his own shorthand but there were difficulties when meeting senior civil servants as he progressed in this career. This happened only because he was so determined, focused, believed he had something and was exceptionally creative, which is what Senator Dolan has just referred to, and pursued it. He ended up having one of the biggest publishing houses in the UK and knew when to let go. He was a very creative person. He is now living in Winchester and he has created one of the greatest arboretums in Britain. He has a great interest in horticulture and gardening. I mention this as dyslexia should not be, and this proves it does not have to be, an impediment to getting on.

The reality we must face, especially older people of my generation who grew up with people with dyslexia, was that they hid it. Their parents felt their son or daughter was a failure. They were going to special schools and many parents did not want teachers to tell them their child had special needs. Thus we must support the parents and guardians of these children as well. We know from research that many children who have dyslexia, though not them all, also have higher rates of ADD, hyperactivity and issues with development of language. What happens for many who do not get early support is they opt out of education. They become difficult or troublesome because somehow that has not been recognised. Of course, parents have to buy into it too. A friend of mine retired was principal of a school on the northside a few years ago.

She said the difficulty in this school was she could not get many parents to attend parent-teacher meetings. It was not to do with it being on the northside rather than the southside but was particular to the disadvantaged school she worked in. She said the parents she most wanted to speak did not come to the parent-teacher meetings. They did not engage. She asked a young lad one day why he did not have his uniform and he told her he woke up that morning and his mother was not there. Thus, we must see this in the round. I have a friend who teaches in a secondary school in Dublin and they are always interested in which primary schools the children are coming from. They can nearly tell you as there are some schools that do not have the same support. There are social issues around all that and support issues as well.

I thank the Minister of State for coming here and for the focus on it. She summed it up well when she said empowerment is at the heart of education, no child should be left behind and everyone has gifts. Everyone has a yearning for learning but they might not necessarily have the supports or the mechanisms for it. We need more support for teachers. We certainly need much more support for parents, especially in DEIS and other disadvantaged schools. This will improve the more we talk about it and the more we hear people who are successful talk about their difficulties with literacy, numeracy and other issues - dare I use the term “successful”. I mean people who feel they have fulfilled their aspirations, hopes and dreams for their life; that is success in my book. It is good the Minister of State has come to the House and it is good we are having this conversation.

Senator Fiona O’Loughlin: I thank the Minister of State for attending. I listened carefully to what she said. The key elements that stuck out for me were the focus on inclusion, full participation, having no barriers and additional supports. They are all incredibly important in helping young people achieve their full potential and ensuring they are able to go on and have a full life within their own community and in society with respect to both employment and their own lives.

This is a good opportunity to talk about dyslexia. It is important the focus is on dyslexia awareness this particular week and that we have the opportunity to talk about the barriers and the research that is there. We can talk about famous people with dyslexia who have achieved an awful lot. Fair play to them for saying that despite this they have done well. Senator Dolan gave us a few such examples. I mention Steven Spielberg, Albert Einstein, Leonardo da Vinci, Richard Branson and Muhammad Ali. Many of our actors and actresses also have dyslexia. I think in particular of people I have met through life who suffered because of their dyslexia due to it not being diagnosed at an early enough stage for intervention. They always felt like the class dunce and they were at the back of the classroom. As a result they did not like school. It impeded their social interactions with their peers and teachers. Their sense of disempowerment was colossal and some never got over that. It is quite shocking to see how their whole lives were impacted on because of it. I am thinking of one person who suffered from dyslexia which was never picked up. He repeated his leaving certificate three times to get what he wanted to do in college. He got the course he wanted, which was architecture. He repeated every year twice and after ten years became an architect. He is now successful. That is how determined he was to get over this. I have great admiration and respect but we must learn lessons from that and ensure children are no longer isolated when they have such an issue. We must deepen our own understanding and awareness of dyslexia and deepen the understanding and support within the school system.

The awareness campaign going on this week is important because it is estimated dyslexia affects one in ten people and affects both children and adults. It is a common difficulty, as I

witnessed myself when teaching at primary level. It causes people to have issues with reading text, writing words and spelling. As has been noted, it is important to understand this is not a measure of anybody's intelligence. It is not a learning disability; it is a specific learning difficulty. Having dyslexia does not impact on someone's ability to process complex information or to contribute to society. It is simply an additional need that if accounted for, and if relevant supports are made available, should not impact on an individual's life. All it means is that extra thought, care and support is needed and, as a society, we should certainly be willing to offer that.

As with any learning difficulty, early intervention is key and we must ensure parents and teachers are aware of the potential signs of dyslexia. We cannot take that for granted. Those suffering from dyslexia will often also struggle with retaining information if it is written. If anyone hears their child saying, he or she must keep rereading a sentence or he or she seems to struggle with following or remembering a story, this is a potential sign of dyslexia. Thus we need to know what to look for and we especially need to raise awareness of dyslexia in the education context, and that is why the Minister of State is here. We need to ensure our education system is equipped to support students who are dyslexic and that our teachers and the wider school communities are able to support the dyslexic students appropriately.

I have always been a passionate advocate for truly inclusive education. We cannot allow a situation where somebody's educational outcomes are negatively impacted by either additional educational needs or by socioeconomic background. Education is a key differentiator and high quality education needs to be offered to all of our students. Ensuring fair and equitable access for all pupils has to be a key priority.

For my own party, Fianna Fáil, throughout our history we have been behind dramatic expansions at every level of the education system, and enabling children with special educational needs to receive an education appropriate to their needs is a priority for this Government. That is why there very specifically is a Minister of State with responsibility for special education, who, of course, is Deputy Madigan.

The Dyslexia Association of Ireland has some key and important research that is worth noting. It, of course, highlights that dyslexia is a lifelong condition which can impact on college work and social life, on occasion. If it is not identified, the result can be underachievement, frustration and, worst of all, low self-esteem. The research released today showed that access to dyslexia identification is a real challenge. Some 79% of respondents reported waiting more than two years for assessment and 39% more than four years. That is shocking and we need to do far better. It states that 100% of teachers reported having students in their class with unidentified dyslexia, and a third of these stated they believed they had five or more undiagnosed dyslexic students. Some 91% of parents and teachers report that having a child's dyslexia identified helps them to better understand and support their learning needs which, of course, results in improved self-esteem, confidence and mental health, apart from educational outcomes. Over 96% of teachers said they would benefit from more training on dyslexia identification and interventions.

For many people with dyslexia, remote learning was very challenging, and we have to bear that in mind as we and they are struggling to try to catch up. Many parents felt their children had fallen behind in their literacy skills during the pandemic.

Looking at dyslexia in the workplace, most jobs require some level of literacy and-or nu-

meracy, and adults with dyslexia may struggle with time management and organisation at work. As a society, all efforts have to be made to support individuals with dyslexia, making reasonable accommodations where necessary.

Acting Chairperson (Senator Sharon Keogan): On behalf of the Green Party, I call Senator Pauline O'Reilly, who is sharing time with Senator Róisín Garvey.

Senator Pauline O'Reilly: I welcome the Minister of State. It is important that we are having this discussion today. It is also important to recognise what I think is a really good aspiration from the Dyslexia Association of Ireland, that is, to create a dyslexia-friendly society. While it is absolutely appropriate that we would have the Minister of State, Deputy Madigan, in the House, this is a wider conversation beyond education and involves the way we treat each other as citizens in this country.

The part that education has to play is that it can do one of two things: it can make people feel better about themselves or it can make them feel worse about themselves. Senator Dolan has outlined very well everything that has been achieved and everything the Minister of State has put in place over the last year since we entered government. However, it is also fair to say that there is frustration. There is a backlog of work that needs to be done, and it can only be done over a period of time. I certainly appreciate that but we also have to recognise the frustrations of young people and parents. We need to say that we are going to tackle this, that this is important to us and that this is why we made the decision to put in place a Minister of State with responsibility for special education.

It has been mentioned many times that 10% of us have dyslexia, which means many of us in this Chamber have dyslexia. I imagine that many of us do not even know, as we are standing up here, trying to read notes and struggling, because we were never diagnosed in school. That is a real challenge for people. We have very high rates of illiteracy in this country. We just do not know how much of that is linked to dyslexia. There is a further 5% to 10% of people on top of that 10% who have a language-based learning disability, so that is 20%, or one in five of us, who have a language-based learning disability, and we just do not know about it.

Recently, in the school of one of my children, the students underwent an assessment to see what kind of learners they are. It was really valuable and empowering for the children in that school to feel, "Okay, that is why I do not read or write to the same level as some of my peers, but the thing I am really good at is painting, and that is the way I learn because I am a visual learner". It is really empowering for people to understand themselves throughout their life. Not only that, it is the other four in five people who were there who then learn there are people who learn differently to them as well. That will help as we go forward into workplaces with understanding our work colleagues.

We have an opportunity to change the way that learning happens in this country, both in terms of our appreciation of other people and having that dyslexia-friendly society, and also having that real sense of self-confidence that we can participate in the world, add to it and be valuable members of our society, even if we have a language-based learning disability, or especially because of that, because we can hone our other skills and be really competent at something we are good at.

Senator Róisín Garvey: Cuirim fáilte roimh an Aire Stáit. It is great that we have set aside time in the Chamber to discuss this very important issue, and I appreciate the Minister of State

giving it the time.

By definition, dyslexia is a general term for difficulty in learning to read or interpret words, letters or other symbols but it does not affect general intelligence, and it is important to make that clear. As a secondary school teacher for many years, I had many students who struggled with dyslexia, often undiagnosed, even at the secondary school level. The challenge for me was not that they were not going to be able to learn; the challenge was to find a way to teach so they would be able to learn. It is very important that we do not use it as an excuse for them not learning and that we find another way that works for them. There are a lot of different ways dyslexia is expressed. I had students who also had dyscalculia, which is a form of numerical dyslexia, and it is also often unrecognised or undiagnosed.

People with dyslexia are frequently very good at something else, so as well as addressing the challenge, it is very important that we also find things they are very good at because there are all forms of intelligence. We need to focus more on the point that if somebody has a challenge in one area, the chances are that he or she has lots of energy and ability in another area.

As a teacher, I struggled to find supports in order to find better ways to teach the pupils who had the challenge of dyslexia but I came across an amazing book. I would urge everybody in the House and everybody who has a child with dyslexia or is a teacher of such a child to read it. It is called *The Gift of Dyslexia: Why Some of the Smartest People Can't Read...and How They Can Learn*. It was a game changer for me as a teacher. It is by Ronald D. Davis and it was first published in 1994 so, luckily, it was out when I was teaching. *The Gift of Dyslexia* became an immediate bestseller and changed the face of how dyslexia is viewed and how it can be remedied worldwide. The third revised and expanded edition, published in 2010, which is the one I recommend, contains added information to help with the mental techniques for orientation and attention focus that are hallmarks of the Davis programme.

As the Minister of State noted, we do a lot more now in support of dyslexia than in the past, but I have many friends and I know many people who were undiagnosed with dyslexia and who are now adults with dyslexia. I would love to see a further education course or module designed just for adults with dyslexia to give them the supports they never got as children to see if we can help them overcome that.

As other speakers have mentioned, despite that challenge, many of them have been very successful. One of my favourites is Agatha Christie, who was a famous novelist and who managed to write several books despite her dyslexia. John Lennon, the great singer who was a total inspiration, was also a great advocate for dyslexia. There is also Whoopi Goldberg, a great actress. Recently, a friend of mine came back home from South Sudan after four years working on the front line in conflict resolution and supporting UN staff. He suffers from severe dyslexia. The key here is that what sets someone back in one way will help them shine in another. It is important we find what helps the child or adult shine despite the challenges of dyslexia.

The Department of Education provides an exemption for people with dyslexia to not have to take Irish. That does not mean we presume they do not want to learn Irish. Often it is assumed that if someone is dyslexic, he or she will not take Irish. A member of my family had to put in a good fight to be allowed sit Irish. He got a high grade in honours Irish in the leaving certificate despite dyslexia but he was strongly encouraged to not bother doing it at all. We have to be careful about these issues as well. It is not all clear.

Awareness is the first step and it is great we have this week to raise awareness about dyslexia. Of course, the second step, which is the most important step, is action. I look forward to working with the Minister of State on anything we can do to support her in her work that needs to be continued in this regard.

Acting Chairperson (Senator Sharon Keogan): The Senator's contribution was inspirational and I thank her for sharing her experience as a teacher with us.

Senator Fintan Warfield: I welcome the Minister of State to the House. I thank the Dyslexia Association of Ireland for the meeting today with Oireachtas Members and staff, which was informative. I grew up with a family member who is dyslexic and it was interesting to see the demand for policy change that exists.

We heard earlier that dyslexia affects 10% of the population. At the meeting, the representatives spoke about the importance of early identification. How can we deal with dyslexia if we have not identified it? Only 23% of parents had an assessment for their child. Senator O'Loughlin mentioned these statistics. Most parents waited more than two years, and some more than four years, for an assessment in the public system, during which period children fell behind.

In addition, teachers also say that they believe there are unidentified cases of dyslexia in their classes. I am sure there are. There are unclear policies and processes for teachers who may think that there is a child with dyslexia in a class. I also learned that only 18% of teachers received training on dyslexia. In four years of teacher training, it seems incredible that some teachers might only get an hour's training on dyslexia when 10% of the population may have it. It is something that should be looked at.

There are also mental health aspects to the issue that make assessment so important because if left unsupported it can have a major impact on a person's mental health.

In terms of Covid-19, teachers believed that remote learning had an impact on students with dyslexia. However, in some instances students with dyslexia found that stress dropped at home because it may have been a more relaxing environment. They may have had better access to technology and that stress dropped as a result.

From childhood, Mum and Dad put in hours upon hours of additional so-called "homework" with one of my siblings. Indeed, they chose a school on the basis that it had construction studies, art, technical graphics and music. We only secured access to that school on the basis of a lottery and it goes to show.

I spoke about the skills that people have. My brother is just the most incredible craftsman I have ever met. Even at that, access to third-level course was not based on practical ability; it was based on the leaving certificate. I will come to some of the reforms that Sinn Féin would like and that the Oireachtas Joint Committee on Education, Further and Higher Education, Research, Innovation and Science is beginning its discussions on regarding the future of the leaving certificate.

We should not force families to go privately to get an assessment, putting financial strain on families who may not have the money to do so or may have to make sacrifices to get that assessment. Identification helps drives a student's performance, helps people with mental health, and helps people to identify all the role models that people have spoken about today who may

have dyslexia or, as was spoken about in the meeting today, to find their tribe.

It is fitting that we are celebrating Dyslexia Awareness Week while at the same time the Oireachtas Joint Committee on Education, Further and Higher Education, Research, Innovation and Science is beginning its discussion on the future and reform of the leaving certificate. The need for reform is obvious to all. It is ridiculous that so many years of hard work hinge on one week of examinations. The pressure it creates is unhealthy. It is even more ridiculous that dyslexic students have to fight every year for reasonable accommodations to sit their examinations, such as scribes and readers. Sinn Féin has long advocated for reform of State examinations. There is a need for the curriculum to be more reflective of how different types of students learn and for a more holistic approach to be taken in how subjects are taught in a way that is inclusive of as many types of learners as possible. We need more continuous assessment to take the pressure off the final examination. The leaving certificate must reward not only knowledge acquisition but creativity, flexible thinking and adaptability.

The Minister of State championed and led Creative Ireland and Creative Schools. I hope that programme can be extended. I would love to see it in every school in the State where appropriate but we need to also see what the Creative Ireland programme will look like moving on from next year.

I look forward to the Oireachtas committee hearings on the reform of the leaving certificate in the coming weeks, in particular, the potential that reform has to transform the learning experience of students with dyslexia and additional educational needs. Many former teachers have spoken here. As a family member, I know that obstacles are staked in a person's way when he or she has dyslexia and we need to level the playing field as much as possible.

Senator Eugene Murphy: Ar an gcéad dul síos, gabhaim buíochas leis an Aire Stáit, Deputy Josepha Madigan, a bheith anseo an tráthnóna seo don díospóireacht seo.

I have been listening intently to this wonderful debate. It brings me back to my school days when I was working in my cousin's business, which was a part hardware and agricultural store. I can recall clearly a small number of customers, in particular, men, who would come and buy their goods, whether it was fertiliser, fencing posts or whatever. They would throw down their chequebook and say, "Fill that in.", and I would reply, "No, you do it." Some years afterwards, I realised that some of those people were suffering from dyslexia. The point I am trying to make is it was such a shame people never wanted to talk about it. They would not tell their spouses or adult children. Many people say to me nowadays that they suffered with this for many years but they were so ashamed to mention it. That is why it is important to have this debate, to have this awareness month and to have additional State funding going into the system, but also to appeal to people out there who suffer in their everyday lives with this and do not want to talk to anybody about it. Maybe sometimes even students do not want to talk to their parents or guardians about it. Maybe part of the reason some young people do not want to go to school is the embarrassment of it.

When I look at some of the modern lingo on social media, I wonder whether we are all gone a bit dyslexic at times even though we probably deliberately shorten words, etc. There has been a complete change in the way we deal with language. The way we deal with nouns, verbs, adverbs and so on has changed, particularly among younger people.

In talking about our education system, I would like to see a greater focus on why some

youngsters do not want to continue with school or even hate school. I firmly believe that it could be to do with dyslexia. When I think back to my own days in school, I had a huge difficulty with mathematics. To this day, if I am asked to add, subtract, multiply or divide, I can beat anyone but do not put algebra or anything like that in front of me because I would be the worst person in this room and in Ireland at it. That is a form of dyslexia but we do not look at it that way. It is the same with people who have a difficulty with Irish, history, geography and so on. It is a huge problem within our education system and is far more common than is recognised but the fact that we have open debates about it and that people are more willing to talk about it is good. As legislators, we must look out for young people and adults. In the past, people would have asked me to fill in cheques for them because they could not or would not do it but they would not say that it was anything to do with dyslexia. Nowadays it is easier for people to talk about it. Good friends have come to me in recent years and told me that they or their family members were dyslexic. Many of those people are real achievers in life. Some are really good business people and really good communicators but they have kept hidden the fact that they cannot write properly or deal with that part of life.

It is great to have the Minister of State here for this debate and to listen to everyone's point of view on the issue. It is an issue that we should focus on more and I thank the Minister of State for taking the time to be here today to discuss it.

Senator Maria Byrne: The Minister of State is very welcome to the House this evening to discuss this important issue. I will begin by complimenting her on the work she has done since taking over responsibility for special needs and on her contribution to special needs schools and to children with disabilities and learning difficulties, including those with dyslexia. As has been pointed out earlier, dyslexia is not just about children; it also affects adults. I am glad to have the opportunity to speak this evening, especially as this week is Dyslexia Awareness Week. Many of us in the House attended the Dyslexia Association of Ireland's briefing where we heard some pretty stark facts. While there was much positivity in the briefing, there were also some alarming issues raised. Some teachers admitted that they felt they were not properly trained to deal with dyslexia. Many teachers have been on training courses but feel they do not have the skills to deal with dyslexic children or to teach them properly. It should be compulsory for all teachers to complete a dyslexia training course.

I also wish to compliment the SNAs in our schools. There are many fantastic SNAs out there who have worked so diligently with students, especially those who are completing the leaving certificate. I know of a student who is severely dyslexic, who reads everything backwards and finds it really difficult to learn. That student got close to 500 points in the leaving certificate, thanks to the help of a hard-working SNA. It is also important to mention technology in this debate. Supportive technology enables many people who are dyslexic to learn a lot faster. Dyslexic students can use iPads and similar devices at school and many of them find that very useful. I know of one child who writes everything backwards but who is the first to understand a verbal instruction. The child is very intelligent, as is the case with many people with dyslexia. It is all about finding the right supports for children, especially in education. In many instances, people lack confidence because they feel they are doing things wrong but it is not about right or wrong but putting the right supports in place. I would like to see grants being given for assistive technology because it can be very costly for families. I met the parents of three children with dyslexia recently who told me that the cost of getting a computer for each child was enormous, not to mention the cost of upgrading and so on.

While much good work is happening out there, we need to go a step further. I compliment

the Minister of State on her commitment to this area and look forward to working with her on improving the rights of people with dyslexia.

Senator Mary Seery Kearney: I thank the Minister of State for taking the time to be here today. It is really important that we highlight dyslexia and its impact on those affected. I had the experience of supporting someone doing a degree in UCD. While that person could not sit down and write an essay, he could walk the length of the room and dictate a 3,000 word essay and be able to picture it in his head and instruct me to go back to a particular point and type it. I was merely the scribe or the secretary throughout the process and it really brought home to me the fact that dyslexia is not about intelligence or ability. It is a learning difficulty that people experience but is not reflective of their life or of their capacity, capabilities or where they can assume themselves to be or aspire to be. It is really important that we have days like tomorrow and weeks like this during which we highlight the achievements of people with dyslexia and draw attention to the number of renowned people throughout the world who had dyslexia. Despite the dyslexia, their brilliance and innovation came to the fore and was experienced.

I welcome today's debate and I also welcome the incredible work that the Minister of State has done in her new role. We have seen an increase in special education places and classes for which the Minister of State must be congratulated. I have enormous confidence in the Minister of State's drive and determination to ensure that we provide wraparound services to children in school which will address some of the issues that were raised at the briefing today. Early identification will be facilitated by having those wraparound services. The concept that the Minister of State is bringing into being will bear fruit for the next generation.

I must mention Dublin 6W where there are huge gaps in the provision of services. I know the Minister of State is doing her best to intervene, to have a say and to increase the number of places in schools for children with special education needs. We cannot have a situation where service provision is a postcode lottery and access to supports depends on where one lives in the country. We cannot have resistance at school level for whatever reason, be it league tables or otherwise.

7 o'clock

We certainly cannot have that.

I think Covid amplified the digital technology divide. Many children were working from home where maybe three children were sharing a phone or device, as someone told me the other day. We need to move very decisively on things like that to ensure that no child is left behind when it comes to technology, particularly where there are areas like this.

I want to offer congratulations on the new course for SNAs that began last year. I know an SNA who is going through it at the moment. It is a phenomenal amount of work in terms of the quality of the input and the quality of the confidence in the SNAs going through it, realising everything they have done is really good and inspired by their own life experience and professionalism. They are getting that confidence and it is emboldening them in their roles, and getting new information and training. That has been really instrumental. I have one ask. How much of that can be off-set against Croke Park hours? From SNAs I have spoken to, it seems to be at the discretion of the principal of the school. We could do with uniformity on that because there is a lot of work to it but it is fantastic. Everyone I have spoken to, and one person in particular, really values the experience and the professionalism that has been honoured through the

course. I thank the Minister of State for that. It is very good.

Senator Emer Currie: I want to say how fantastic it is to have a Minister of State with responsibility for special education and inclusion in this room to talk about dyslexia month. It is an acknowledgement of where we are. There is a lot of work to do but it is a commitment to where we want to get to. I cannot think of a better person to do it. Everyone has heard of dyslexia but I am not sure there is enough general awareness of what it actually is and the specific supports that people need. Dyslexia is a specific learning difficulty that affects reading and spelling skills and affects 10% of the population.

People come in all sizes and shapes yet we still very much live in a one-size-fits-all world. A lot of our work is to tailor to people's specific needs. To me, dyslexia is just another form of human diversity. We all have something different about ourselves. This is always about equality of opportunity. That is very much a principle that we need to strive for.

I know the Minister of State is fighting at the moment for budget allocation. This year, €2 billion, or 25% of our education budget, will be spent on special educational needs. That shows the commitment to change. I often come across parents and schools who have concerns. I want to recognise groups such as the Dyslexia Support Group in Dublin 15. It is a new group which is meeting for the first time, because of Covid, on 22 October, for a coffee morning in support of Dyslexia Awareness Month and the Dyslexia Association of Ireland. I thank Senator Lombard for arranging this debate and the information that we got.

Inclusive education is set out in the Education for Persons with Special Educational Needs Act 2004. It states a child with special educational needs shall be educated in an inclusive environment with children who do not have such needs unless it is not in the best interest of the child with special educational needs or is inconsistent with the effective provision of education for children with whom the child is to be educated. I do not think there is any disagreement with the latter. I agree that such an inclusive approach is what we want to achieve. We have a model for allocating special education teachers in mainstream schools that was introduced in 2017 based on the profile needs of the school. That allows the school to allocate support where it is needed and without diagnosis. The numbers speak for themselves. There are 13,600 special education teachers at the moment but we must accept that we are still trying to close the disconnect between where we want to get to versus what some children with severe dyslexia are currently experiencing. I am specifically talking about Dublin west. I speak to parents with children in the third percentile who get support from their special education teacher but still feel that the children are missing out on an inclusive experience because they have to leave their table or leave their classroom so much. That is an issue that we have to acknowledge. It creates a negative experience for children if they are feeling different and feeling left out. Not every child will feel that but among the parents I speak to, many of them do. We have to listen to parents who are happy for their children to have access to reading classes and reading schools should their children need it. They do not see a reading class or a reading school as a failure of inclusion, they see them as an enabler of inclusion in the long term. I know the Department has said that it no longer supports the opening of new reading schools or classes but it is disappointing to the parents and children in Dublin 15 who do not have access to either. There is a school there, St. Francis Xavier, in Roselawn that wants to open a reading class and there are parents who very much want that. The Department has said it is going to review that policy. Parents, schools, the Dyslexia Association of Ireland and the National Educational Psychological Service have said that in an ideal world, where teachers are fully trained and schools are fully resourced, reading classes and schools would not be needed. That is what the Minister of

State is working towards. While we absolutely need to get there, we are not there yet. I hope that review will fall in the favour of parents who want the reading classes and schools.

Senator Tim Lombard: I spent most of this debate in my office listening to the contributions. I want to compliment the Senators. It was a great debate with great knowledge and I am very proud of the House tonight.

I want to speak about the Dyslexia Association of Ireland. It does amazing work. It is a fantastic organisation that deals with parents in particular, as well as teachers. It has done fantastic work over the last 50 years and that needs to be acknowledged. I do a little bit of work with it and I want to acknowledge its great efforts. Looking at what the association does on the ground, one thing is building up self-esteem with children who are dyslexic in their workshops, which is really important. Self-esteem is a real issue with children who have dyslexia, and also adults to some degree, but particularly children. Those workshops are really important for dyslexic kids. There is also the work the association does in teacher and parent training. Parents, like all of us, need training to know exactly what aids their child needs when they are dyslexic. The work the association does on those two things is exceptionally important. There are also the workshops that happen outside school hours for children which are a real bonus. Those workshops, which are probably weekly, give real understanding among parents and children and bring them up to what we need to do regarding teaching our children to learn. That is exactly what it is about: teaching our child how to learn in a different way. We would have taught our kids the ABC alphabet but that was completely wrong. It is all phonics now. It has totally changed and we did not realise. Now, 11 years later, we could write a book on it. These are the big issues that we have in society.

There needs to be urgent reform of the education system and how children are looked on in education forums. There are massive issues. Senators have mentioned mandatory teacher training. To have a scenario today where teachers do not have training to identify when a child is dyslexic is appalling. We really need to look at how our education colleges are training our teachers. Continuous training is the biggest issue. We need to make sure that the teachers in the system can be brought up to speed on how we can work with our children.

The simple and easy win is extra time for exams. That is the key issue. Students need more time to compute so that they can fill out exam papers. For me, though, the main issue is technology. It gives glasses to a child who does not have the ability to see. A reader pen, which is a fantastic tool, gives a child the opportunity to read with a pen. The child can hear the word. A child can type into an iPad and it will then speak for him or her. These kinds of technology are the ultimate game changer and are what we need to be talking about, but there is resistance within some schools. Schools do not understand what these technologies are about or why and where we use them. It will take a holistic approach across the entire education system to bring the system up to speed. If that assistive technology can be taken away during the Drumcondra reading test, which is an assessment given to children, it is appalling. I know a parent of a child who is on the third centile. His assistive technology was taken away from him when he did his Drumcondra test last year. We cannot stand over this. No one can. It would be like taking away the glasses of a child with a visual impairment and expecting him or her to do an exam.

This shows the lack of joined-up thinking in the area, and is why our debate is so important. It is also why I have spent most of the debate in my office. This is about trying to get change and small, basic wins to ensure that our children have the ability to perform and be equal in the classroom. That is what we need to see today. We need to see a complete reform of the educa-

tion system when it comes to dyslexic people. For that to happen, a complete ethos change will be required by educational colleges all the way up. That is where we need to start.

If we were to get one win, it would be with the technology. Having that technology gives our students the ability to run. If we can do that and make a start, society will thank us. Some 10% of our communities need this help and it is in our gift to give it.

Acting Chairperson (Senator Sharon Keogan): I thank the Senator for organising the briefing this afternoon and for his contribution on this debate.

Senator Micheál Carrigy: I welcome the Minister of State. I was struck by Senator Murphy's comment about years ago. Thirty years ago, I am not sure whether the words "dyslexia" and "autism" were even in the English language. A large number of the kids in question were at the back of the class and sometimes did not get a chance in life. Thankfully, that has changed and people are getting opportunities.

I welcome today's presentation and I thank Senator Lombard for organising it. It was informative and I compliment the organisation that appeared before us on its work. Well done to Senator Lombard on being such a strong advocate. I support the organisation's requests for the budget. How equipment can make such a difference was well articulated by the Senator.

I am a firm believer in early intervention. There are challenges in getting early intervention to kids, but there is a simpler test that can be done and used to refer kids on for further tests. This needs to be done at a young age in all schools.

Yesterday evening, I told my wife, Una, that I was going to speak on this issue. She felt that, as a primary teacher, she was not well enough informed on the matter. She has made overtures and bought equipment, coloured paper and so on to have it all in place for kids who might be affected. More teachers need to be trained up to increase their awareness, as do SNAs. A child would not get an SNA on the basis of having dyslexia, but when SNAs are in a classroom setting, they should have a basic knowledge of the issue as well.

Across the system, there need to be more spot checks so that kids who should be getting aid in school are actually getting it and that their schools are not using their hours for alternative uses. The latter is happening in a large number of schools. I do not want to see principals not giving kids the hours that they have been allocated and to which they are entitled. An eye needs to be kept on this.

The figure of 10% is startling. I did not realise that was the percentage until Senator Lombard said so. I am proud of the Minister of State, Deputy Madigan, who has driven the school inclusion model for kids with autism in particular. It is the way forward. We can bring occupational therapy and speech and language therapy into schools as well to help kids with dyslexia. Instead of taking kids out of the school setting where they are comfortable and putting them into a clinical setting, bring that help into schools. I hope that more funding is allocated to the Department to allow for that approach to be taken across the country. It was successful in the trial area, which I believe was CHO 7 in Meath, and had positive results. It must be rolled out across the whole country. Get it into schools and to the kids every day of the week. Get in early, identify the problems and sort them out.

I compliment the Minister of State on her work and Senator Lombard on being a very strong advocate for people with dyslexia.

Minister of State at the Department of Education (Deputy Josepha Madigan): Pablo Picasso, Leonardo da Vinci, Michael Heseltine, Agatha Christie, John Lennon, Whoopi Goldberg, Albert Einstein and Noel Gallagher are the names that I got this evening of people who have or had dyslexia. As many Senators have pointed out, dyslexia is not a lack of intelligence or, as Senator Boyhan said, an impediment to not just progressing in life, but also achieving extraordinary things. It was wonderful to hear the Senators' contributions, which will help me as Minister of State with responsibility for special education. I met the Dyslexia Association of Ireland with Senator Lombard last year. That was helpful for me as well. The Department gives funding to the association, which is important.

Dyslexia is high incidence and low impact. Many children around the country have dyslexia. It is predominantly in the mainstream that we cater for children with dyslexia through special education teachers, SETs, and SNAs. There would be no need for children to go to special classes or special schools unless they had another diagnosis, for example, autism.

Some of the points made during this debate struck me, for example, those about early intervention and teacher training. Senators Lombard, Maria Byrne, Warfield, O'Loughlin, Dolan, Boyhan and Carrigy mentioned teacher training as an important issue. I wrote down "not a lack of intelligence", which is something that Senator Seery Kearney mentioned. Senator Murphy referred to how dyslexia was hidden, which is true. We are breaking down those barriers. Even having this discussion is important, in that it puts a spotlight on the matter. We do not have children at the "back of the class" anymore. SNAs are helping in that regard.

Giving the children confidence was mentioned as well. We want to ensure that they do not lack confidence as a result of having dyslexia.

The funding for the assistive technology scheme is important. Technology is important and we saw the divide during the pandemic. We will have to put more funding into technology in the future. All these tools are vital.

Senator Currie mentioned a dyslexic group in Dublin 15. It is great that a new group has formed and that there are support groups. Some Members mentioned other matters separate from dyslexia and I come back to them on all of those.

It is important to note the inspectorate is ensuring policy in the area of special education, including in the area of dyslexia, in respect of reading supports will be reviewed to ensure it is meeting the needs of young people. That is good for the Members to know. It does that on an ongoing basis and will continue to do that.

I am always interested in hearing the views of public representatives. They know their constituents, schools, teachers, staff, families and parents. They meet them all the time. I cannot change things for the better or help ameliorate policy or change the way policy is going unless I hear from them on different matters. They have given me most of those this evening. The school inclusion model was mentioned and it will be critical.

I am in the middle of budget negotiations for my Department. We had a budget of €2 billion last year, which represented a 50% increase since 2011. It is a massive increase but that was coming from a low base. There are two sides to that. The fact we have more diagnoses means we have more children to look after and it is good they are being diagnosed in the first instance. For dyslexia in particular, a diagnosis is not needed to access an SNA or a special education teacher in mainstream education. That is important. It is always available for the child. It is

important to keep those children as inclusively integrated into the classroom as possible rather than having them going in and out all the time.

The Education for Persons with Special Educational Needs Act is 17 years old. I am committed to reviewing it. When I undertake that review, it will show the direction of travel for the future. The needs of children are changing all the time as we evolve. Technology came to the fore here this evening and it will change again in 20 years. We do not know what other initiatives or inventions there will be by then. Therefore, we must make sure we amend our legislation when we need to. The fact that 10% of the population is affected by dyslexia is significant. Early intervention is critical. I speak to the Minister, Deputy O’Gorman, and the Minister of State, Deputy Rabbitte, on an ongoing basis about that and about issues such as waiting lists, assessments and making sure children gain those supports if and when they need them.

Acting Chairperson (Senator Sharon Keogan): I thank the Minister of State for joining us this evening.

When is it proposed to sit again?

Senator Aisling Dolan: At 10.30 a.m. tomorrow.

The Seanad adjourned at 7.24 p.m. until 10.30 a.m. on Thursday, 7 October 2021.