



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Dé Céadaoin, 10 Samhain 2021

Wednesday, 10 November 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 Eugene Murphy that, on the motion for the Commencement of the House today, he proposes to raise the following matter:

The need for the Minister with responsibility for mental health and older people to make a statement on the development of later life psychiatry services at the former Rosalie Unit in Castlerea, County Roscommon.

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

The need for the Minister for Health to provide an update on increased uptake of the Covid-19 vaccine since the Government announcement on 19 October of the continuation with the requirement to show the EU digital Covid certificate.

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

The need for the Minister for Health to make a statement on the disposal of baby organs by incineration at Cork University Maternity Hospital.

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

The need for the Minister for Agriculture, Food and the Marine to make a statement on plans to ensure the viability of the sheep sector, including the status of the wool feasibility study.

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

The need for the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media to make a statement on the introduction of a universal basic income for artists and art workers.

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

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The need for the Minister for Education to make a statement on the lack of parity between the use of traditional and simplified Chinese characters in leaving certificate Mandarin Chinese.

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

The need for the Minister for Justice to make a statement on her Department's plans to address the growing issue of antisocial behaviour in Eyre Square, Galway city.

Of the matters raised by the Senators suitable for discussion, I have selected those raised by Senators Murphy, Ahearn, Lombard and McGreehan and they will be taken now. I regret that I had to rule out of order the matter raised by Senator Crowe on the ground that the Minister has no direct responsibility in this area. The other Senators may give notice on another day of the matters they wish to raise.

Nithe i dtosach suíonna - Commencement Matters

Psychiatry Services

Senator Eugene Murphy: Cuirim fáilte roimh an Aire Stáit, mo chomhghleacaí agus mo chara. I thank the Cathaoirleach for considering this matter and allowing us to debate it. I thank the Minister of State, Deputy Butler, for coming to the House to deal with this Commencement matter. The Minister of State's commitment to mental health and to older people is well recognised throughout the country. To be honest, communities continuously tell me about the great work being done by her. I want to acknowledge that here this morning.

It would be fair to say that it was during my time as a Deputy, that the Minister of State would have heard more about the old Rosalie Unit, as we discussed it over and over again. The centre was a home for several people who suffered from dementia. There was controversy when it was closed. That is water under the bridge at this stage, but a new centre was promised, which was announced in June 2020 by the then Minister of State with responsibility for mental health, Jim Daly. I believe the head of the HSE was there and, if I am not mistaken, then Taoiseach, Deputy Varadkar, was also online as was the Minister for Health.

This new centre was to be a day care centre for CAMHS and for psychiatry in later life, which is vital and important. There have been some developments there, and I welcome the commitment of the Minister of State, Deputy Butler, to the centre. I am informed that CAMHS' work is up and running on certain days in the week, which is very welcome. I am aware it is the Minister of State's desire to see everything that was promised is done. I am aware the Minister of State is committed, and that when she has something she wants to achieve that she will achieve it.

I am looking for an update as to where we stand with the new e-health centre in Castlerea, County Roscommon. There seem to be issues around psychiatry of later life services. Is it a staffing issue? I am aware that the Minister of State has provided the money. I do not know if there are issues around getting staff. It is important and crucial that once and for all we ensure

this centre gets up and running as quickly as possible.

The Minister of State will also have heard me speak previously about the unspent money from 2012 to 2015, which was €18 million for mental health services for our county. That money was not returned. The money should have been put into mental health services at the time. It is still a big bone of contention with people and it is highly regrettable that this has happened. When the system needed that support it did not get it. This is an issue for the people who deal with mental health and with the public in our own county.

I will not delay any longer and I look forward to the Minister of State's reply. I hope that we can get some clarification this morning. I am sure the Minister of State will appreciate the absolute importance of the centre. It is great that it was promised. It is great that part of it is up and running, but we need to get the whole matter sorted now. I look forward to the Minister of State's reply.

Minister of State at the Department of Health (Deputy Mary Butler): It is good to see Senator O'Sullivan in the Chair.

Acting Chairperson (Senator Ned O'Sullivan): It is lovely to see the Minister of State, Deputy Butler, in the House. It would be remiss of me not to welcome you.

Deputy Mary Butler: I thank Senator Murphy for raising this issue in Seanad Éireann. I can safely say that this is not the first time I have heard about this from the Senator. As Senator Murphy has said, we have spent a lot of time discussing the previous Rosalie Unit. Staffing for the CAMHS Connect day hospital includes a consultant psychiatrist, a non-consultant hospital doctor, an advanced nurse practitioner, a senior social worker, a clinical nurse specialist, a senior psychologist and an occupational therapist. We are trying to put in place multidisciplinary teams around the country that will be able to support people with mental illnesses across all disciplines. The consultant, the non-consultant hospital doctor, the advanced nurse practitioner and the senior social worker for this team have been recruited. The remaining three posts are at an advanced stage of the recruitment process.

The following services are now available from the CAMHS Connect team: CAMHS multidisciplinary clinics, including a monthly mental health intellectual disability clinic; diagnostic assessments; cognitive behavioural therapy, CBT, and family therapy, which is important in supporting the families of loved ones with mental illness; outreach support; and CAMHS group work, which is being run to deliver therapy to young people. There is an existing psychiatry of later life service at Castlerea. Staffing for the new psychiatry of later life day hospital includes a consultant psychiatrist, a non-consultant hospital doctor, an advanced nurse practitioner, a social worker, a clinical nurse specialist, a senior psychologist and a senior occupational therapist. The non-consultant hospital doctor has recently taken up the duties of the position, and the remaining posts are going through the recruitment process and will be filled as soon as possible. Funding is allocated to the local mental health service as staff are appointed.

One of the real challenges being experienced is in recruiting staff. It can take up to 50 weeks to recruit and successfully put a person in place in a role, especially if the post must be backfilled. We are seeing this challenge with recruitment throughout the country and I have had many discussions about this issue. I met the CAMHS team in north county Dublin yesterday. When we are recruiting for staff, whether in the public, private or voluntary areas, and regardless of whether the recruitment is undertaken by NGOs or the HSE, we are all dipping into the

same pool of personnel. It is difficult, but suffice it to say the will is there, the funding is there and recruitment for posts is under way.

The new psychiatry of later life day hospital on site will meet evolving mental health needs across a wide catchment area. A major component of the new services is outreach to emergency and inpatient units through telepsychiatry. This approach will continue to be developed by mental health professionals. The new psychiatry of later life day hospital reflects a new and improved approach to meeting the mental health needs of older people in the region, compared with the old Rosalie unit which was based on the same site in Castlerea. The day hospital will provide a real alternative to inpatient mental health care in Roscommon and will facilitate older people living in their own homes or in nursing homes. Specific programmes will be delivered for older people with severe mental health difficulties and individuals with dementia, including a new memory clinic. The service will provide another option in addition to acute hospital care, delay admission to continuing care and provide carer respite capacity. Services also include cognitive behavioural therapy and other therapies, anxiety management, recovery programmes, as well as art, music and healthy living skills.

Senator Eugene Murphy: I welcome the statement from the Minister of State. Commitments were given regarding CAMHS and they have been fully looked after with these developments. I welcome that the Minister of State addressed the subject of the psychiatry of later life, but it is now clear that some issues remain concerning staffing. The Minister of State explained the situation very well in respect of how long it is taking to get staff into certain areas. The good thing I take from what the Minister of State said is that good progress is being made in this area.

It is also interesting to note what was said about telepsychiatry. Things change and this is something new and it will be part of how we deal with issues such as this in future. It is clear from what was said that this service will be up and running fully and that new ideas and approaches are emerging. I would love if the Minister of State would come to visit County Roscommon and this centre and have a discussion on these issues, including going through what is happening there. It would be well worthwhile. The invitation has been issued now, and I hope the Minister of State does not think I am being cheeky in pushing it on her like this. We would love to have her down there with us soon to discuss this matter further. I thank her for being here this morning and for her clear answers.

Deputy Mary Butler: I thank the Senator for his positive approach. The Castlerea mental health hub represents a new approach to developing options in mental health services delivery, including the psychiatry of later life. It is my intention, and that of the HSE, that the Castlerea hub will help to inform this objective nationally. I will take up the Senator's offer to visit his county to see the centre. As I said, this is a new approach to developing options in mental health services and it is so important. One of the things I was most pleased to secure funding for in the budget for next year is in the context of the integrated care programme for older persons. Everyone will be aware of what the programme does, but it does not deal with the psychiatry of later life. I secured funding for three pilot teams so that we will not be duplicating services in this area. If an older person presents with frailty, a broken hip or related issues, any issues concerning the psychiatry of later life can be addressed then as well. I am pleased about that.

Mention was made of the €18 million. When I came into my post last year, there was a deficit of €53 million in the area of mental health services in the Department of Health. I have managed to clear that and we are going into next year with no deficit. Working with the Department and the HSE, we went back as far as 2012 and we were able to see where some savings were

made. One relevant aspect from my previous life is that I was good at figures. What we have been able to do is to secure the budget for the future. None of the €1.149 billion funding allocation for mental health services is owed or will have to be spent on something that happened previously. I am very pleased about that aspect because it is so important in light of Covid-19 and all the other challenges that people face that we have a good and robust mental health system. I look forward to visiting Roscommon and my office will talk to the Senator about it.

Vaccination Programme

Senator Garret Ahearn: I welcome the Minister of State to the Chamber. She is always welcome and I thank her and the Cathaoirleach for facilitating this debate. I am raising this issue because the Minister of State will remember that a couple of weeks ago there was a lot of controversy about the continuation of the Covid digital certificate and the recommendations being brought in by the Government. The issue that seemed to upset some people was the continuation of the Covid digital certificate.

My question is how successful that digital certificate has been in recent weeks. I ask that because I was supportive of this initiative and I have seen the advantage of it in recent months. I refer to how people have embraced it, how it has encouraged people to get vaccinated and, most importantly, and this is the part people frequently forget, how the Covid digital certificate is there to support businesses. It is not impeding businesses in any way. It is a little bit of an inconvenience for people to have to check it when people come in, but the whole point of the digital certificate is to allow businesses to remain open.

Some weeks ago, about 370,000 people over the age of 12 were not fully vaccinated. My question is where are we now in respect of those 370,000 people, and I am asking because the impression I get is that there seems to have been an increase in the uptake of the vaccines. If Clonmel is anything to go by, and we are very lucky to have a vaccination centre there, as well as one in Nenagh in Tipperary, there has been an increase in the number of people receiving vaccinations. I have seen that myself. There was a sense before 22 October that if people who had not been vaccinated - for whatever reason, some people have genuine reasons and some people just do not want it or do not want to do what the Government is asking them to do, and it is always going to be the case that we will have a percentage of people like that - just got to 22 October, they would then have got over the end line and that would have been it.

I get the sense now, though, that people realise the Covid digital certificate is not going to be gone any time soon. One of the major and positive decisions we made in respect of the Covid digital certificate is that there is no end date for it. There is talk that there might be such a date in future, but I strongly encourage the Department not to have an end date for when the Covid digital certificate will be phased out, because a date, such as 1 January 2022, would give people the ability to decide to wait until that end date arrives and try to get past it that way. If we have learned anything from our experience over the past 18 months, it is that we cannot predict anything and therefore we should not have an end date because it just causes us more problems.

One suggestion I have concerns what is happening in other countries, such as Spain, where it has been successful. I refer to the fact there seems to be a lower uptake of vaccinations among non-English speaking residents in Ireland. If we could start a campaign to encourage those people to get vaccinated, that would be very helpful. We know many people are either sceptical of this or come from countries where there is a scepticism about vaccines even in their govern-

ments over years. We could set up a campaign within the Department of Health to encourage such people to get vaccinated.

I welcome the discussions between the Taoiseach and representatives of the hospitality sector, such as the Restaurants Association of Ireland, the Vintners' Federation of Ireland and all the other groups that participated in yesterday's process. Now is the time to encourage all businesses to use digital Covid certificates. It is the mechanism to keep the industry open over Christmas but we need everybody on board. I am sure the Minister of State knows businesses that have not been checking the certificates and I have gone to bars and restaurants where it does not happen. It is different everywhere. Some places are very positive and engaging while others are not. Even the businesses that are quite good may not look for photo identification, and I might refer to that in my concluding remarks. Now is the time for businesses in the hospitality sector to ensure as many bars and restaurants as possible can continue checking the digital Covid certificate over the next two months.

Deputy Mary Butler: I thank the Senator for raising this matter, which is important. He has set out the position clearly. On 19 October, the Government approved the reopening of the remaining aspects of the hospitality, entertainment and night-time economy. The hospitality sector has been permitted to reopen only with a full range of protective measures in place and the wide and robust implementation of the EU digital Covid certificate. Thinking back to the debate on the digital Covid certificate in the Dáil - I read the transcript a couple of weeks ago - I recall it being very emotive. Only the Government parties and one Independent supported it at the time. The digital Covid certificate being implemented to allow hospitality to fully reopen was likened to a pig in a poke and an Irish solution to Irish problem. It was labelled discriminatory. I can now see how all parties have engaged with the digital Covid certificate as a solution.

I was in a premises on Sunday morning when I did a bit of shopping. I do not mind mentioning I was in a Starbucks and I was so impressed when I entered the premises. A person is first asked for a digital Covid certificate when sitting down and identification to complement it. After sitting, a person can scan a code at the table to indicate the time and date when he or she is there. Some places are implementing the process well. Unfortunately, as we have heard, 37% of establishments are not up to speed and it is important that they participate fully in the process.

More than 7.6 million doses of the Covid-19 vaccine have now been administered since the programme began last December. This figure encompasses both primary vaccination and the administration of booster doses. Vaccination of those not yet inoculated remains an immediate focus of the programme. In recognition of this priority, the HSE has established an uptake improvement group, which has deployed initiatives that include pop-up clinics and targeted media campaigns.

In addition to the full reopening of the hospitality sector on 19 October, the Minister for Health announced an update to Ireland's Covid-19 vaccination programme in extending the booster vaccination to those aged between 60 and 79. The change was made on foot of a recommendation from the national immunisation advisory committee that a booster dose of the Pfizer BioNTech vaccine should be offered to all those aged 60 to 79 who have completed their primary vaccination course. The recommendation has subsequently been updated to include provision of a half dose of Moderna's Spikevax vaccine to be offered to those aged 60 to 79. Persons aged over 60 will be offered an mRNA vaccine regardless of the type of vaccine used for their primary vaccination course. The booster dose should be given after an interval of six

months, or at least five months, following the previous dose of any authorised Covid-19 vaccine.

I am pleased to report to the House that significant progress has been made in the weeks since the announcement. An estimated 336,000 persons aged over 70 are in scope for booster vaccination and nearly 33,000 doses have been administered to date. GPs are responsible for the administration of booster doses to this cohort and I express my sincere thanks for their ongoing contribution to the success of the vaccination programme.

The HSE anticipates that the booster vaccination of those aged over 70 and residing in the community will be completed by the end of November. Those aged 60 to 69 are being vaccinated through community vaccination centres and 13,000 doses have been administered to date. It is expected that the roll-out of booster doses for those aged between 60 and 69 will be substantially completed by the end of December. The roll-out of booster doses to those aged 60 to 79 is occurring in parallel with the vaccination of those aged 80 and living in the community and to healthcare workers, with the process for those in long-term care facilities having been substantially completed.

Senator Garret Ahearn: I thank the Minister of State. The question is fairly simple and the Department might be able to respond to it. The key figure I am seeking is how many first doses have been administered since 19 October, as this would give an indication of how many people have been vaccinated since the announcement. How many people took a first dose in the two weeks prior to 19 October, as it would indicate the percentage increase of people who have taken a first dose? This could strengthen the Government's case for how it takes decisions to protect people's lives and people could see the long-term strategy.

The Minister of State is correct in her comments on the opposition to this. She knows where I am from and I must listen to utter rubbish quite a lot in Tipperary from people who go whichever way the wind blows. Some of the comments relate to the decisions we make as a Government to protect people's lives and they are just outrageous. The majority of people do not listen to that rubbish.

I have another suggestion that the Department might consider. We all know places where the process of asking for a digital Covid certificate is done well but identification may not be requested. These certificates may remain for a long time. Has the Department considered the option of photo identification being part of the digital Covid certificate? The majority of pubs and restaurants are seeking these certificates. We encourage those that are not doing so to do it. The photo identification element is important. It would make no difference to the restaurant or bar that must check a certificate in any case but it would discourage people from using fake Covid certificates or certificates from somebody else. More powers should be given to the Garda to fine people rather than bars or restaurants, as this is about discouraging people from using other people's Covid certificates.

Deputy Mary Butler: I do not disagree with anything the Senator said. Every decision taken by this and the previous Government was to protect people's health and to ensure they could be kept as safe as possible. I know the Government had to make tough decisions. The difference is we have vaccination and booster programmes now, along with the digital Covid certificates.

I will try to get data on first doses given since 19 October and I am sure it will be easy

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enough to get. I take on board the Senator's point relating to photo identification being part of the certificate and I will pass it on. It is only by coming into the Dáil and Seanad that we hear suggestions and that is a good one.

We started the booster roll-out four weeks ago for those aged over 80 and in long-term residential care facilities. Already in the past two weeks we have seen a fall in the number of people in nursing homes contracting Covid-19 because of the booster shot. It is certainly working. Of all breakouts in nursing homes in the past four months, 83% have comprised five people or fewer. That is heartening as previously they could have involved up to 40 staff and members of the community. There is no doubt the data indicate the booster shot is working. I am glad the decision was made that our front-line workers will also receive it now. As far as I am concerned, that cannot happen fast enough. I thank the Senator for his constructive approach.

Hospital Investigations

Senator Tim Lombard: I want the Minister for the Health to make a statement on the disposal of baby organs in Cork University Hospital.

11 o'clock

This is probably one of the most troubling cases I have come across in my workload in recent weeks.

On 28 September, an "RTÉ Investigates" programme showed an unfortunate incident in the maternity hospital in Cork, where 18 families were told the news that their children's organs had been disposed of. Subsequent to that, one of those families contacted my office and they were very irate about how this was dealt with. I have had two meetings with them about this issue. Seventeen families were informed of the news; the 18th family found out on the eve of the programme's broadcast. On 28 September, one family got a phone call to inform them that an "RTÉ Investigates" programme would be aired that night with evidence relating to this issue outlined. They were told their poor baby's organs were cremated, but they were actually incinerated. They were not aware of all the evidence until they watched the "RTÉ Investigates" programme. It was a shocking programme in many ways. It involved 18 families and a breach of faith in respect of the organs of their loved ones who died. The 18th family had hoped and agreed that the organs of their child would be buried in the angels' plot in CUH, which was appropriate. They had the child baptised according to their religious beliefs. They wanted the child to be part of their family. That was all shattered when they got the news, literally on "RTÉ Investigates", that the organs of their deceased child had been incinerated in Belgium alongside waste. There has been a breach of faith here that will take an awful lot of work to rebuild. We need an urgent review of how this happened and, more importantly, an urgent review of this case in particular. One family was not informed. One family found out only on the eve of the programme's broadcast. One family had to sit down, watch the programme and learn that way where their child's organs ended up. That was inappropriate.

There needs to be a better way to do business. I have been involved in public life since 2003. Never have I seen a case such as this. We have no real line of communication put in place that would have ensured that these families were appropriately informed of the evidence of what had happened and how the breach of trust had happened.

We have a body of work to do. I will forward the Minister of State the information on this family after this session. The family needs to be contacted not by liaison people from CUH but by the senior staff of CUH and the HSE to explain who was involved and how it transpired that they were not made aware of this incident until hours before information on it was aired on RTÉ. There also needs to be a major change in the law. My understanding is that there is only a guideline for how these loved ones' organs are dealt with in a morgue. That is not appropriate. We now need legislation brought before the Houses of the Oireachtas to ensure that people are empowered such that when it comes to these issues they have the law on their side, they have the right to make sure justice will be done and their loved ones' organs will be taken care of appropriately.

This is a frightening case. It is beyond belief. It is a betrayal of human life and a betrayal of so many families. We need to come clean here. We need to deal with this family. We also need to deal with the law and we all need to put in place an assurance that never, ever again will we have a scenario in which organs are shipped to Belgium as waste and incinerated without the approval of the family. It is a sin and a crime, and I hope the Department will take heed and do something about these issues.

Deputy Mary Butler: The Senator has used the words “shocking”, “heartbreaking” and “a breach of faith”. There is not one word he has said that I disagree with. I feel so much for the 18 families. I did not realise that one family found out on the eve of the “RTÉ Investigates” programme and that the other 17 families were informed before then. There are no excuses for that, and nothing I can say here will give comfort to the 18 families, not least the one family that was not included. It is absolutely heartbreaking. I was very upset when I heard about these much-wanted, loved babies' organs.

My colleagues and I are aware of the hurt this incident has caused to the families affected by the incident in Cork University Hospital. These families have been through the tragedy of having lost a beloved child, and it is absolutely unacceptable to me and to the Minister, Deputy Stephen Donnelly, that the organs of their children were disposed of in such a manner. There are no words that will ever give these families comfort. While it is not appropriate to comment on individual cases, I wish to accept and acknowledge the bravery of the couple who spoke about their experience and heartbreak on the “RTÉ Investigates” programme on 28 September and the other families who shared their experiences on 19 October. These are parents who have suffered the loss of a child, and this extremely distressing situation should not have happened as it has only added to their distress and grief. Not only did they lose their loved, wanted babies, but to learn in such a way how their babies were disposed of - there are no words to describe it.

The Department of Health is advised that the HSE, the South/South West Hospital Group, CUH and Cork University Maternity Hospital have apologised to the bereaved families and very much regret the incident. The Minister for Health and the HSE are committed to ensuring there is learning across the health services to prevent such events happening again. This can never happen again. The Senator spoke about changing the law. The HSE has advised that a systems analysis review is being undertaken by the South/South West Hospital Group. The purpose of that review is to find answers as to what happened, why and what can be done to reduce the risk of it happening again. However, reducing the risk is enough. It cannot happen again. I would have zero tolerance for it. We cannot only reduce the risk of this happening again; it cannot happen again.

The HSE advises that the review team met last week to review queries raised by families

and to plan meetings with families who wish to engage with the review. Family meetings will be offered on 22 November and 24 November. The timeline for completion of the review will depend on whether there is a requirement to reinterview any staff regarding any new issues raised by families. The review team will further consider the issues after those meetings. The South/South West Hospital Group advises that it will act on any recommendations emerging from the review. Open disclosure with the families involved is an ongoing process and continues for a considerable time in the aftermath of an incident. This includes engagement in the review process and in sharing the review with the families.

As for legislation, which the Senator raised, the human tissue (transplantation, post-mortem, anatomical examination, and public display) Bill will implement the key recommendation of the Madden report that no hospital post-mortem examination should be carried out and no tissue retained for any purpose whatsoever without the informed consent of the family or next of kin. That would have prevented this incident if it had been in place. The Bill will ensure that the principles of protection of the bodily integrity of the individual before and after death, respect for the autonomy of the individual, and the rights of the bereaved are enshrined in legislation.

I stand here as Minister of State with responsibility for older people and mental health in the Department of Health. I can only apologise to these families. I am heartbroken for them. It is an absolutely awful tragedy, it is shocking and it is an awful breach of trust for these families and their beloved babies.

Senator Tim Lombard: I thank the Minister of State for her response and her compassion regarding this incident. Yes, it really was a breach of trust. The lack of communication, or the breakdown in communication, needs to be looked at directly by the HSE. The communication lines were not appropriate, they did not work and they failed this family in particular. The review team needs to look at that when it meets. The meetings of 22 November and 24 November should be held both physically and online. Some of the families will want to attend online, and that needs to be accommodated. I hope the Minister of State will make sure that at some stage, sooner rather than later, senior members of the maternity services in Cork will meet these families. They are meeting a liaison officer at the moment. She is doing her best, but that is not appropriate. Senior consultants and senior staff in CUH have never spoken to these families. That is not the game. Responsibility needs to be taken at the very top. We must prioritise this legislation. It cannot be put on the long finger. Guidelines have previously been breached. This is not the first time it has happened; we have seen breaches in guidelines before. This legislation needs to be prioritised by our parties in government during the next session of sittings in the Dáil and the Seanad.

Deputy Mary Butler: I do not disagree with anything the Senator has said about the breakdown in communication. I will ensure that both options are available if some families want to meet in person and others want to meet online. How they engage will depend on how those families want to address the matter.

The Senator is right about the legislation. It is hugely important that we do not lose any more time on it.

The South/Southwest Hospital Group has confirmed that the capacity issue around cemetery places has now been addressed with a new plot in St. Mary's Cemetery in Curraghkippane, just outside Cork city. I will certainly bring back to Government the Senator's comments.

Seanad Éireann
Agriculture Industry

Senator Erin McGreehan: The Minister of State is welcome. I have a question for him and his Department. I am seeking an update on the Department's plan for the viability of the sheep sector, along with an update on the wool feasibility study. As the Minister of State knows, sheep farming is a sustainable sector. I hope the Department will pay more attention to it and see it is a strong, sustainable sector. It has demonstrated time and again that it plays an integral role in protecting and enhancing the diverse habitats that are commonly found on marginalised farmland and lowland farms. With the correct supports, this livestock can coexist with fragile conservation sites, areas of scientific research and breeding sites for endangered wildlife.

I welcome many of the proposals in the Common Agricultural Policy, CAP, but many in the sheep sector are disappointed with the new sheep scheme. The next CAP will only deliver €2 for the sheep welfare scheme. I have generations of sheep farmers behind me. I am a sheep farmer's daughter so I know the importance of the sheep sector and the importance of this funding to farming families. I come from north Louth and I remember the devastation in the farming and sheep sectors that we love when we lost all our stock to foot-and-mouth disease many years ago.

Like every market, the sheep sector experiences fluctuations. We saw some very high prices this year, although they have now dipped. The cost of production has gone up dramatically. Sheep farming is labour intensive and sheep require a lot of attention. The age cohort of farmers is increasing and due to the work involved, older farmers are finding it difficult. Herding sheep, dipping, clipping, feet maintenance and dagging to prevent maggots are all required. Much work needs to be done to look after sheep. The Government and the Department must support the sheep sector to make it more attractive to young farmers.

Despite the intensity of the work required, the sheep sector delivers a low income for those involved in it. From talking to sheep farmers, many of whom are elderly, I know that this new sheep improvement scheme is important. I wish to highlight a matriculation when it comes to payments on livestock. One livestock unit equates to one cow or 6.6 ewes. Cattle farmers will receive €150 for their first ten cows and €120 for each cow thereafter. Sheep farmers are paid €79.20 per livestock unit. That is a sizeable discrepancy. Sheep farmers have a significant role to play in the agricultural sector and industry.

There is an issue around the lack of movement from the Department on creating markets for our wool. A sheep must be clipped every year. It costs €3 to clip a sheep and a farmer gets a return of 25 cent. Many farmers are putting their wool into storage and holding it. There is so much that the Government can do. I am asking for a research fund and I encourage the Government to put that out to tender. It should facilitate companies. There is much that companies and the Government can do to facilitate an increase in the size of the market for traditional wool for clothing and new products for insulation. Far better and brighter people than me can find creative ways to use our wool and to give farmers a proper payment for it.

Minister of State at the Department of Agriculture, Food and the Marine (Deputy Martin Heydon): I thank the Senator for raising the important issue of the viability of the sheep sector and its importance to our overall agricultural and rural economies, and our food production and exports.

I am pleased to see that the strong performance of the sheep sector in 2020 has continued

into 2021 in terms of overall prices. It is good to see the market providing returns which goes some way to rewarding farmers for their hard work, commitment and dedication to producing a world-class product, as the Senator has outlined. Global production patterns and increased demand are expected to support this continued strong performance. The current average price is €6.54 per kg, which is 33% above the same period last year. This is impressive, given that the year-to-date figure for sheep slaughtering is only slightly behind that for the same period last year.

Bord Bia analysis suggests that retail demand for sheep meat increased over the last year, as consumers invested more time in preparing home-cooked meals. In addition, data from the Central Statistics Office shows that 2020 was a strong year for Ireland's overseas sheep meat trade, with 64,000 tonnes exported to 38 international markets at a value of nearly €356 million. This represents an increase of 12% in value terms on 2019. In 2020, 73% of sheep meat products in value terms were exported to the EU, 12% to the UK and 15% to other third-country markets. France remains the single most important export destination, accounting for a third of Irish sheep meat exports in 2020. The future prospects for Irish sheep meat exports remain positive.

As Minister of State with responsibility in the Department of Agriculture, Food and the Marine for new market development, I and my officials continue to work on seeking new outlets for sheep meat, as well as enhancing existing access to as many markets as possible. The sheep meat protocol with China was signed recently. There are a number of steps still to be taken in that regard, but it is another sign of progress in the work the Department is carrying out. We are well positioned to benefit from the opportunities presented by an expanding global demand for high-quality Irish lamb.

Notwithstanding the strong market prices, I am acutely aware of the need to provide support to sheep farmers who are the cornerstone of the sector. Provision for over €1.8 billion of funding was made in budget 2022 for the overall agriculture sector. This is in addition to almost €1.2 billion in EU-funded direct payments received annually to support farm incomes and reward good agricultural and environmental practices. This year's budget provision included funding to allow continuation of the sheep welfare scheme in the transition period until the new CAP. The scheme is an important support for sheep farmers, as it assists them to undertake important management practices such as scanning or mineral supplementation.

The Minister, Deputy McConalogue, has, subject to approval from the Department of Public Expenditure and Reform, updated the reference year for the scheme to 2017 from 2014-2015, as the Senator will know. That will allow for a greater number of ewes to be made eligible for the scheme.

I can expand on the general points about the sheep welfare scheme in my supplementary reply but I wish to move to the Senator's point about wool, the production of which is an important component of the agricultural industry. Unfortunately, as the Senator outlined, I am aware that the wool industry has been under pressure for some time. I have met with merchants, farmers' representative organisations and directly with sheep farmers. Wool is a sustainable, organic, renewable and natural material that can be used in a wide range of products, such as textiles, fertilizers, insulation and packaging. It fits closely with the goals of the climate action plan to develop a circular and bio-economy. One of the actions in the programme for Government is to undertake a review of the potential demand in domestic and international markets for wool-based products such as insulation and fertilizers. We allocated €100,000 in the budget for

this review. A public consultation process was initiated to determine the terms of reference. I can outline the terms of reference in my supplementary reply.

Senator Erin McGreehan: I thank the Minister of State for his response. The Government has been doing a lot of work on finding markets for sheepmeat. With regard to the sheep improvement scheme and the €2 increase, agricultural schemes are open to every farmer but the sheep improvement scheme is specifically for sheep farmers. I am glad to hear that there will be some movement on the wool feasibility study. Instead of studies, pilots and reviews I would rather see some action very soon. Because it is so far back, the reference year often penalises and restricts younger farmers and ambitious farmers trying to get into the sector. On behalf of young farmers I ask that the reference year be looked at.

Deputy Martin Heydon: The Senator is right. The role of the Government is to support sheep farmers in the very important work they do. With every reference year there are hard cases and challenges. It is definitely to the benefit of farmers that we move the reference year from 2014-15 to 2017 because it will bring in more ewes.

The terms of reference for the wool feasibility study involve the identification of market opportunities domestically and internationally for wool-based products, carrying out economic feasibility and cost-benefit analysis on proposed market opportunities, determining mechanisms that can be used to support industry initiatives and the identification of potential research projects available to support the identified market opportunities. This is important work and it will be followed through.

We are building on the dedicated work of the country's sheep farmers through a number of avenues, which I have already outlined. We continue to support farmers through the new CAP transition period. There will be further support in the new CAP to build on these schemes. While market prices are strong at present we will continue efforts to open up new markets for sheepmeat as well as to enhance the value of existing markets. We are seeking to restore the value of wool as a byproduct. Our work is ongoing and we recognise the very important role played by sheep farmers. We will continue to support them.

Sitting suspended at 11.23 a.m. and resumed at 11.38 a.m.

An tOrd Gnó - Order of Business

An Cathaoirleach: I want to pay tribute to Austin Currie, former Deputy and Minister of State, who sadly passed away yesterday. He was born in Dungannon in 1939 and educated in Queen's University Belfast. He was a leading light of the civil rights movement. He was one of the founders of the Social and Democratic Labour Party, SDLP, alongside the late John Hume. He was a dedicated and committed politician who made an important contribution to the lives of many throughout the island, North and South. He served as a Minister of State at the Departments of Education, Justice and Health during the 1990s. I send my sincere sympathies, along with those of all Senators, to his wife, Annita, and his children, especially our colleague, Senator Emer Currie. Ar dheis Dé go raibh a anam dílis.

Senator Lisa Chambers: I join the Cathaoirleach in his words of sympathy and condolence to the Currie family, our colleague, Emer, all of his community and his colleagues and friends in the SDLP, Fine Gael and the Parliaments on this island. He led an extremely interest-

ing life and made a significant contribution to public life. He has left a fantastic legacy. May he rest in peace.

The Order of Business today is No. 1, Criminal Justice (Amendment) Bill 2020 - Committee Stage, to be taken at 1 p.m. and to adjourn at 2.15 p.m., if not previously concluded; No. 2, Official Languages (Amendment) Bill 2019 - Second Stage, to be taken at 2.30 p.m. or 15 minutes after the adjournment of No. 1, whichever is the later, and to conclude after 105 minutes, if not previously concluded, with the time allocated to the opening remarks of the Minister not to exceed ten minutes, group spokespersons not to exceed eight minutes and all other Senators not to exceed five minutes and the Minister to be given no less than ten minutes to reply to the debate; No. 3, Planning and Development (Amendment) Large-scale Residential Development) Bill 2021 - Order for Second Stage and Second Stage to be taken at 4.30 p.m. or 15 minutes after the conclusion of No. 2, whichever is the later, and to conclude after 135 minutes, if not previously concluded, with the time allocated to the opening remarks of the Minister not to exceed ten minutes, group spokespersons not to exceed eight minutes and all other Senators not to exceed five minutes and Minister to be given no less than ten minutes to reply to the debate; and No. 4, Private Members' business, Safe Access to Termination of Pregnancy Services Bill 2021 - Second Stage, to be taken at 7.15 p.m. or 15 minutes after the conclusion of No. 3, whichever is the later, with the time allocated to the debate not to exceed two hours.

Senator Paul Daly: On my behalf and that of the Fianna Fáil group, I wish to be associated with the Cathaoirleach and the Deputy Leader in sending our condolences to our colleague, Senator Currie, on the sad passing of her father, Austin. As the Cathaoirleach rightly said, his decision to squat a house in Caledon, County Tyrone in 1968 was widely seen and historically recorded as the beginning of the civil rights movement. He was one of the co-founders of the SDLP and, in political terms, successfully traversed the Border by later becoming a Deputy representing Dublin West. His legacy is great and I extend our sympathies and condolences to Emer and her mother, Annita, as well as her four siblings, the extended Currie family and the large circle of friends Austin accumulated during his distinguished career.

I wish to raise an issue that has been raised on several occasions in the House. I refer to the backlog of passport applications. It is the passport issue again. I welcome the moves that have been made by the Minister to provide Members with an Oireachtas contact line. Although it has had some teething problems and may not be the silver bullet we were all hoping for, it certainly has helped in many situations. All Members know why the backlog exists. Covid has been blamed, with people having to work from home and so on. However, Covid or the other aforementioned reason cannot be blamed for the lack of a little bit of common sense and a personal touch.

On two occasions recently, I thought I had been successful in getting a passport for people at closer to the 12th than the 11th hour. In both cases, I was trying to get the passport on a Friday. One of them was on the Friday of a bank holiday weekend. When we got confirmation that the passport had been printed, the confirmation also stated the passport had been posted. The passports were needed for flights that were on a Sunday and a bank holiday Monday, respectively, but the facility to collect them or even to organise a courier to collect them was not made available. There was no common sense shown. There has to be a personal touch and some common sense used. I know the staff are under pressure trying to get through the backlog but it is very simple to recognise that a passport posted at 5 p.m. on a Friday evening to a person who desperately needs it for a flight on the Sunday of a bank holiday weekend will not reach the person in time and may as well not have been printed. The staff would have been as well served to put

the effort into processing a passport for a person flying on the Tuesday.

It has been brought to my attention that in cases where further information is required, there is some fault in the application or the photograph is not up to standard, this is not being highlighted to the customers or clients until the due date for printing of the passport. These issues can be highlighted sooner to give people the opportunity to submit the extra information or an updated photograph or whatever the case may be in ample time. These are simple things. I do not wish to sound flippant but all it needs is a little common sense and a personal human touch. I ask the Deputy Leader to highlight these issues to the Minister such that he can bring them to the attention of supervisors or others in the Passport Office. I am not being critical of the staff. I know there is a backlog and they are working hard but it is nonsensical to post a passport on a Friday evening when it is evident and obvious it will not arrive in time.

Senator Seán Kyne: I too wish to be associated, on my behalf and that of the Fine Gael group, with the remarks on the sad passing of Austin Currie. I offer condolences to his wife, Annita, who herself suffered greatly at the hands of loyalist paramilitaries, and to our colleague, Senator Emer Currie. Austin was a man of peace and decency who, with John Hume, Gerry Fitt, Seamus Mallon and others, kick-started the civil rights movement in Derry and across the North. Ar dheis Dé go raibh a anam dílis.

There was an exciting and at times difficult public meeting in Athenry mart on Monday in respect of Common Agricultural Policy, CAP, proposals. Politicians representing east and west Galway were in the ring of the mart. There was a good crowd. The meeting was organised by the Irish Farmers Association and there was a significant turnout of very productive and active farmers from the east Galway area, as well as some from west Galway. I understand from the Leader that the Minister, Deputy McConalogue, will be appearing before the House as part of the climate change debates. The Minister of State, Senator Hackett, is due to appear in the Chamber on Thursday to discuss forestry. I am sure the Minister, Deputy Ryan, will come to the House in the coming weeks to discuss transport.

The majority of farmers understand that climate change is real and they accept that agriculture has to play its part. Indeed, it has been doing so for several years. However, it is a difficult area and there is some confusion regarding what is being announced. Farmers are experiencing several things that are happening at the same time. Obviously, there is the new CAP, which is enough to deal with on its own. There are also the climate change issues on top of that and, of course, the price of commodities such as fertiliser is very high due to the current input price of gas. All of those issues are coming at the same time for farmers, so it is a difficult period for them. Those at the meeting on Monday certainly expressed their concern about it.

It is acknowledged that Irish farming and food production is among the most sustainable, if not the most sustainable, in the world in terms of a grass-based system and long grazing periods compared with other countries. We have a responsibility internationally to be part of the movement, to acknowledge the reality of climate change and to be part of the COP26 proposals to limit the impact across the system, and farmers understand that. I look forward to the debate with the Minister, Deputy McConalogue, in the coming months. There are several points and questions raised by farmers that I will put to the Minister in that debate. I am sure he will be able to provide answers in respect of the minute details of the proposals outlined in the climate action plan. I look forward to a debate on that issue as soon as possible.

Senator Victor Boyhan: I thank the Deputy Leader for outlining the proposed Order of

Business. My apologies for being delayed coming to the House. I know the Cathaoirleach, too, ran up the stairs. I do not think any Senator has delayed the start of the Seanad by ten minutes. I have just come from an amazing event. I thank the Cathaoirleach, the Ceann Comhairle and the Leader of the Seanad for presiding over the joyous and exciting unveiling of a portrait of Senator David Norris, our esteemed colleague. The Senator was very gracious and there were great speeches, as well as a significant press and photographer presence. The unveiling will be followed by further celebrations later in the day.

I wish to acknowledge David and his unique style, individualism, eloquence and energy but, more important, in this House I want to acknowledge the significance of David's remarkable crusade in respect of the decriminalisation of homosexuality, his crusade for marriage equality and his trips to the High Court, the Supreme Court and, eventually, the European Court of Human Rights. What an achievement by a man who is a Member of this House. It proves the importance of Independent politics, but also his ability to collaborate. While he may have had difficulties with some people, he always remained in good personal friendships with them and that is the mark of the man. In summary, he is a lover of life, humanities and antiquities, and an amazing mentor to young people coming into political life. I hope we will have many more days of David being a Member of this House.

I join colleagues in offering condolences to Senator Currie of Fine Gael and her family. These are sad times for them. Her father was a remarkable man who made a remarkable contribution to the political life of this island, and that needs to be acknowledged.

I raise the issue of local government funding. I know Senator Kyne has been very much to the fore in calling for this action on this issue in the context of Galway. Five municipal districts in Galway - Loughrea, Tuam, Ballinasloe, Athenry and Connemara - have rejected the municipal district budgets to take a stand about the lack of adequate funding. We need a debate in this House on local government funding. We need a debate on how the local property tax, LPT, is being administered. We need a debate about the major reduction in commercial rates. We certainly need to debate when we hear that local authorities are seeking commercial rates from private individuals who have small offices in their homes. Particularly post Covid, the scenario has changed. I join others in calling for an extensive debate on local government financing, especially focused on the problems in Galway County Council. The people in the Galway County Council area, the staff of the council and the councillors deserve our support. I would welcome an early debate in the House on that issue.

An Cathaoirleach: I apologise to the House for starting the Order of Business ten minutes late, but as the Leader of the Opposition has outlined, it was in the course of unveiling a portrait of the great Senator Norris. His contribution to this House in the longest unbroken record of service was marked by the unveiling of a portrait of him. As Senator Boyhan outlined, he championed minority causes when nobody else would speak on them. Often forgotten as we go through this pandemic is the previous pandemic of the AIDS virus, which was a silent killer in Ireland. Nobody in the establishment or society in general wanted to talk about it, but Senator Norris raised it here time and again until he ensured there was a change in public policy. That shows the power of him as an Independent and the power of the Seanad in its role of raising issues that were uncomfortable for society. He forced change by his presence in this House. It was great to be there this morning to honour his great service to the country.

Senator Vincent P. Martin: On behalf of the Green Party, An Comhaontas Glas, we closely associate ourselves with the remarks of the Cathaoirleach and previous speakers in convey-

ing our deepest sympathy to Senator Currie and her family on the sad passing of Austin Currie. Austin was a fearless voice and an advocate of equality. Articulating those views at that time meant putting one's life in peril. It is only a short few decades ago, but it is worth noting that he was not silenced nor were others in the SDLP, despite coming under attack from extremes in loyalism and republicanism.

There are different shades of green. Austin Currie may not have been the deepest shade of green, but perhaps the deepest shade of green is a galloping green that strives to achieve and realise a legitimate dream, but in the efforts of striving so harshly, at times it can prove counter-productive. Austin Currie did not believe in rushing. He came from a place whose only crime, which caused the SDLP trouble at the time, was a consent principle and to espouse the dream of a united Ireland exclusively by peaceful means.

It is also worth noting that another member of the SDLP, Gerry Fitt, was hounded out of his constituency in west Belfast. They shouted at him, "Fitt the Brit". What did he ever do? I accept he took a peerage and many people here might not like to take a peerage. While it is not something I would do, perhaps in taking the peerage he reached out to the other community. Margaret Ritchie also took a peerage and people from the nationalist community might find it hard to accept that. In a sense, from a different prism, that may be a form of reconciliation.

Austin Currie was also involved in what many would regard as the most bruising presidential election campaign. The father of the House might disagree. He would like the bragging rights of having been involved in a far more bruising presidential election campaign. I close my remarks by mentioning the father of this House. I commend the Independent grouping's beautiful and appropriate initiative to acknowledge the ongoing and selfless work of a public representative who has made his mark nationally and internationally.

Senator Lynn Boylan: On behalf of the Sinn Féin group, I offer our condolences to our colleague, Senator Currie, and her family on the passing of Austin Currie. May he rest in peace.

The latest Daft rental report confirms what anybody who is trying to rent in this country already knows, which is that rents are continuing to rise. Munster, Connacht and Ulster are facing hikes of between 15% and 18% and, incredibly, the average monthly rent in Ireland is now €1,516. There is no doubt the rental crisis is continuing and the Minister continues to be four steps behind with every measure he takes. For years we have said rent pressure zones were not working and yet the Minister thinks simply tweaking around the edges will fix it. Seventeen counties have double-digit rental increases and some counties have had increases of as much as 20%. What does the Minister propose to deal with it? He proposes to allow landlords to hike rents by a further 2%.

Sinn Féin has detailed proposals to support tenants, including a ban on rental increases, money back in renters' pockets through a refundable tax credit, and the prioritisation of genuinely affordable homes, including affordable purchase and cost rental. People waking up today will not be surprised with the Daft report because anybody who is trying to rent in this country knows how broken the system is. Tragically, they have a Government which gives them no hope of any change in the short term.

The recent budget offered nothing for renters and the policies coming from the office of the Minister, Deputy O'Brien, continue to be developer, investor and landlord driven. The Minister said he would ban co-living but left a long enough lead-in time to allow the developers to

get their applications in before the change came into effect. The Minister said he would curb investors' bulk-buying homes, but the Government is now embarking on a roadshow to calm the investors and to assure them to stick with us, as the Tánaiste said.

Later today we will debate a Bill to abolish strategic housing developments, SHDs, a developer-led planning process designed to bypass democratic oversight. We warned it would fail and now, unfortunately, we have been proven right. However, just like co-living, the proposal in the Bill to be debated today has such a long lead-in time that the SHDs will be with us until 2022. Throughout next year developers will be able to use planning processes to delay the system of getting houses onto the market. The housing system in Ireland is broken. Despite nine years of rent inflation, the Minister is repeating the same mistakes of his predecessor. Tinkering will not cut it. Housing is like climate change and transport. It will only be fixed by State-led capital investment.

Senator Rebecca Moynihan: I propose an amendment to the Order of Business, that No. 86, motion 3 be taken before No. 1. It is moving the writ for the by-election on the University of Dublin panel, further to the election of Deputy Bacik to the Dáil.

Senator Victor Boyhan: I second that.

Senator Rebecca Moynihan: On behalf of the Labour Party, I reiterate the kind words about Austin Currie. I pass on our condolences to our colleague Senator Currie. Austin Currie was one of the pioneers on housing and in the civil rights movement in the North. The housing situation was blatantly discriminatory against Catholics. We have lost a giant of Irish politics. Along with John Hume and Seamus Mallon, he was the last of the big three to pass away. On behalf of the Labour Party, I want to be associated with the words that have been spoken about him.

One of the things about speaking later on the Order of Business is that sometimes Senator Boylan raises the issues that I had planned on raising. I also want to speak on the Daft report. That has happened a few times.

12 o'clock

The Daft report that was published today is interesting. It reiterates the points made in the Residential Tenancies Board, RTB, report, and states that rental increases are going up 7% nationwide. In some counties, particularly in the midlands and on the western seaboard rents are increasing in double digits. There is a supply issue, but I also believe that the investor-led approach is not working. Investors cannot, and will not, deliver affordable rents. Only direct State intervention through the Land Development Agency, LDA, and the Government will do this. In the context of a market with unprecedented scarcity, I am reiterating the Labour Party's call on the Government to increase renters' rights and put some power back in the hands of renters. As part of this, the Government must ask that build-to-rent standards be reviewed to include balconies and facilities for more long-term living. We need a commitment from the Government that the apartments that will be built by the LDA and the Government under cost rental schemes will have long-term standards that are better than build-to-rent, and will include balconies and storage space.

I have heard some worrying reports that some proposed schemes will be built to build-to-rent standards. They are not good for long-term living for people who are living in cost rental. Building poor quality housing does not allow people to live there comfortably in the long term,

either as renters or owners. We need to empower renters to make them feel that their house is their home. It is clear, from the RTB report that was published two weeks ago and the Daft report that was published today, that there is clear non-compliance with rental inflation caps. The balance between renters and landlords is the cause of this. Renters are terrified to go to the RTB or challenge landlords because there is such a scarcity of rental accommodation.

We need a culture change in how we approach rent in this country and our rental laws need to be rebalanced in favour of tenants. Labour has long called for a three-year rent freeze to give renters a break while new housing comes on the market. This is hugely important to try to stymie the crisis in the market, but it also must be done in tandem with the State building of cost rental schemes. This needs to be increased beyond the 2,000 units per year that have already been proposed if we are going to make a dent in housing and rental affordability.

Senator Frances Black: On behalf of the Civil Engagement Group, I, too, would like to pass on my deepest condolences to our Seanad colleague, Senator Currie, and her family on the passing of her Dad, Austin Currie. Ar dheis Dé go raibh a anam dílis. I also want to commend the Independent Group on the wonderful tribute it made today to the father of the House, Senator Norris, who is a wonderful man and an inspiration to us all.

I want to speak briefly about a report that was published earlier in the week by the Tallaght Drug and Alcohol Task Force regarding the landscape of drug misuse in the Tallaght and Whitechurch areas of Dublin. The report was launched by my colleague, Senator Ruane, who has done really important work in the area and brought attention to the realities of life for people in her community and others like it. The Tallaght Drug and Alcohol Task Force commissioned a piece of research earlier this year in light of concerns about the deterioration of what was already a seriously challenging drug problem in the area. The relevant community health area has one of the highest rates of drug use nationally, the second highest rate of people seeking treatment for drug addiction and the second highest rate of new presentations to drug treatment services. While heroin is the main problem drug, the task force was increasingly concerned about the number of people seeking support for addiction to cocaine and crack cocaine in the area. The research supported this conclusion, with the levels of crack cocaine use found to be among the highest in this country.

When you combine an expanding young population, a high level demand on local services and high levels of poverty, you are left with a really challenging landscape in which drug misuse can become rampant. It is clear that this is what has happened in Tallaght and Whitechurch, but unfortunately, the area is not an outlier in this way. There are too many communities around the country that have been let down by the State and that are marked by high levels of drug and alcohol misuse. These two things go hand in hand but, for whatever reason, we choose not to acknowledge it. Services like the Tallaght Drug and Alcohol Task Force do exceptional work in supporting people in addiction to lead happier and healthier lives, but they do so in an increasingly challenging landscape with limited resources.

The Tallaght Drug and Alcohol Task Force has seen a decrease in funding made available to support its work since 2010, in spite of the increasing levels of demand for its service. When compared with other task forces in Dublin, the Tallaght Drug and Alcohol Task Force receives less funding than some areas that have smaller populations and lower numbers of people accessing drug treatment services. How can we stand over this in good faith? The answer is that we simply cannot. As my colleague, Senator Ruane, has previously stated, the cost of inaction on this issue is far greater than the cost of action. First and foremost, we need to ensure

that services like the Tallaght Drug and Alcohol Task Force receive the funding they require to continue their work. I encourage the Department of Health to review this matter specifically as a matter of urgency. We also have to consider the broader role that the State can play in intervening in problem drug use early to ensure that fewer people, families and communities are touched by drug and alcohol addiction. It is an issue we need to give greater attention to. I would welcome the opportunity to discuss it with my colleagues in the House in the coming weeks and months.

Senator Malcolm Byrne: Like my colleagues, I would like to join in the expressions of sympathy for the late Austin Currie, to his family and particularly to our colleague, Senator Currie. He was a giant in Irish politics and showed the power of peaceful protest. His legacy will live on.

I wish to join Senator Daly in raising again the issue of the Passport Office and the delays in processing applications, but I want to add the question of the registration of foreign births, which is an issue that I have raised in the House on a number of occasions. As we heard, the marts and nightclubs are open, but if you visit the Department of Foreign Affairs website, you are told that the section that deals with the registration of foreign births is still closed due to Covid. There is currently a backlog of around 31,000 applications. Part of the difficulty is that documents are sent into the Department and they are sitting there. People cannot access a lot of those documents because of the delays. This issue has been raised on several occasions. I ask that the Minister of Foreign Affairs is invited to the House to respond specifically on the issues of the registration of foreign births and the Passport Office, in respect of which, as stated by Senator Daly, we all still have complaints.

The Deputy Leader and I took part in a very useful engagement this morning of the Seanad Special Select Committee on the Withdrawal of the UK from the EU, the Joint Oireachtas Committee on European Union Affairs and the Joint Oireachtas Committee on the Implementation of the Good Friday Agreement with the House of Lords European Affairs Sub-Committee on the Protocol on Ireland/Northern Ireland. It is important that this Chamber looks at engaging with other chambers. One of the key aspects that was found to be useful around that was the message that we all need to keep talking. If we can arrange for more engagement between this Chamber and other chambers around the issue, it should be encouraged.

Senator Mary Seery Kearney: I want to begin by paying tribute to the courage, commitment and dedication to peaceful protest exhibited by Austin Currie, and to express my deepest sympathy to Senator Currie and the entire family.

Last night, the “Prime Time Investigates” documentary on wardship was aired. I wish to begin by renewing my call that the Assisted Decision-Making (Capacity) Act is commenced and that we bring forward the launch of everything that needs to flow from that. The Minister has assured me on several occasions that it will be next June, but that is a long way away for people who are being made wards of court in the meantime and who are labouring under the current regime that presumes them not to have capacity. We need to move to a place of respect and capacity as quickly as possible. This has gone on long enough.

I also ask that we have statements in the House relating to what was shown in the documentary last night that I found really quite appalling, namely, the idea that the State obliges a regime of fiduciary duty taken up by the Courts Service, and the circumstances where the investments under that fiduciary duty have led to the absolute loss of the amount of money that was there for

a person's full life. These people were given awards that were supposed to last their lifetimes and in some instances, when they are still in their 40s, that money has expired because of the manner in which it was invested over the past ten years to 15 years. That is not okay. If they had left it in a bank account and not invested it in anything, they would still at least have it. We need a debate or statements in the House and we need to hear the view of the Minister. I call for that to be arranged.

Senator Robbie Gallagher: I would like to say a few words about the participation of women and girls in sport. It is important, where possible, that we encourage all young people, both boys and girls, to get involved in sport whatever that might be. Volunteers do great work the length and breadth of this country to promote sport, and encourage both young boys and girls to get involved. Last weekend, there was a shining example of such great work in my constituency where history was made. The under-13 and under-15 girls' teams represented the Cavan-Monaghan Underage League in a football match that took place in Donegal. It is a very positive thing to happen and was the first time this ever happened. For the two squads involved, their coaches and mentors and everybody involved it was a super day and an historic day. For the coaches involved whose idea it was to get a team to participate was a very positive thing.

For women in sport the motto seems to be if one can see it then one can be it. Again, there are two prime examples and shining role models in the Cavan-Monaghan constituency. First, there is Leanne Kiernan from Killinkere, County Cavan. She is an Irish soccer international and now she is a striker with Liverpool Football Club. Second, there is the Cavan referee, Margaret Farrelly. Next Sunday, she will be the first woman to take charge of a men's senior football final when Gowna and Ramor United will play a replay match in Kingspan Breffni Park. Her appointment is the first of its kind and is an historic occasion. I was greatly impressed with her saying that she looks forward to the day when it will not make headlines when a woman is asked to referee a football match and I echo her sentiment. I urge girls to look up to these two young ladies and aspire to be just like them.

An Cathaoirleach: As the Senator has said, if one can see it then one can be it and I congratulate Ms Farrelly.

Senator Tim Lombard: I wish to express my condolences to Senator Currie and her family on the tragic loss of her dad. Obviously this is a very traumatic time for her and her family, and I would like to be associated with the kind tributes that have been uttered about him here in this House.

I wish to refer to the significant proposal to stage a major yacht race, as part of the America's Cup, that is hoped to come to the southern half of Ireland in 2024. It would be the third biggest sporting event in Ireland in 2024 and would have a huge knock-on effect on the tourism industry as it would bring anything up to 2.5 million visitors to Ireland who would have a proposed spend of anything up to €750 million. The event has the potential to be the biggest event ever to take place here and the knock-on effects for Ireland would be huge. The event would safeguard the tourism industry for 2024. We do not know how the world economy is going to go and this event will act as an insurance policy by creating a boom in our tourism industry in 2024.

The clock is ticking and we need to make a decision. We need to make sure that we are in the race to host the event but for that to happen the Government will need to make a decision. I ask the Deputy Leader, in particular, to contact the office of the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media, Deputy Catherine Martin, about the event as it has the

potential to change lives and the economy. As the event would ensure that the southern side of Ireland would have a very prosperous 2024 we must make sure that the Government gets on board with the idea and makes a decision in the appropriate timeline. I believe from now until the end of the year is the appropriate time to make the decision and we should avail of the opportunity. Ireland has moved from being one of 30 contenders to one of three contenders to host the event. We need to make sure that we finish the race but for that to happen the Government needs to step up and deliver. I ask the Deputy Leader to contact the Minister about the issue in good time. It is appropriate for us to debate the issue and I ask that the Deputy Leader invites the Minister to come here, in the next few weeks, to discuss her view of the proposal to stage a leg of the America's Cup and whether she will put the full support of the Government behind the proposal.

Senator Erin McGreehan: I, too, wish to pass on my condolences to the family and friends of Austin Currie and, indeed, to our colleague, Senator Currie. It must be remembered that in the face of so much adversity and strife in the North, Austin Currie stood against bullies. People on both sides went against him yet he stood up for what was right and never faltered. He always positively disrupted the *status quo* of injustice and inequality.

In terms of the legacy of real activists from Northern Ireland, I wish to emphasise that this is an important time in history due to the Northern Ireland protocol. We have the scenario of “will we, won't we” or “will they, won't they” trigger Article 16 on this island. I hope that the British Government decides to pull back on the protocol. Earlier we had a great engagement with the representatives of the House of Lords. We are in stasis where we need to get Brexit done. We need to move on with the next stages of Brexit and deal with the consequences of same. This State remains in stasis as the British Government does not know what sort of Brexit it wants and has not planned for anything. Let us hope that there is a fruitful and proper outcome in the next couple of weeks so that all of the people on this island can move forward with peace and prosperity.

Senator Maria Byrne: I wish to be associated with the condolences extended to our colleague, Senator Currie, her mother, Annita, and the extended Currie family on the passing of Austin. I had the pleasure of working with him when he ran in the presidential campaign back in the 1980s. I knew him to be a thorough gentleman. He brought so much to the office of the Minister of State but also in terms of his work as a Deputy, and his work on the North in the past. I am thinking of all of his family at this sad time.

I welcome the motion that was passed recently in the Dáil. The motion was proposed by Deputy Carroll MacNeill and concerned the establishment of a committee on gender equality. The figures are stark and are as follows: women only accounted for 22.5% of Deputies - there is a better percentage in the Seanad; women in Ireland effectively work for free for the last 14.4% of the year; women accounted for 22.4% of board members; and 19% of Irish companies have no female directors. Those statistics are frightening. A committee would be a step in the right direction and I would like it established as soon as possible. I seek the support of this House on the establishment of a committee in terms of securing gender equality and equality for all.

An Cathaoirleach: That issue will be on the agenda of the Committee on Parliamentary Privileges and Oversight today and if it is agreed there then it will be on the agenda tomorrow in the House.

Senator Ned O'Sullivan: I would like to be associated with the kind remarks that Mem-

bers have expressed for our old colleague, Senator David Norris. I have had the privilege of serving in this House with him for 14 years and I have been most impressed by him at all times. It is nice to see him being recognised in his own lifetime.

I came into the Chamber especially to join in the condolences to the great Austin Currie. When I was growing up I considered Austin Currie a hero. He was a man of great courage who was prepared to take on the system in a democratic and non-violent way. He and his SDLP colleagues are the people who effected profound change in the North. We are at a time when, unfortunately, there are people in these Houses who will still try to justify the murder campaign of the Provisional IRA. Indeed, the leader of one of the largest parties in these Houses continues to justify the murder campaign of the IRA. It is important to reflect on the fact that people like Austin Currie showed that you can effect change without shooting people, putting bombs on buses or murdering innocent women and children. He needs to be recognised for that. I send my heartfelt condolences to his daughter, Emer, and the rest of his family, and to his parliamentary colleagues in the SDLP and Fine Gael.

Senator Garret Ahearn: Following on from the contributions of others, I also wish to mark the sad passing of Austin Currie. I pass on my condolences, as others have done, to Emer and the whole Currie family on their sad and sudden loss. I spoke to Emer this morning and she asked me to pass on her appreciation to everyone who has contacted her and the family. It is a great source of strength to them at this time. Mr. Currie was elected in 1989, the same day as my mother. They were very good friends and Emer and I often joke about how we, too, entered this building and the irony involved in that. It is a sad time for the Currie family.

I ask the Deputy Leader for an update on the Government's commitment to provide funding for IVF treatment for women and couples. Ireland, along with Lithuania, is one of only two countries that still do not provide State funding for assisted reproduction, even though the World Health Organization recognises infertility as a medical condition. The legislation was supposed to have passed last year and then Minister for Health, Deputy Harris, worked on the matter. It was thought the legislation would have gone through by now and IVF would be available. Some €2 million was designated for the procurement of IVF doctors in the public sector. IVF patients typically have many expenses beyond the procedure itself that can add significantly to the overall costs involved. Those costs include medications, blood tests and ultrasound monitoring. Government in general, and this Government in particular, has done an awful lot to support families and women through maternity and paternity leave. Everything we do is intended to try to support the family network but IVF treatment is one area that has been left out. Many people across the country want to have a child and the expense of it, especially if they have to attend more than once or twice, is astronomical and the State needs to support those families. They only have a certain period within which they can get that treatment and the longer we leave it, the more likely it is that people will be left out. I urge the Deputy Leader to get an update on that issue.

Senator Jerry Buttimer: I join with my colleagues in extending our sympathies to the Currie family and to our colleague and friend, Emer, on the sad passing of Austin Currie. He was a colossus and a leader. When it was unpopular to do so, he took the need for human rights to be upheld to a new level. He built his life around peace and building bridges. He never recoiled from what he stood for but never supported violence. For the sake of his legacy and memory, we should all work to achieve his vision every day of our lives. Ar dheis Dé go raibh an anam.

I join with Senator Lombard in asking for an urgent debate on the America's Cup. This is a generational opportunity not only for Cork but also for the south west and the whole of our country. We have had the Ryder Cup and the world championships in showjumping and athletics. We have had all types of sporting and cultural events in our country, including the Eurovision Song Contest, and they have been held successfully to a high level. The Ryder Cup showed we can do it in a sporting context. We should embrace the America's Cup and ensure it is delivered to Cork and Ireland. It is important for us to do that. Senator Lombard was right to raise the matter. The Minister should come before us. It is not a matter of money or cost, it is about the opportunity and what the event can bring to us. I do not own a boat and I do not have sea legs. I do, however, have an appreciation of what this event is and of its scale, size and potential.

We should remember Austin Currie this morning, a man who led, delivered, upheld and spoke about peace in everything he did.

Senator Gerard P. Craughwell: I am grateful to the Cathaoirleach for allowing me in even though I was not scheduled to speak. The death of Austin Currie, as many of my colleagues have said, is a tremendous loss to Ireland. My sympathies go to his family. It is a pity we do not have more people like Austin Currie now working in Northern Ireland, people with nothing but peace in their minds, hearts and everything they do. As Senator Ned O'Sullivan said, Mr. Currie did not need guns or bullets. He did it with language and talk. We need those kinds of voices now, louder than ever, in the North.

Senator Martin Conway: I, too, would like to be associated with the tributes to Austin Currie. He is a huge loss to his wife, Annita, to our friend and colleague, Senator Emer Currie, and to her siblings. Austin Currie is also a huge loss to the island of Ireland. We saw and know what he did when he was a Minister of State and representative of Dublin West. He worked tirelessly for the people south of the Border but what he did in the North was inspirational. In the darkest days of violence and when his own family were violently attacked on many occasions, he never once contemplated picking up a gun or engaging in violence. That is real leadership. Those are the types of people who I respect in Northern Ireland. Mr. Currie was a leader. Never did he contemplate violence. I know he would abhor anyone justifying the 30 years of violence we had in this country. That is his legacy and we should all be proud of it.

On another issue, I notice there is going to be legislation for e-scooters in this country. I have been at traffic lights when e-scooters have flown past me. As somebody with impaired vision, it is quite frightening, as it is for older people and others with impairments and disabilities, to see e-scooters flying by. I do not think the Houses of the Oireachtas should pass any legislation allowing the use of e-scooters until we are completely satisfied that protection measures are in place for the vulnerable people who also have a right to use the roads. We must remember that the blind and visually-impaired community in particular are the original greens. They use public transport and walk to get from A to B. We should be leaders in this country in terms of e-scooters. We should not legislate for them or legalise them until protections are in place.

Senator Joe O'Reilly: I join with the words others have said about the late Austin Currie, leader of the civil rights movement. His occupation of a house in Caledon was a seminal moment, born of his burning desire for justice. He was elected to Stormont at 24 years of age, became leader of the SDLP, was elected to the Dáil in 1989, served as a Minister of State from 1994 until 1997 and was a presidential election candidate. He was courageous, brilliant and completely giving of himself. As has been well said by others, he was a man of peace. He

fulfilled the Christian ideal to the letter of the law.

I had a personal connection with Mr. Currie. The first time I was elected to this House, he came to my local community to make a little presentation of a piece of crystal to me. He came with Annita. It meant we came to know each other. I always remember that, the warmth he brought with him and the affection he was held in by the people. His spirit lives on in our colleague, Emer. I offer my sympathies to Annita, Emer and their family. Go bhfana sé ar thaobh na láimhe deise ó Dhia.

I will briefly join in the words that have been said about Senator Norris. He has been a pioneering social reformer and was one of the greatest parliamentarians of the 20th century. He is man who has broken moulds. We badly needed him in this country.

I have raised my last issue with the Leader previously. It relates to the waiting list for child and adolescent mental health services, CAMHS. I asked the Leader whether something can be done to shorten it? Where is this at now? It is a horror to leave children in this state. I cannot see a greater social priority than to deal with the CAMHS list. My understanding is that it is too long and I would like a comment on it, and action on it.

Senator Ollie Crowe: I offer my sincere sympathies to Annita, Emer and the Currie family on the death of a statesman. I want to raise the construction sector. It is an area, thankfully, that is rebounding strongly following lockdown with business having increased in each of the past seven months. The sector seems poised for further growth and with the new sectoral employment order likely to be implemented - I attended a joint committee on this earlier - that is very welcome. However, there are issues facing the sector in regard to recruitment, apprenticeships and, in particular, the soaring costs of construction materials, which is having a significant impact on the cost of housing, especially in my own city of Galway. This is an area of great concern. Price inflation in the construction sector hit a record last month largely due to supply chain issues and Brexit. To give an example, a couple contacted me recently who initially agreed to purchase a property for €450,000 but due to significant costs, the price increased to €525,000 for first-time buyers, which was to their detriment. They are unable to proceed now, naturally, as the price has gone up by €75,000 but they have also lost the €30,000 help-to-buy grant. This issue needs to be addressed. The costs are being passed on in all cases. Whether building homes or infrastructure, this is a significant issue facing all our people. I ask the Leader to invite the Minister for Housing, Local Government and Heritage to the House to have a discussion and find a solution to the matter.

Senator Barry Ward: I also wish to be associated with those Members who have expressed condolences to the Currie family. Austin Currie was a giant of Irish politics and the only person to have served on the Executive on both sides of the Border. I extend my condolences to our colleague, Senator Emer Currie, as well.

I also wish to be associated with those who have expressed support for the America's Cup coming to Ireland. I am a sailor, not at that level, but I can recognise the massive benefit inherent in that project coming to Ireland and I support that.

I want to mention driver's licences. Members will be aware that driver's licences are divided into different categories according to what kind of vehicle is being driven. A is for motorbikes, AM is for mopeds, W is for work vehicles and tractors, and B is the standard car licence. Until 2006, those who got a B licence automatically got an AM and a W category licence. The

W is still given but the AM has ceased since October 2006. Any people who got licences for the standard car over the past 15 years are not given the right also to drive mopeds. I simply do not see the sense in that. We are unique in the EU in that regard. Every other country accords that extension to people who have an ordinary car licence. An AM is a moped of a certain size and capacity, which can only do a certain speed and can only travel with a certain power. It makes absolute sense that we should allow people to use mopeds from an environmental, traffic and common-sense point of view. Can we make time for a debate on that, or call for the Minister for Transport to revise that policy and bring us in line with our colleagues in the EU?

Senator Micheál Carrigy: I pass on my sympathies to our colleague and the Currie family on the death of Austin Currie. They can be very proud of the immense contribution he made to Irish life both North and South.

Members will be able to see the badge I am wearing to support the Irish Heart Foundation promotional month, FAST, to highlight the signs of stroke: face, arms, speech and time. It is important we recognise that. I also highlight that it is four years since the HSE was asked to produce a national stroke strategy and it has not been published yet. When will that be published?

An issue relating to Gaelic games within our diaspora in the US has come up in the media. We should be proud of how we promote our games throughout the world, and the numbers of people who play them. The GAA is a magnet to our diaspora. I lived in the US for a short while and the first thing people do is join the local GAA club. They do immense in promoting Irish culture and keeping that sense of Irishness throughout America. During 2020 a significant number of clubs did not travel to games in Boston due to Covid-19. The GAA in the US is suspending and fining clubs for not travelling more than 3,000 miles from the west coast of America to Boston to take part in games and giving them no right of appeal. I was heavily involved at national level in the GAA. It is a very democratic organisation with appeals processes for every issue, yet this does not seem to pertain to US GAA. I would ask the GAA at Croke Park level to intervene. We are very proud of keeping our culture alive and this does set a good example. People who prioritised the health of their communities by not travelling, which we also asked our citizens not to do, are now suspended.

Senator Lisa Chambers: I thank the Cathaoirleach. Given that every colleague who contributed paid their respects and expressed sympathy to the Currie family on the passing of Austin Currie, I propose that have a minute's silence to honour his passing.

Members rose.

Senator Lisa Chambers: I thank everybody for their contributions to the Order of Business. Senator Daly started by raising the issue of the Passport Office and the continuing backlog while acknowledging that some improvements have been made with the direct line but also highlighting the ridiculous situation that a person was posted their passport when it was not possible to reach them. Generally when people come to anyone in public life looking for help with a passport, it is always at the eleventh hour, if not beyond that. That is why the office needs to have a system in place to deal with those emergencies. It is not a favour or a gift; it is an entitlement as a citizen.

Senator Kyne raised the issue of the ongoing Common Agricultural Policy, CAP, negotiations and the meeting in Athenry mart. I acknowledge the fantastic work done by Minister,

Charlie McConalogue, who has done a tour of marts throughout the country to engage with all farming organisations on the CAP. There are some difficult decisions to be taken. There is not, unfortunately, a unified position among those in the farming community, which others have highlighted. There will be significant decisions to be taken on that, but it is important to ensure there is fairness at the heart of the next CAP.

Senator Boyhan raised the outstanding record, legacy and contribution of Senator David Norris, who is the longest serving Member of the House or the father of the House as he is so often called, and referenced the unveiling of a portrait of the Senator, which was unveiled earlier today by the Cathaoirleach and the House Leader and other Members to honour his contribution to this House and to Irish public life. There will be continued celebrations later today and we join by congratulating the Senator on his fantastic achievements as one individual who has done so much for people in this country.

Senator Boyhan also raised the matter of local government funding, which has been mentioned by many other Members over the past few weeks in particular, asking for a debate on the matter. He also mentioned the local property tax and rates issue. We should seek that debate at the earliest opportunity.

Senator Martin concurred with the remarks about Senator Norris and spoke on the passing of Austin Currie as well. Senator Boylan spoke about the *daft.ie* report, as did Senator Moynihan, and in particular the increase in rents. It is a concern for all of us that rents are increasing at such an alarming rate. The Government has recently launched its Housing for All plan, underpinned by €4 billion of investment. This is the largest ever investment by the State in housing. There will be significant investment in public, affordable and cost rental housing to ensure we can tackle this housing crisis once and for all.

Senator Black raised the matter of drug use, referencing Tallaght in particular and the lack of addiction support services in helping people get better. It is a chronic issue not just in that area but in many areas of the country. Senator Malcolm Byrne raised the matter of the backlog in the issuing of foreign birth registrations, as he has before, and concurred with Senator Paul Daly's comments about the passport backlog. It may be worth putting down a matter on the Commencement on that very specific issue in order to get an update on why there is such a delay in the issuing of those birth registrations.

The Senator also mentioned we had a very productive meeting of the Seanad Brexit committee in a joint meeting with the EU affairs and Good Friday Agreement committees, where we had a virtual discussion with Members of the House of Lords. It was a really good engagement and I am sure people agree it is very timely, given what has been happening in the Brexit process. Senator McGreehan was also at the meeting and raised the matter again on the Order of Business this morning. It is really important we have continued dialogue and continue speaking with one another. That message was delivered loud and clear from the House of Lords as well and those Members want to continue speaking as well while keeping the door open to ensure discussion is maintained. It was a very interesting meeting with many solutions being proposed as to how we might get around the current impasse. We will continue to work towards a solution.

Senator Seery Kearney raised the question of wards of court and issues around investment. It is a serious question and there should be accountability around who was managing those funds. Ultimately, a very vulnerable person was left in a very poor position. Perhaps she could

put down a matter on the Commencement and if that is not sufficient, we should seek a further debate in the House to give all Senators an opportunity to discuss the matter.

Senator Gallagher spoke about young girls in sport. It is a major issue that there is a huge drop-off rate in girls participating in sports, particularly in second level education. There is no doubt that when there are positive role models such as Leanne Kiernan and Maggie Farrelly, referenced by the Senator, who are leading the way in their fields, it will encourage other young girls to stay in sport for the benefit of themselves and their communities. I congratulate the two teams involved in that historic moment and it is great to see.

Senators Lombard, Buttimer and Ward raised the matter of the America's Cup and the importance of the event. I will not pretend to be an expert in sailing but I understand how important that event would be to so many people. I hope it will be looked upon favourably and any event of that magnitude would be beneficial for the country I am sure. We have much sailing expertise in the country and many sports men and women, as well as young people, in the area.

Senator McGreehan spoke very eloquently about the need to get the Brexit matters sorted and the real impact it is having on people's lives. We speak about this often at a high level but this is affecting businesses and citizens, particularly those living in Border areas like Louth, where the Senator lives. It has an impact right across the Border region so it is really important we get this right.

Senator Maria Byrne commended Deputy Carroll MacNeill on her proposal to set up a committee on gender equality. It is something with which I would have no difficulty. It would be very worthwhile and I look forward to hearing more information on what that committee might do or how we might get it up and running. We want to work with the Deputy and Senator on that matter.

Senator O'Sullivan spoke very eloquently, as he so often does when he gets to his feet, and we can see the depth of experience in him when he speaks. He delivered a very strong message that change can be affected in a peaceful way. That is the legacy Austin Currie left for his family and all of us. I concur with the Senator's remarks.

Senator Ahearn sought an update on the funding for IVF treatment, which is a very important matter because so many couples and families experience infertility. It is long overdue. My most up-to-date information is a Bill is being worked on to try to get this over the line as quickly as possible and provide State financial support to couples experiencing infertility, as is evident in so many other countries. We are lagging behind in that regard.

Senator Craughwell got to his feet to pay his respects to Austin Currie, as did Senator Conway. Senator Conway also raised an interesting question around electric scooters. I had not heard the term "original greens" before in reference to those who are visually impaired and have been using public transport for a very long time. It is a very important point that when we make these policy and legislative changes, we must ensure it is in the interests of everybody to do that. Legislation pertaining to these vehicles must be explored further.

Senator Joe O'Reilly raised the question of the child and adolescent mental health services waiting list, and we are all getting representations about that. As the Senator said, we are leaving very vulnerable people in a very dire position. It is a waiting list that should be cleared with urgency.

Senator Crowe raised the matter of the construction sector and the cost of building materials, which we are all very keenly aware of now. It is affecting the building of family homes and public housing so it is a major concern. A debate in the House with the Minister would be welcome. The Minister will be before the House at some point anyway and this is a very important point to raise with him.

Senator Ward raised the question of driving licences and I was not aware of what he mentioned. That probably indicates how long it has been since I got my licence. It is a sensible solution and would offer people the opportunity to drive a moped when they have been tested in a car. It might be a useful Commencement matter as it is quite specific.

Senator Carrigy mentioned the work of the Irish Heart Foundation. Perhaps a Commencement matter would give an answer on his question about the national stroke strategy, as again it is quite specific. It is important work that should be concluded. The Senator also spoke about the GAA and he has made it clear to people at senior levels in the association that the matter should be addressed. I hope they will respond positively to the Senator's request.

An Cathaoirleach: Senator Rebecca Moynihan proposed an amendment to the Order of Business, "That No. 86, motion 3, on the Order Paper be taken before No. 1." Is that agreed? Agreed.

Order of Business, as amended, agreed to.

Vacancy in Membership of Seanad Éireann: Motion

Senator Rebecca Moynihan: I move:

That the Clerk of Seanad Éireann do send to the Minister for Housing, Local Government and Heritage notice of a vacancy in the membership of Seanad Éireann occasioned by the election to Dáil Éireann of Senator Ivana Bacik, a member elected for the University of Dublin constituency at the General Election for Seanad Éireann, April, 2020.

Senator Gerard P. Craughwell: I second the motion.

Question put and agreed to.

Sitting suspended at 12.50 p.m. and resumed at 1 p.m.

Criminal Justice (Amendment) Bill 2021: Committee Stage

Section 1 agreed to.

SECTION 2

Question proposed: "That section 2 stand part of the Bill."

Acting Chairperson (Senator Eugene Murphy): Is the section agreed to?

Senator Michael McDowell: It is not agreed. I was unfortunately not able to participate in the Second Stage debate on the Bill. I would have liked to have said a few words about its general principle. I will take this opportunity on the section to make a few remarks about the Bill.

First, in light of the judgment of the Supreme Court in *Wayne Ellis v. the Minister for Justice and Equality*, I believe the present Government and the present Attorney General have no option but to introduce legislation along these lines. Therefore, I make no criticism whatsoever of the Department of Justice or the Government for sponsoring this legislation.

Second, the judgment of Ms Justice Finlay Geoghegan in the Supreme Court on 15 May 2019 broke new ground insofar as it effectively said the Oireachtas, in determining by statute penalties that can be imposed for offences, may not provide for penalties - or mandatory penalties at any rate - for second and subsequent offenders that are greater than those for first offences. I wish to put on the record a couple of points in that regard.

When the Criminal Justice Act 2006 amended section 27A of the Firearms Act 1964, it provided as follows: "It is an offence for a person to possess or control a firearm or ammunition in circumstances that give rise to a reasonable inference that the person does not possess or control it for a lawful purpose, unless the person possesses or controls it for such a purpose." In other words, it is an offence to have a weapon for an unlawful purpose unless one has a lawful purpose, which is obvious. That section continues:

A person guilty of an offence under this section is liable ... on indictment—

(a) to imprisonment for a term not exceeding 14 years or such shorter term as the court may determine, subject to subsections (4) to (6) of this section or, where subsection (8) of this section applies, to that subsection, and

(b) at the court's discretion, to a fine of such amount as the court considers appropriate.

This is possession of a firearm with an intent to commit a serious offence. Section 27A(3) states: "The court, in imposing sentence on a person for an offence under this section, may, in particular, have regard to whether the person has a previous conviction for an offence under the Firearms Acts ..., the Offences against the State Acts ... or the Criminal Justice (Terrorist Offences) Act 2005." Thus far there is no problem with that. In imposing a sentence up to a maximum, the court may have regard to the fact that the person has previously committed a fairly serious firearms offence. Section 27A(4) states: "Where a person (other than a person under the age of 18 years) is convicted of an offence under this section, the court shall, in imposing sentence, specify a term of imprisonment of not less than 5 years as the minimum term of imprisonment to be served by the person." That is simple too. It is a minimum tariff of five years for all offenders. However, following amendments made by the Criminal Justice Act 2007, the Act went on to state, in section 27A(4A), "The purpose of subsections (5) and (6) of this section is to provide that in view of the harm caused to society by the unlawful possession and use of firearms, a court, in imposing sentence on a person (except a person under the age of 18 years) for an offence under this section, shall specify as the minimum term of imprisonment to be served by the person a term of not less than 10 years, unless the court determines that by reason of exceptional and specific circumstances relating to the offence, or the person convicted of it, it would be unjust in all the circumstances to do so." I was the Minister at the time of the drafting of that legislation, and that section was crafted in close consultation with

the then Attorney General, Rory Brady SC. It provided that the minimum sentence for a repeat offender was to apply unless, having regard to the exceptional circumstances of the offence, or specific circumstances relating to the offence or the person convicted of it, it would be “unjust in all circumstances to do so”. Section 27A(5) provides that subsection (4)

“does not apply where the court is satisfied that there are exceptional and specific circumstances relating to the offence, or the person convicted of it ... [which would make the minimum term] unjust in all the circumstances, and for this purpose the court may [subject to subsection (6)] have regard to any matters it considers appropriate, including—

(a) whether the person pleaded guilty to the offence and, if so—

(i) the stage at which the intention to plead guilty was indicated,

(ii) the circumstances in which the indication was given

and

(b) whether the person materially assisted in the investigation of the offence.

Section 27A(6) states:

The court, in considering for the purposes of subsection (5) of this section whether a sentence of not less than 10 years imprisonment is unjust in all the circumstances, may have regard, in particular, to

(a) whether the person convicted of the offence has a previous conviction for an offence under the Firearms Acts ..., the Offences Against the State Acts ... or the Criminal Justice (Terrorist Offences) Act 2005, and

(b) whether the public interest in preventing the unlawful possession or use of firearms would be served by the imposition of a lesser sentence.

This was a second way out for a court. This was the essence of what was provided by the then Attorney General, in consultation with the Department of Justice. First, the Judiciary was not required in any case where it would be unjust to apply a minimum sentence. Second, the criteria that were set out were not exhaustive but purely indicative, and it was left to the court to take a very broad view of whether a minimum sentence should be imposed under the section. The Supreme Court in the Wayne Ellis case came to consider the issue as to whether a minimum sentence imposed was in fact unlawful or, as the Supreme Court was later to find, an unlawful invasion of the sole prerogative of the Judiciary to administer justice and to impose sentences as part of the judicial function of the State.

In other words, those provisions that I have just read out were regarded by the Supreme Court’s judgment as an impermissible invasion of the courts’ jurisdiction. In so finding, the court relied on previous jurisprudence to the effect that minimum sentences could be legitimate if they apply to everyone, but they could not be regarded as legitimate if they did not apply to everyone who committed an offence of the type in question.

This is the first occasion on which I have had any opportunity to discuss this decision. When a person is a Minister, an Attorney General or in government, it is suicide to even query the correctness of a Supreme Court decision. One just cannot do it. The media would devour

you and say you are arrogant, stupid and all the rest of it for querying it. Therefore, the Constitution means what the Supreme Court says it means, and I fully accept this proposition. Even though a person may in good faith disagree with the Supreme Court, if he or she holds executive office, either as Attorney General or as a Minister, then he or she is bound to comply with the jurisprudence of the Supreme Court and bound to comply with their view of what the Constitution does or does not permit. I fully accept all of that. It is obvious. I make no criticism whatsoever of this Bill. It interests me to point out that it was not simply the section in question that had to be amended, but that a variety of other sections also had to be amended to take account of this new determination by the Supreme Court as to where the boundaries lie between the legislative powers of the State, on the one hand, and scope of the judicial function, on the other.

The *ratio decidendi* of the Supreme Court was that it was, in effect, bound by previous court decisions that if there was to be a minimum sentence or a general sentence of a minimum kind for an offence, it had to apply to everybody who committed that offence and not just to some classes of people who might have committed it. The Bill before us deals with a series of offences under previous statutes where differentiation was made in sentencing of a minimum kind between people who had previous convictions for that offence and people who had not. Of course, it is very commonplace to say in legislation that in the case of a first offence the maximum is two years and in the case of a second or subsequent offence it is seven years. This is nothing to do with the Supreme Court decision that we are dealing with here.

I am tentative on this next point, but I do want to make it. Having been the Minister involved, having consulted with the Attorney General and having carefully considered that there was an issue that a minimum sentence law had to respect, in the ultimate, the right of the Judiciary to depart from it where it considered that its result would be unjust, it was strange indeed that we would find ourselves in the position that the legislation should be struck down. Very few people have been in the position that I am in now of having introduced legislation on the advice of the Attorney General and saying that it was legitimate and kosher in the context of the Constitution, only to find afterwards that the Supreme Court, having addressed the issue, took a radically different view to the effect that the provisions that had been included in order to ensure that no court would be forced to impose a minimum sentence where it would be unjust to do so, and in throwing out categories of issues which the court could look at to see whether it would be unjust, not do so exhaustively and allow the court a wider discretion not to impose it on the grounds that it would be unjust to do so. I am long enough in the tooth, as a Member of the Houses of the Oireachtas, as a person who has held ministerial office and served as Attorney General, and as someone who has practised law, including criminal law, and who has appeared in many constitutional cases, to afford myself the opportunity to say that I believe that in this respect the approach of the Supreme Court was wrong. I just want to record that fact.

I am not saying that my view is preferable to the court's view, or that my view should dissuade the Minister of State from going ahead with the legislation or that my view has any real weight in this matter. I do, however, make the point - it is worthwhile making it but nowhere is it referred to in a satisfactory way in the majority judgment of the Supreme Court - that there is, in my view, a very clear rule of double construction to the effect that any statute which comes before the Supreme Court should be looked at and if it contains a constitutional interpretation, it should be accorded that meaning. Looking at the judgment of the Supreme Court, I find that it failed completely to address that issue. I just want to put this on the record - very few people are in a position to be able to say this - I find that it failed completely to address that issue. It simply looked at the judicial function and the legislative function and, without determining

the legality of it - and it expressly prescinds from that of generalised minimum sentences - and stated that this provision offends the distinction between the competence of the Oireachtas to provide minimum sentences and the rule, which the court found in earlier case law, that if there are to be minimum or mandatory sentences, they should apply to everybody in the category and not just to classes of offenders.

I believe that the late Attorney General Rory Brady got it right. I also believe that the Supreme Court did not apply its own jurisprudence on the question of the constitutional interpretation of statutes in a satisfactory way. I have the greatest of respect for the judges who are mentioned in the case report. I have huge respect for all of them. I felt that simply to acquiesce in the judgment and not point out that the whole constitutional dimension had been very carefully considered by the Attorney General at the time in the context of the advice he gave to the Department of Justice and that the Supreme Court seems to have departed from the rule of double construction in that if the Act were in every case and if it is indeed the case that there is something wrong with distinguishing between different categories of persons who commit the same offence, then the statute was capable of being given a constitutional interpretation and ought not have been struck down. Respectfully and humbly, therefore, I consider that the reasoning of the Supreme Court in this case was wrong. I put that on the record humbly, accepting that we live in a constitutional democracy and that the Constitution, by way of how we have enshrined the judicial function in the Constitution, means what the Supreme Court says it means. However, I feel it is important to put on the record that this statute did not require any court to impose the minimum sentence where it found that it was unjust to do so. The consequence of that must be that it was advisory at the most and was not mandatory. Although its language approaches mandatory language, it has this escape valve of non-application where it would result in an injustice.

It may be a bit self-indulgent to dispute the correctness of a Supreme Court judgment in the Houses of the Oireachtas and perhaps very few people would dare to do so. While accepting that the Supreme Court judgment is the binding judgment, and that my view of the matter is not in any sense a reason Ministers should not act on their judgment and implement the substance of their view, it occurs to me that sometimes the Judiciary takes a view of its province which is, and properly so, jealous of invasion by the Oireachtas. Where the Oireachtas, however, enacts a law which on the face of it respects the right of the Judiciary regarding a minimum sentence for a repeat offender and expressly provides that it shall not have effect if in the opinion of the sentencing court it would be unjust to do so, which is the cardinal principle of what the Attorney General advised the Department to put into the statute at the time, it is hard, applying the double construction rule, to come to the view that the underlying effect of the provision in question was permissive and advisory and not mandatory in respect of any particular outcome in any particular case.

We rarely have situations like this, because at the end of a Supreme Court decision as to what the Constitution means, that is it and that is what the Constitution means. Nobody can argue with it. The Supreme Court has held that whatever was in question means X or Y, and there is no opportunity for anybody to ask if that decision was right. We live in a democracy and legal academics can challenge decisions on areas such as, for instance, the admissibility of evidence and all that type of jurisprudence. People can take sides in a particular case on something of that kind. I must say, however, in respect of applying the double construction rule, which was undoubtedly in the mind of the then Attorney General, Mr. Rory Brady SC, and applying the absolute principle which was set out in this section that the minimum sentence for a repeat offender would not apply where in the view of the court it was unjust, full stop, and

considering that the provisions giving examples of reasons for injustice were not exhaustive but purely exemplary, that it seems to me that the double construction rule was not properly applied in this case.

To make one further point on this subject, I believe this was a warning shot across the bows of the Oireachtas to signal that the judicial function in imposing sentences should not be the subject of a legislative policy as regards the circumstances in which any particular punishment is given. I fully accept that the Judiciary is entitled to fire such a shot across the bows of the Oireachtas, but I consider that the enthusiasm of the Supreme Court in arriving at this judgment and this outcome in the Wayne Ellis case was coloured more by a desire to fire that warning shot than to pay adequate respect to the principle of double construction which should have saved the statute.

I will not say more than that. I thank the Acting Chairperson for indulging me in saying that. I feel that sometimes these things should be said and this House is one where these kinds of issues can be discussed. I do not want to trespass on the patience of Members, but I do want to provide some explanation as to what happened and to put a serious question mark over the correctness of the decision eventually arrived at.

The Supreme Court prayed in aid of its decision a prior decision about offences applying to all offenders committing an offence rather than just some or specifying a class of offenders. That was not, however, dispositive of the issue in question, because the kernel of the issue in the Wayne Ellis case in my view, and that of the Minister of Justice, was new territory previously uncharted and therefore it should have attracted the double construction rule. I have made my contribution, and I am thankful to the Acting Chairperson and the House for allowing me to do so.

Acting Chairperson (Senator Eugene Murphy): We gave the Senator a little bit of leeway. We will move to the next speaker and try to stick to the amendment. I call Senator Ward.

Senator Barry Ward: Following on from what Senator McDowell said, I have no difficulty with criticism of the judgment, conscious that Senator McDowell from the outset acknowledged the supremacy of the Supreme Court and the reality of the fact that the Minister, the Executive and, ultimately, the law must follow what the Supreme Court has said. I do not necessarily dispute what the Senator has said. Undoubtedly, the Wayne Ellis case was a complex one. I am not sure how much the parsing of arguments in this House advances the matter before us today, but I absolutely agree with the Senator when he says that one of the purposes of the decision made in the Wayne Ellis case was to put a shot across the bows of the Oireachtas to mark out the importance of judicial discretion.

As it happens, I agree 100% with the Supreme Court on that front. There is a habit sometimes in politics for us to want to push the penal provisions in legislation in a particular direction and to say that we are going to clamp down on a particular kind of offence and hit this kind of offender. That is okay for politicians, but it fails to recognise that judges are highly qualified and highly experienced people who know what they are at. As a Legislature, we should have faith in their ability to hit on the right sentence for any given offender. I frequently get comments from people who contact me about something they have read about in the newspaper concerning a criminal case where somebody has got a sentence that they feel is unjust for whatever reason. I am not necessarily saying that those people are always wrong, but what I always say to them is that the case was in the newspaper because it was an outlier, controversial

and exceptional.

What is not contained in the newspapers in respect of such cases is the detail of everything that was said in court, everything that was before the court and everything that the judge saw, heard, read and understood about the offender, as much as about the offence, and the effect on the victim, if there was an identifiable victim in a case. I always caution people against deciding that a sentence is not hard enough for a person because of X, when in fact they cannot possibly have a full understanding of the factors that contributed to the final decision regarding a sentence. The person who does have a full understanding in such instances is of course the sentencing judge who sat in court on the day, and who saw and heard the people concerned. In accordance with the law and the procedures laid down in court, which are there to protect all of us, the judge will have heard exactly what factors come to bear on the sentence. When handing down sentences, judges invariably set out in some detail the factors they took into account, including mitigating factors that lowered sentences and aggregating factors that increased them. They are now required by dint of decisions of the Court of Appeal in particular to set out where on the range of sentences available to them the offence should lie, where their starting point is and what they are applying in respect of aggravation or mitigation, for example. Much more so than even ten, 15 or 20 years ago, there is now considerable clarity as to the exact factors that have a bearing on judges' decisions when they hand down sentences. This is obviously for defendants and persons who are convicted but it is particularly for the victims of offences. We have made great leaps forward in that regard such that a victim sitting in court or learning after the fact has much greater insight today than a decade ago as to the exact reason the sentence was arrived at.

In addition, there is a provision for the DPP to appeal against the undue leniency of a sentence. If she feels that is inappropriate, there is jurisprudence set out in this regard. We, as Members of the Legislature, should be marking the importance of judicial discretion and of having trust in our Judiciary. In Ireland, perhaps more than in any other common law jurisdiction in the world, we have a Judiciary that has served us incredibly well. We do not see a litany of miscarriages of justice in this country. We do not see people being convicted unfairly in the way that can occur in other jurisdictions, and that is because the rule of law stands. It is because judges respect the law and apply it as it is handed down from these Houses or interpreted by the superior courts, as the case may be.

I do not disagree specifically with Senator McDowell. I recognise his right to say what he has to say, but I do believe it is important for us to acknowledge what the court has said about the Ellis case.

I want to raise another issue. I wish to raise it under section 2 although I could raise it under any section.

Acting Chairperson (Senator Gerry Horkan): It is not particularly related to section 2 either.

Senator Barry Ward: Are we not on section 2?

Acting Chairperson (Senator Gerry Horkan): I am saying that what the Senator is going to say is not particularly relevant to section 2.

Senator Barry Ward: This Bill, as has been pointed out, seeks to amend a number legislative measures arising from the decision in the Ellis case. As I said on Second Stage, I do not

have a difficulty with the changes. Many of them reflect what was in my Private Members' Bill, the Criminal Procedure and Related Matters Bill 2021, or go beyond it. The one question I have, on which I have not tabled an amendment but which arises from the Road Traffic Acts, concerns the fact that this Bill, arising from the Ellis judgment, deals primarily with mandatory sentences arising from second offences. Section 26(5)(b) of the Road Traffic Act relates to consequential disqualifications regarding offences under sections 52, 53 and 56. For someone convicted of a second offence of having no insurance, there is a mandatory consequential disqualification. Not having considered this matter until I was reading the amendments tabled for today, I must ask whether there is any issue transgressing what the Supreme Court said in respect of the Ellis case? It is not a custodial sentence, obviously. The approaches to disqualifications from driving are quite different because one does not have a right to drive. It is a privilege to be granted a licence to drive in this country, as it should be, and therefore that privilege can be removed as the law and courts see fit. Nonetheless, there is in section 26(5)(b), which was inserted by the Road Traffic Act 2010, mandatory disqualification on a second insurance offence. I am wondering whether the Minister of State or Department has a view on whether that also transgresses the ratio handed down in the Ellis decision.

Senator Michael McDowell: There is nothing that Senator Ward said with which I disagree at all. I know, from having been where he is now and from having served as an Opposition Deputy, a Minister and Attorney General, that there is always a clamour for minimum sentences. It is said that if you hit a Garda, you must go to jail for a year, for example. Minimum sentences go down well with some parts of the media. At the time we were trying to address this matter, we were trying to deal with gangland crime. That was what we were worried about. Fellows who produced sawn-off shotguns on day one could do three years and, lo and behold, appear again with a Kalashnikov or whatever. We wanted to send a message to them that if they wanted to carry out firearms-related offences on an ongoing basis, they faced a very serious sentence of the kind in question. That was the motivation. It was not about appealing to the newspapers or unthinking bar stool critics. The purpose was to send a message to those who had one brush with the use of firearms. It was a very serious matter when I was Minister for Justice. I was the guy who mistakenly talked about the dying wasp in respect of gangland offences. The offences were a very serious matter. Bearing in mind facts of the circumstances that gave rise to the sentence that was challenged, it is pretty alarming that somebody in those circumstances should not feel the full weight of the law on them.

I want to make one comment on what Senator Ward said about the progressive disqualification provisions. I believe the Supreme Court would probably apply the double construction rule and say the disqualification of a driver is not a penalty or punishment in itself but a consequential decision by a court. Let us be honest about it among ourselves: it is a punishment. It is undoubtedly a punishment to put somebody off the road for five years, especially when it wipes out his or her capacity to drive a lorry or taxi, or to work as a travelling salesman or otherwise. It is codology to say it is not intended to be punitive. It is the consequence that is held out in front of drink drivers. They do not care about the crime and do not really believe they will end up in Mountjoy unless they are completely drunk and kill somebody or injure somebody badly, but disqualification is the primary factor. I have no doubt, however, that the court system would come to the view that this does not fall foul of the arrangement in question because it is not a judicial punishment *per se*.

I cannot remember the time of the change regarding the right of appeal against a sentence but I believe it existed at the time in question. In legislation we passed in this House subse-

quently in respect of the Judicial Council, provision was made for sentencing guidelines. Presumably, they are supposed to be mandatory in respect of the lower courts provided they have some flexibility in them. They comprise guidance to judges as to what should happen. Let me outline what interests me in that respect: supposing the judicial guidelines provided something that we all said was a bit rich or too light, or supposing it was said that for a second offence of rape there should be a sentence of eight years, at a minimum, we might say the sentence should be far longer and that it should be 14 years, at a minimum. In such circumstances, can the Oireachtas do nothing and must it remain absolutely silent when it considers judicial guidelines on sentencing adopted by the Judicial Council whenever they are, in fact, promulgated? I think we will be waiting for some time for them to appear. Can the Houses of the Oireachtas say nothing about the guidelines? Are the Houses precluded from saying that they are inappropriate? This is something that would also have to be considered.

Going back to the basic point, all I am saying is that the separation of powers was clearly in contemplation when the late Rory Brady advised the Department of Justice. He allowed for the escape valve that the section would never apply if it produced what the court considered was an unjust result, without qualification. It was absolute. Therefore, I cannot see how this could possibly have fallen foul of the Constitution if the double construction had been applied. I will leave it at that.

Question put and agreed to.

Section 3 agreed to.

SECTION 4

Acting Chairperson (Senator Gerry Horkan): Amendments Nos. 1 to 8, inclusive, are related and may be discussed together by agreement. Is that agreed? Agreed.

Senator Frances Black: I move amendment No. 1:

In page 4, between lines 9 and 10, to insert the following:

“(b) by the deletion of subsections (4), (4A), (5) and (6),”.

The purpose of this amendment is to remove presumptive minimum sentencing from the Firearms Act 1925. I am here on behalf of my Civil Engagement Group colleague, Senator Ruane. She spoke last week of an opportunity here to create a fairer and more caring judicial system, one that is built on the idea of justice for rehabilitation. For the Minister of State’s part, he recognises the importance of creating such a judicial system. In order to achieve a system which best supports rehabilitation, it is important that we empower the Judiciary to sentence on a case-by-case basis, particularly in respect of firearms and drug offences, which are often highly circumstantial. By accepting this amendment to section 4, the State would have the opportunity to support the Judiciary to make the sentences circumstantial and judges would thus be empowered to make decisions that would best serve the rehabilitation of the offenders in front of them, as well as society at large, rather than simply making decisions based on arbitrary minimum sentencing legislation. After all, the laws we write are often quite simple. As the Ellis case has shown, however, their application in the context of the complexity of life is hard. By removing subsections (4), (4A), (5) and (6) from section 15 of the Act, we offer the accused and, subsequently, society as a whole a fairer and, crucially, a more understanding justice system. By removing these subsections, we would remove the legislation binding judges to pass

a presumptive minimum sentence of ten years in prison. Instead, we would implicitly insert an opportunity for judges to offer sentences which they believe will best rehabilitate the offender.

I will speak to amendments Nos. 2 to 5, inclusive. The purpose of these amendments is to remove presumptive minimum sentences from the Firearms Act 1964. Minimum sentencing in regard to the Firearms Act 1964 is what brings this Bill before us today, specifically, issues arising from minimum sentencing legislation in respect of the *Ellis v. Minister of Justice and Equality* case. In this case, having heard of Mr. Ellis's circumstances and the details of his crime, the judge sentenced Mr. Ellis to a five-year fully suspended sentence and noted in her judgment that he was taking credible measures to reform himself and was, therefore, entitled to a degree of leniency. However, due to the mandatory minimum sentencing legislation in place, the judge was barred from delivering the suspended sentence. This was despite the fact that the circumstances of the case suggested to her that such a sentence would be best for facilitating Mr. Ellis' rehabilitation. Instead, Mr. Ellis faced prison.

This Bill rightly looks to remove the mandatory sentences for second offences, but the presumptive minimum sentencing legislation for first offence remains. As long as this presumptive minimum sentencing legislation remains, it will beg the question: how many more judges wish to suspend the sentence in relation to an offence under the Firearms Act 1964 only to be bound by the legislated minimum sentencing? Currently, the threshold set in the Firearms Act 1964 for when a judge may ignore the presumptive minimum sentencing is in exceptional cases. In such cases, we are asking members of our Judiciary to judge whether or not a case meets an abstract exceptional standard before they can use knowledge of the circumstances of the case to hand down an appropriate sentence. Instead, our amendments would remove this arbitrary exceptional standard and allow judges to offer sentences which they feel are appropriate to the circumstances of each individual case, rather than being bound to abstract minimum sentencing legislation.

Amendment No. 6, which relates to section 6, seeks the removal of presumptive minimum sentences, but this time, from the Misuse of Drugs Act 1977. Even more so than the two Firearms Acts, which the previous two amendments addressed, convictions under the Misuse of Drugs Act 1977 are, by their nature, highly circumstantial. In order to hand down a sentence which respects these circumstances, a judge must be free from the binding of the presumptive minimum sentencing legislation set out in section 27 (3C) and (3D). Once again, the legislation uses the exceptional circumstances threshold to determine when it is not necessary to hand down the presumptive minimum sentence of ten years' imprisonment. As noted by prominent legal academic, Thomas O'Malley, this is a remarkable severe punishment for what is, in essence, a non-violent offence. In practice, it means that those convicted of possessing drugs for sale or supply with a street value marginally in excess of €13,000 will be open to prosecution under this presumptive minimum sentencing.

As I noted at the beginning, cases concerning the misuse of drugs are highly circumstantial. It is for these reasons that the Law Reform Commission recommended, in their 2013 mandatory sentences report, that subsections (3C) and (3D) be removed because they bind judges to restrictive minimum sentencing legislation in cases which require nuance and understanding in order to deliver a fair and correct sentence. We know, for example, that those who are prosecuted in under the 1977 Act are usually individuals whose involvement in the drugs trade comes about through circumstance - individuals for whom any minimum sentencing legislation is unlikely to serve as a deterrent. I therefore urge the Minister of State to accept these amendments and allow our Judiciary to sentence offenders on a case-by-case basis, to sentence

without the restrictive binding of minimum sentencing legislation in order to deliver sentences that are not just punishments, but instead, paths to rehabilitation.

Amendment No. 7 relates to section 7 and seeks to remove subsections (9), (9A), (10) and (11) of the Firearms and Offensive Weapons Act 1990. This is part of the legislation under which Mr. Ellis, whose case brings us here today, was prosecuted. I believe the facts of the case speak for themselves. They speak to why we should grasp this opportunity not only to remove the mandatory minimum sentence for second time offenders, but to remove all minimum sentencing in the Firearms and Offensive Weapons Act 1990 and to allow members of our Judiciary to hand down sentences based on the individual circumstances of each case which comes before them. To accept this amendment would be to accept the recommendations made by both the Irish Penal Reform Trust and the Law Reform Commission. It would be to accept a step towards a fairer and more understanding judicial system.

Amendment No. 8 relates to section 8. This amendment seeks to remove section 25 of the Criminal Justice Act 2007, and subsequently, the deletion of section 8 of the Bill. The amendment is proposed with the aim of allowing those convicted under both the misuse of drugs and the firearms legislation access to the possibility of temporary release. To the Minister of State's credit, he flagged his concern with this section when Senator Ruane brought it to his attention last week. It is important to ground this submission in the details of the Ellis case, which brings us all here today. Under the current legislation, with section 25 of the Criminal Justice Act 2007 intact, should Mr. Ellis be subsequently imprisoned, due to his suspended sentence being overturned the judge would be barred from allowing him temporary release to continue undertaking the credible measures to rehabilitate himself, which ultimately led to the delivery of the suspended sentence in the first place.

If the Minister of State truly believes in building a justice system that is rehabilitative rather than simply punitive then he will take this opportunity to remove section 25 and allow offenders access to the rehabilitative supports available through temporary release.

Senator Barry Ward: I agree with this legislation and welcome it, on behalf of Fine Gael. It is important to set things right. I am generally opposed to the concept of minimum mandatory sentences as they unduly fetter the Judiciary. That is not to say that I think all mandatory sentences should be removed. There is a mandatory life sentence for murder, for example, which is appropriate. It puts back into the hands of the Executive the decision as to how much time that person will serve behind bars. One often gets the misconception that the mandatory sentence is for 13 to 15 years as it is in other jurisdictions that we might see in popular media and things like that. In Ireland, a life sentence is a sentence for life and the person remains under sentence for life. That does not necessarily mean he or she will be behind a locked door for life but will be under the sentence for life. I am concerned that these amendments essentially suggest that we should do away with all mandatory sentencing. I do not agree with that although it is something that should be used less rather than more.

I am concerned about some of the things that Senator Black said in her remarks. Senator Ruane, the co-sponsor of these amendments, and I agreed on Second Stage on almost everything that was said. I am referring, for example, to the suggestion that particularly in the case of firearms and drugs offences, we should remove this provision. I do not agree. Firearms offences are pervasive. Earlier Senator McDowell referred to the context in which this law was brought in and to section 27A in terms of sending a message to gangland. I would be concerned at the notion that that message was in any way diluted. The Oireachtas has made very clear its

intention regarding the seriousness of those offences. By the same token, Mr. Ellis, as he has been referred to, is not a nice guy. He arrived into a premises carrying a sawn-off shotgun to rob those premises. Yes, he may have been wronged in a legal sense and, yes, the Supreme Court agreed that he was entitled to a declaration of unconstitutionality, which is as it should be. I also agree with the right of the judge, and the sentencing judge in the case, to be allowed to take into consideration all of the factors that had a bearing on his case, and to render what the judge felt was the appropriate sentence.

An American lawyer friend of mine recounts a story about a friend of his who referred to Ernesto Miranda. People will know that surname because of the Miranda rights that arose from the *Miranda v. Arizona* case in the 1960s. That means that the police in America are now obliged to read to a defendant or an arrested person their Miranda rights, which means he or she has a right to an attorney, a right to remain silent, etc. This person's friend said "Thank God for Mr. Miranda as only for him people would not have these rights". Ernesto Miranda was a kidnapper and rapist who just was not accorded those rights in Arizona and, subsequently, got a declaration along those lines in the United States from the US Supreme Court.

In the context of this debate, there is a slight danger of suggesting that we should in any way reduce the efficacy of the ability of the courts to deal with serious offences. In the context of what has been said by both of my colleagues, I would not for a moment want the message to go out that we are not in favour of hard sentencing for hard criminals. People commit serious offences and obviously different offences have a different effect on victims. Sometimes it is not possible to identify an individual who is the victim of a drugs offence but a person who possesses drugs, in contravention of section 15A of the Misuse of Drugs Act 1977, is in possession of a serious quantity of drugs worth over €13, 000 for sale or supply. Whether there is an identifiable victim in that case does not mean that the person is not involved in criminality that has led to violence, intimidation or aided gangland. There has been a suggestion, for example, that this should particularly apply to drugs offences.

That said, I appreciate where Senators Ruane and Black are coming from on this. There is a major problem in the war on drugs, mar dheadh. We continue to fight the drugs, and the danger is that the casualties in that war are the middlemen or lieutenants and not the kingpins. We must work on a continual basis. We hope that An Garda Síochána and the prosecutorial authorities in the State are constantly working away at those kingpins but there is collateral damage in that war. People have been unfairly given mandatory sentences of ten years, for example, under section 15A. I think there are issues with that but there is also, in the legislation, an opportunity for judges to apply exceptional circumstances.

In the context of these amendments, we need to be clear what message goes out from here concerning serious criminal offending, including drugs offences. If one has cocaine that is worth many tens of thousands of euro then one is not a good person. However, there may well be extenuating circumstances around the possession of drugs and I have dealt with those cases myself. I have defended people in incredibly sad circumstances where they have, perhaps, been discharging a drugs debt or been coerced into holding drugs or whatever it might be. That happens and it is entirely appropriate in such a case that a judge would have the discretion to take that on board. For the most part, the people who are involved in that kind of activity are involved in an activity that brings nothing but pain, death and misery to communities throughout this country, particularly communities in disadvantaged areas. Let there be no doubt that in passing this legislation what we are doing is acknowledging the Supreme Court decision and acknowledging the importance of allowing judges to have discretion. We are not in any

way diminishing the seriousness of the offences involved or the importance of rendering harsh sentences for people who are involved in this activity. That is even more true for firearms offences because although the firearm may not have been used it is still a violent offence. If one is a shopkeeper who has a sawn-off shotgun brandished in one's face then that will have a serious effect on the shopkeeper or on the staff who work in the shop. I would not want to dilute the importance of that. My concern with what these amendments seek to do is to say that there should be no mandatory sentence or we should put everything in the hands of judges.

Earlier Senator McDowell referenced the judicial sentencing guidelines. They will come in due course and we will have a debate on them in due course. It is important that the Oireachtas and the Legislature places a very clear line in the sand so that certain offences will be treated harshly. I absolutely agree with the notion that legislation should make it clear to judges that certain offences must be treated in a particular way. When that is done, by which I mean the Director of Public Prosecutions, from a policy perspective knows when charging a person with that offence what the consequences are and will balance that up in the context of the facts of the case as they are known. In general, the office of the DPP will have a better picture than anyone. It will have seen the full Garda investigation into the matter and have a full set of facts but obviously pending what the defence might have to say in any case. This is not to say that mandatory minimum sentences never have a place. What this says is that we must respect the decision of the Supreme Court and accord greater discretion to judges in terms of dealing with what they see before them.

Acting Chairperson (Senator Gerry Horkan): I remind Senators that we must adjourn at 2.15 p.m. even if Senator McDowell has not concluded by 2.15 p.m.

Senator Michael McDowell: I ask Senators to recall that section 40(a), of the legislation that was passed in 2007, states:

The purpose of subsections (10) and (11) is to provide that in view of the harm caused to society by the unlawful possession and use of firearms, a court, in imposing sentence on a person (other than a person under the age of 18 years) for an offence under this section, shall specify as the minimum term of imprisonment to be served by the person a term of not less than 5 years, unless the court determines that by reason of exceptional and specific circumstances relating to the offence, or the person convicted of it, it would be unjust in all the circumstances to do so.

I want to make the point that it was provided that it would not apply where it is unjust. I cannot see how a Supreme Court could say that it is unconstitutional to provide a guideline but say it does not apply where its consequence would be unjust in the view of the sentencing judge, and say that is unconstitutional. I just cannot see the logic of that at all.

2 o'clock

I fully agree with Senator Ward that there is a tendency to demand minimum sentences. When I was Minister for Justice, Equality and Law Reform, I saw American penal institutions crowded out with people who fell foul of the "three strikes and you are out" rule on felonies, which includes minor thefts, for which they may end up with a life sentence. The typical prisoner in such institutions is a black or white male from a ghetto. He ends up spending the rest of his life, without the right to parole, in one of these hellholes that the Americans consider penitentiaries.

I agree with Senator Black completely that the rehabilitative portion must always be there. That is why the let-out that it would be unjust to do this seemed to me so obvious that I cannot understand how the Supreme Court took the view that it did not apply at all or that the section meant something else. I will say this to Senator Black, and Senator Ruane, if she were here, would probably agree with me. In certain portions of an area with which Senator Ruane is well acquainted, we have an epidemic of crack cocaine at the moment. As Senator Ward said, you cannot identify any individual person living in that area and say that person is the victim, but we as legislators surely must take a view on that kind of offence.

Day in, day out, we read in the papers that €250,000 or €3 million worth of this or that was stolen. I am beginning to wonder whether these people or the people who are arrested ever get prosecuted. The number of detections is so high, you would wonder. I fully accept that there may be a situation in which an exploited non-national is put in charge of a grow house and is arrested or whatever, but I just wonder who at all is serving sentences for all these apparent offences. I think we need about three or four big prisons given the rate at which I read about these things in the newspapers.

Senator Black has taken a very strong view on the whole subject of abuse of alcohol in our society, and drink-driving is one of the issues that arises in that regard. There is no doubt but that the mandatory disqualification is the punishment. It is unfair in certain circumstances. I am thinking of the fellow who has three drinks at his kid's communion party and proceeds to drive and is unfortunate enough to run into a garda. His job as a taxi driver goes up in smoke and his family is put on the dole as a consequence. Mandatory disqualification is very punitive but it works. Rehabilitation does not arise in that case. The catastrophe for some people of mandatory disqualification is very substantial. I am just saying that what is sauce for the goose is sauce for the gander. Sometimes, if you really want to take something seriously, you must, as Senator Ward pointed out, send out the signal to society at large and to the Judiciary that they are not free just to impose any old sentence that comes their way and that it is not just a matter of the Director of Public Prosecutions appealing particular things. If guidelines from the Judiciary are all right, what is wrong with guidelines from the Legislature, especially when there are loopholes? That is all I am saying.

Senator Frances Black: I am just a little concerned because the word “gangland” speaks to why we tabled these amendments. I have to stress that these are not ganglands; they are communities and they need support and rehabilitation. Now more than ever, by removing the minimum sentence we would acknowledge the fact that they need support and rehabilitation rather than further punishment. We do not need to collate minimum sentences with crime; we should instead collate support and investment in communities in which these crimes are taking place.

I will move and withdraw these amendments.

Amendment, by leave, withdrawn.

Section 4 agreed to.

SECTION 5

Senator Frances Black: I move amendment No. 2:

In page 4, between lines 16 and 17, to insert the following:

“(ii) the deletion of subsections (4), (4A), (5) and (6),”.

Amendment, by leave, withdrawn.

Senator Frances Black: I move amendment No. 3:

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

“(ii) the deletion of subsections (4), (4A), (5) and (6),”.

Amendment, by leave, withdrawn.

Senator Frances Black: I move amendment No. 4:

In page 4, between lines 26 and 27, to insert the following:

“(ii) the deletion of subsections (4), (4A), (5) and (6),”.

Amendment, by leave, withdrawn.

Senator Frances Black: I move amendment No. 5:

In page 4, between lines 32 and 33, to insert the following:

“(ii) the deletion of subsections (4), (4A), (5) and (6),”.

Amendment, by leave, withdrawn.

Section 5 agreed to.

SECTION 6

Senator Frances Black: I move amendment No. 6:

In page 5, between lines 4 and 5, to insert the following:

“(b) by the deletion of subsections (3C) and (3D),”.

Amendment, by leave, withdrawn.

Section 6 agreed to.

SECTION 7

Senator Frances Black: I move amendment No. 7:

In page 5, line 11, after “subsections” to insert “(9), (9A), (10), (11),”.

Amendment, by leave, withdrawn.

Section 7 agreed to.

NEW SECTION

Senator Frances Black: I move amendment No. 8:

In page 5, to delete lines 14 and 15 and substitute the following:

10 November 2021

“8. The Criminal Justice Act 2007 is amended by the deletion of section 25.”.

Amendment, by leave, withdrawn.

Sections 8 to 11, inclusive, agreed to.

Title agreed to.

Minister of State at the Department of Justice (Deputy James Browne): I thank the Senators for their contributions. I wish to point out, as noted in my introductory remarks on Second Stage, that the Supreme Court ruling does not affect the provisions in statute that provide for presumptive minimum sentences where there is judicial discretion. That issue is not addressed in the Bill.

Bill reported without amendment.

Acting Chairperson (Senator Gerry Horkan): When is it proposed to take next Stage?

Senator Robbie Gallagher: Next Tuesday.

Acting Chairperson (Senator Gerry Horkan): Is that agreed? Agreed.

Report Stage ordered for Tuesday, 16 November 2021.

Sitting suspended at 2.09 p.m. and resumed at 2.30 p.m.

Bille na dTeangacha Oifigiúla (Leasú), 2019: An Dara Céim

Official Languages (Amendment) Bill 2019: Second Stage

Tairgeadh an cheist: “Go léifear an Bille an Dara hUair anois.”

Minister of State at the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media (Deputy Jack Chambers): Ba mhaith liom mo bhuíochas a chur in iúl as ucht na deise labhairt sa Seanad tráthnóna ar ábhar fíorthábhachtach, Bille na dTeangacha Oifigiúla (Leasú), 2019. Tá sé tráthúil go bhfuil an Bille teanga á phlé againn inniu. Mar a tharlaíonn sé, ar an dáta seo níos mó ná 140 bliain ó shin, 10 Samhain 1879, rugadh an laoch mór le rá, Pádraig Mac Piarais.

Mar is eol do na Comhaltáí, tá clú agus cáil ar an bPiarsach mar fhear a raibh dúil mhór i gcónaí aige i gcur chun cinn na Gaeilge, mar fhile, mar scríbhneoir, mar mhúinteoir agus dar ndóigh mar gníomhaí mór le rá. Go bunúsach, bhí sé tiomanta i leith na Gaeilge. Bhí sárthuis-cint aige ar an ngaol idir an pobal agus an Ghaeilge mar aon leis na himpleachtaí cultúrtha agus sóisialta a d’eascair as an ngaol sin. Thuig an Piarsach gurb í an Ghaeilge an tsnáthaid a cheangal na coincheapa is bunúsaí le chéile. Is cuid lárnach dár bhféiniúlacht agus dár n-oidhreacht í an Ghaeilge. Ba é duine de na laochra is mó le rá a bhí ceangailte leis an nGaeilge. Táim lánchinnte gur spreag sé daoine eile chun a gcuid Gaeilge a úsáid agus a bheith bródúil as ár n-oidhreacht teanga.

Dar ndóigh, tagann ceart an duine an Ghaeilge a labhairt le heagraíochtaí Stáit faoi scáth Acht na dTeangacha Oifigiúla, 2003. Tá an cheist seo faoi chaibidil againn inniu agus Bille na dTeangacha Oifigiúla (Leasú), 2019 á phlé againn. Mar is eol do Sheanadóirí, is í an Ghaeilge an chéad teanga oifigiúil in Éirinn de réir Airteagal 8 de Bhunreacht na hÉireann. Luaitear san airteagal gurb é an Béarla an dara teanga oifigiúil sa Stát. Tá stádas láidir bunreachtúil ag an nGaeilge ó 1937 go dtí an lá inniu. Mar sin, ba mhaith liom díriú ar an gcúlra a bhaineann leis an mBille teanga le comhthéacs a thabhairt don phlé inniu.

Achtaíodh Acht na dTeangacha Oifigiúla, 2003 i mí Iúil 2003. Ba é príomhaidhm na hAchta sin ná timpeallacht a chruthú ina mbeadh ról níos lárnaí ag an teanga in obair an Stáit. Bhí sé i gceist go mbeadh an teanga níos feiceálaí, go mbeadh fáil i bhfad níos leithne ar sheirbhísí trí Ghaeilge agus go mbeadh tuiscint níos fearr ag an saoránach ar na seirbhísí atá ar fáil dó nó di, agus ar cén caighdeán seirbhíse ar cheart a bheith ag súil leis.

Bhí deis ag an bpobal a gcuid tuairimí a roinnt linn sular dréachtaíodh an Bille seo nuair a cuireadh tréimhse chomhairliúcháin ar bun leis na páirtithe leasmhara. Bhí ionchur faighte ag oifigigh na Roinne ó réimse leathan de gheallsealbhóirí. Ba léir don Rialtas go raibh, agus go bhfuil, éileamh ann i measc an phobail ar sheirbhísí a bheith ar fáil i nGaeilge. Leagadh na ceanteidil faoi bhráid Chomhchoiste na Gaeilge, na Gaeltachta agus na nOileán, mar a bhí, agus foilsíodh tuarascáil ag eascairt as an bpróiseas seo i mí Bealtaine 2018. Ba mhór an chabhair é agus an Bille teanga á dhréachtú ag oifigigh mo Roinne.

Ba mhaith liom an spotsolas a chur ar phríomhspríocanna an Bhille teanga. Mar is eol do Sheanadóirí, is é bunaidhm an Bhille seo ná a chinntiú go leanfaidh an tAcht teanga de bheith ina thacaíocht éifeachtach do gach duine ar mhian leis nó léi seirbhísí d'ardchaighdeán i nGaeilge a fháil ón Stát. Dar ndóigh, chun na spríocanna uailmhianacha seo a bhaint amach, bhí ar an Rialtas dul i ngleic le dhá mhórchéist - na scéimeanna teanga agus earcaíocht sa tseirbhís phoiblí.

Maidir le hearcaíocht sa tseirbhís phoiblí, má tá an córas nua seo chun a bheith éifeachtach, beidh orainn díriú ar chúrsaí earcaíochta mar thosaíocht. Is í ceann de na príomhfhadhbanna a chuireann bac ar sheirbhísí a chur ar fáil trí Ghaeilge ná nach bhfuil na daoine leis na scileanna cuí fostaithe sna hoifigí cuí. Má tá muid chun feabhas a chur air seo, caithfidh an Stát líon na bhfostaithe Stáit atá in ann seirbhísí a chur ar fáil trí Ghaeilge a mhéadú agus a chinntiú go bhfuil Gaeilge ar a dtail ag oifigigh Stáit atá ag feidhmiú i gceantair Ghaeltachta. Mar atá ráite agam go mion minic, beidh sé mar chuspóir sa Bhille go mbeidh 20% de na daoine a earcaítear don tseirbhís phoiblí ina gcainteoirí Gaeilge roimh dheireadh 2030, go mbeidh gach oifig phoiblí atá lonnaithe sa Ghaeltacht ag feidhmiú trí Ghaeilge agus go mbeidh na comhlachtaí in ann freastal ar na héilimh ón bpobal ar sheirbhísí trí Ghaeilge. Is é an earcaíocht croilár na ceiste agus tá sé i gceist tógáil ar bhonn chéimnitheach ar líon na bhfostaithe le Gaeilge agus ag eascairt as sin go mbeimid in ann feabhas a chur ar sholáthar seirbhísí trí Ghaeilge.

Tá an Rialtas chun déileáil leis an bhfadhb seo trí chur chuige iltaobhach. Tugann mo Roinn tacaíocht láidir do chúrsaí tríú leibhéal faoi láthair agus cinntíonn sé go mbíonn deiseanna suntasacha ag daoine óga freastal ar chúrsaí ollscoile lán-Ghaeilge agus cáilíochta ardleibhéil a bhaint amach. De bharr sin beidh fórsa saothair níos oilte againn agus beidh na daltaí atá ag freastal ar scoileanna lán-Ghaeilge faoi láthair mar chuid lárnach den earnáil phoiblí amach anseo. Chomh maith leis sin tá sé i gceist coiste reachtúil, an coiste comhairleach um sheirbhísí Gaeilge, a bhunú chun tacú leis an obair ríthábhachtach seo. Leagtar amach feidhmeanna an choiste chomhairligh sa Bhille, lena n-áirítear plean náisiúnta a fhoilsiú ar mhaithe le soláthar

seirbhísí trí mheán na Gaeilge a mhéadú.

Beimid ag tabhairt aghaidh ar chóras nua a thabhairt isteach in áit chóras na scéimeanna teanga. Cuireadh córas na scéimeanna ar bun chun cur le líon agus caighdeán na seirbhísí trí Ghaeilge a bheadh á gcur ar fáil ag na comhlachtaí poiblí don phobal. De réir an aiseolais atá faighte ag an Roinn thar na mblianta, bhí agus tá fós go leor deacrachtaí leis an gcóras. Luaigh an Coimisinéir Teanga na laigí a bhaineann le córas na scéimeanna teanga ina thráchtas orthu chomh maith. Ghlac an Roinn leis an aiseolas sin agus, mar chuid den Bhille, tá sé i gceist córas na gcaighdeán a thabhairt isteach anseo in Éirinn. Faoin gcóras seo, bheadh rangú le déanamh ar chomhlachtaí poiblí, ag baint úsáide as rialacháin chun caighdeán a leagan síos do na comhlachtaí sin. Ar an mbealach seo, beimid in ann a chinntiú go mbeidh na caighdeán is airde ó thaobh úsáid na Gaeilge de bainteach leis na heagraíochtaí a bhíonn ag soláthar seirbhísí don phobal, pobal na Gaeilge agus na Gaeltachta san áireamh.

Ag díriú ar obair an lae inniu anois, chríochnaigh Céim na Tuarascála den Bhille se Dáil ar an 6 Deireadh Fómhair 2021. Mar a luaigh mé níos luaithe, agus go deimhin roimhe seo, is é príomhchuspóir an Bhille seo Acht na dTeangacha Oifigiúla, 2003 a leasú d'fhonn soláthar seirbhísí trí Ghaeilge a mhéadú agus a fheabhsú. Beidh sraith forálacha mar chuid lárnach de na hiarrachtaí seo agus é mar aidhm leo líon na gcainteoirí Gaeilge a earcófar chuig an tseirbhís phoiblí a mhéadú. Ceanglófar, le príomhfhorálacha eile, ar chomhlachtaí poiblí a éascú do dhaoine a n-ainmneacha agus a seoltaí a úsáid i nGaeilge nuair a bheifear ag dul i dteagmháil le comhlachtaí poiblí agus ceanglófar ar gach comhlacht poiblí nua ainmneacha Gaeilge agus lógónna Gaeilge nó dátheangacha a bheith acu. Tabharfar éifeacht freisin leis an mBille do leasuithe is gá a dhéanamh ó tharla gur cuireadh deireadh leis an gCoimisiún Logainmneacha mar a fhoráladh sa phlean um athchóiriú na seirbhíse poiblí in 2011.

Mhol mé leasuithe breise chun an Bille a neartú ar Chéim na Tuarascála sa Dáil a thugann aghaidh ar ábhair inní agus ar shaincheisteanna a ardaíodh tar éis comhairliúchán forleathan le páirtithe leasmhara agus tar éis díospóireacht a mhair thart ar 25 uair an chloig ar Chéim an Choiste. Tá na leasuithe seo i gcomhréir le huaimhian bheartais fhoriomlán an Stáit maidir le tacú leis an nGaeilge agus í a chur chun cinn. Feabhsóidh na leasuithe oibriú foriomlán Acht na dTeangacha Oifigiúla, 2003, ag cinntiú go leanann an reachtaíocht iomchuí de ghníomhú ina sásra éifeachtach chun staid bhunreachtúil na Gaeilge mar phríomhtheanga oifigiúil an Stáit a léiriú agus chun a chinntiú go bhfuil seirbhísí poiblí i nGaeilge ar fáil chun freastal a dhéanamh ar riachtanais cainteoirí Gaeilge.

I measc na bpríomhleasuithe, áirítear an méid seo a leanas: ceanglas ar dá réir a dhéanfaidh gach comhlacht poiblí 20% ar a laghad dá fhógraíocht bhliantúil i nGaeilge agus 5% dá fhógraíocht a dhéanamh sna meáin Ghaeilge; ceanglas ar dá réir a bheidh síneadh fada ar fáil i ngach córas teicneolaíochta faisnéise agus cumarsáide, TFC, a oibríonn comhlachtaí poiblí; ceanglas ar dá réir nach mór d'aon oibreoir tráchtála a sholáthraíonn seirbhísí poiblí faoi chonradh do chomhlacht poiblí socrú a dhéanamh maidir le húsáid na Gaeilge mar chuid de na seirbhísí sin; agus coiste logainmneacha reachtúil a chur in ionad an Choimisiúin Logainmneacha chun comhairle a chur ar an Aire maidir le horduithe logainmneacha a dhéanamh.

Tá sé i gceist ag an Rialtas roinnt mhionleasaithe eile a mholadh don Teach seo ar Chéim an Choiste agus foilseofar iad i gceann seachtaine nó mar sin. Tá sé i gceist ag an Rialtas an spreagadh, an cúnamh agus an deis cheart a chur ar fáil dóibh siúd a bhfuil suim acu an Ghaeilge a fhoghlaim nó a athfhoghlaim trí háiseanna éagsúla a chur ar fáil dóibh. Ba mhaith liom an deis seo a thapú chun cuid de na deiseanna seo a shonrú. Tríd an tionscnamh ardscoiléanna

Gaeilge, tá mo Roinn ag tacú le 12 cúrsa san earnáil tríú leibhéal i mbliana. Tá sé tábhachtach a thuiscint nach dtéann na céimithe ar fad ó na cúrsaí ar aghaidh chuig poist mar aistritheoirí agus go mbíonn cuid acu ag obair sa státchóras anseo in Éirinn.

Ba mhaith liom mo bhuíochas a chur in iúl don Seanad as an tacaíocht a bhfuair mé féin agus oifigigh mo Roinne le linn an phróisis seo. Chuir an Seanadóir Seán Kyne, ina ról mar Aire Stáit na Gaeltachta, tús leis an obair thábhachtach seo nuair a thug sé an Bille seo os comhair an Oireachtais i mí na Nollag 2019. Tá buíochas ar leith ag dul don Seanadóir as an méid oibre a rinne sé ar son na Gaeilge. Bhí an obair a rinne an Seanadóir Kyne mar bhunchloch dom agus ina chuidiú mór dom agus mé ag cur leis an mBille teanga le os cionn bliain anuas anois. “Tír gan teanga, tír gan anam” a deir an sean-nath Gaeilge a chum an Píarsach. Is gnéithe fhíorthábhachtacha dár n-oidhreacht chultúrtha iad an Ghaeilge agus an Ghaeltacht agus is pribhléid dom dul chun cinn a dhéanamh mar Aire Stáit sa Rialtas seo chun an Ghaeilge a neartú agus a láidriú tríd an Bhille seo a achtú. Gabhaim buíochas leis an Teach agus táim ag tnúth leis an méid a déarfadh gach duine.

Acting Chairperson (Senator Erin McGreehan): Glaoim anois ar an Seanadóir Clifford-Lee agus tá ocht nóiméad aici.

Senator Lorraine Clifford-Lee: Is mór an onóir dom a bheith anseo chun an reachtaíocht fhíorthábhachtach seo a phlé. Gabhaim buíochas leis an Aire Stáit as an mbéim a chuir sé ar an reachtaíocht seo. Tosaíocht ón tús a bhí sa Bhille seo ag an Aire Stáit.

Tá lucht labhartha na Gaeilge ag fanacht ar an reachtaíocht seo le fada an lá agus is céim chun tosaigh ollmhór í an Bille seo. Ó bunaíodh Oifig an Choimisinéir Teanga in 2004, tá gearáin déanta ag an gCoimisinéir Teanga nach bhfuil a dhóthain cumhachta aige chun cearta phobal na Gaeilge a chosaint mar gheall ar bhearnaí agus easpa soiléire sa reachtaíocht. Is mór an frustrachas a bhíonn air i gcónaí agus tá sé sin soiléir. Neartaíonn an Bille seo go mór cearta phobal na Gaeilge agus muid ag déileáil leis an Stát. Mar is eol dúinn go léir, baineann deacrachtaí suntasacha le teagmháil á dhéanamh trí Ghaeilge nó fiú amháin le hainmneacha agus seoltaí Gaelacha a aithint i gceart. As seo amach, ní bheidh na fadhbanna seo ann de bharr an Bhille seo.

Dar liom is é an tiomantas go mbeidh 20% d’earcaíocht nua sa tseirbhís phoiblí ar ardchaighdeán Gaeilge an gné is suntasaí den Bhille seo. Beidh na fostaithe ann chun gach seirbhís phoiblí a chur ar fáil agus, faoi mar a luaigh an tAire Stáit, tá an t-éileamh ann. Chomh maith leis seo, léiríonn an beartas seo gur fiú go mór ó thaobh na heacnamaíochta de ardchaighdeán Gaeilge a bhaint amach sa chead áit agus an ardchaighdeán seo a choinneáil taobh amuigh den chóras oideachais.

Níl an Rialtas ag tabhairt béalghrá don teanga a thuilleadh. Tá sé tar éis beartas suntasach a chruthú le spriocanna cuí, cinnte, soiléir chun freastal ar an bpobal agus an beartas sin a chur ar bhonn reachtaíochta. Molaim an tAire Stáit go hard as seo agus is léir go dtuigeann sé an t-athrú córais atá ag teastáil. Faoi mar a dúirt sé, is í an earcaíocht croílár na ceiste seo.

Cinntoidh an méid sa Bhille ó thaobh na fógraíochta de go mbeidh tacaíocht chuí ar fáil do na meáin Ghaeilge sa todhchaí. Is rud iontach é sin.

Tá go leor eile leagtha síos sa Bhille freisin. Tá a fhios agam go raibh plé cuimsitheach ag Comhaltaí na Dála maidir leis an mBille seo, agus neartaíodh an Bille seo trí na leasuithe sin, ach tá cúpla bearna ann fós agus tá súil agam go mbeidh mé in ann iad a cheartú ar Chéim an

Choiste.

Ag an bpointe seo, ba mhaith liom díriú isteach ar Ghaeil ar an taobh eile den Teorainn. Tá siad fós ag fanacht ar chearta teanga, ar choimisinéir teanga chun a gcearta mionlaigh a chosaint agus ar reachtaíocht. Is ionann cearta teanga agus cearta daonna. Impím ar an Aire Stáit a dhícheall a dhéanamh brú a chur ar Rialtas na Breataine maidir leis an gceist seo.

Mar fhocal scoir, táim ag tnúth go mór leis an díospóireacht inniu. Guím gach rath ar an Aire Stáit maidir leis an mBille seo.

Senator Seán Kyne: Cuirim fáilte roimh an Aire Stáit, an Teachta Chambers, agus roimh an stiúrthóir Gaeilge sa Roinn, Dr. Aodhán Mac Cormaic. Tar éis próiseas fada sa Dáil agus sa roghchoiste, cuirim fáilte roimh an Dara Céim den Bhille seo sa Seanad inniu. Mar iarAire Stáit ar a raibh freagracht as an nGaeilge agus as an nGaeltacht, fuair mé cead ón Rialtas an Bille a fhoilsiú in 2019. Chuir muid tús leis an Dara Céim sa Dáil roimh dheireadh na bliana 2019, mar a luaigh an tAire Stáit ina óráid. Níor éirigh linn an Dara Céim a chríochnú roimh lánscore na Dála in 2020. Ag an am, dúirt mé go mbeadh mé sásta éisteacht leis na tuairimí ar fad ón bhFreasúra faoin mBille agus oibriú leis an gcomhchoiste chun a chuid smaointe faoi a fháil. Tá mé sásta gur atosaiigh an tAire Stáit, an Teachta Chambers, an Dara Céim den Bhille sa Dáil agus gur sheoladh chuig an roghchoiste é, áit a raibh díospóireacht fhada ann. Molaim an obair a rinne Conradh na Gaeilge agus an Coimisinéir Teanga thar na blianta maidir leis an mBille freisin.

Tá rudaí nua sa Bhille, mar shampla, alt 6 a bhaineann le fógraíocht ag comhlachtaí poiblí. Cuirim fáilte roimh an athrú sin. Tá rudaí nua ann maidir le dualgais dhlíthiúla comhlachtaí Stáit freisin. Beidh athrú ann faoi alt 4, a bhaineann le cumarsáid tríd na meáin shóisialta, rud nach raibh ann in 2003. Beidh ar eagraíochtaí Stáit freagra a thabhairt ar chomhfhreagras sa teanga chéanna ina bhfaightear é. Tá alt nua, alt 9E, molta freisin. Baineann sé sin le seirbhísí pobal-inrochtana agus cuirim fáilte roimhe sin.

Ar an ábhar sin, bhí mé ag léamh alt le Méabh Ní Thuathaláin ar an suíomh Idirlín *tuairisc.ie*. Bá é an ceanteideal a bhí air ná “I mBéarla amháin a bhíonn a seirbhísí a deir Childline agus iarrtha ar oibrí gan Gaeilge a labhairt”. Tá sé sin dochreidte. Deirtear san alt:

Tá sé deimhnithe ag Childline gur i mBéarla amháin a chuirtear a gcuid seirbhísí ar fáil in Éirinn i ndiaidh do Tuairisc.ie fiosrú a dhéanamh leo faoi chás inar dúradh le hoibrí deonach gan labhairt le páiste i nGaeilge.

Bhain an cás sin le páiste a bhí i mbun cainte i nGaeilge le hoibrí deonach de chuid Childline nuair a dúradh leis an oibrí iompú ar an Bhéarla.

Tá sé sin dochreidte cé nach eagraíocht Stáit é Childline agus cé go bhfuil a fhios agam go ndéanann sé sárobair, obair atá fíorthábhachtach. Sílim go bhfuil easpa tuisceana in eagraíochtaí nach bhfuil ach an Ghaeilge amháin ag a lán gasúr sa Gaeltacht. Tá easpa measa don teanga á léiriú ag go leor eagraíochtaí agus comhlachtaí trasna na tíre. Ní thuigim cén fáth. Is ábhar tábhachtach é sin nuair a bhíonn páistí óga ag lorg tacaíochta, eolais nó daoine chun labhairt leo. Bhí páiste ag labhairt na Gaeilge ach ní raibh Childline sásta leis sin. Déanann an eagraíocht jab fíorthábhachtach ach ba cheart go mbeadh seirbhísí ar fáil trí Ghaeilge. Bhí an duine atá i gceist in ann an glaoch a thógáil trí Ghaeilge. Ba chóir go mbeadh an duine sin in ann an teanga a úsáid. Is rud amháin é sin ach is rud tábhachtach é ag an am céanna.

Tá an earcaíocht ag croílár an Bhille. Tá sé soiléir le fada an lá go dteastaíonn níos mó oibríthe poiblí le cumas sa Ghaeilge atá in ann seirbhísí a chur ar fáil trí mheán na Gaeilge. Mar sin, mhol mé sa Bhille go mbeadh céatadán de 20% ar a laghad den fhoireann a earcófar ag comhlachtaí poiblí in ann an Ghaeilge a labhairt. Cé go gcuirim fáilte roimh an spriocdháta den 31 Nollaig 2030 chun é seo a chur i bhfeidhm, an gceapann an tAire Stáit go mbeadh an Stát in ann é sin a chomhlíonadh? Cé go bhfuil an-réamhobair déanta ag an Roinn chun an céatadán a bhaint amach go gearrthéarmach, an bhfuil sé indéanta é seo a bhaint amach roimh 2030? Táim dóchasach go bhfuil.

Maidir leis an gcoiste comhairleach um sheirbhísí Gaeilge, an mbeidh ról nó suíochán *ex officio* ar an mbord ag an Aire Caiteachais Phoiblí agus Athchóirithe chun go mbeidh sé ar an eolas ar na dualgais a bheidh air agus ar an obair atá á déanamh chun an céatadán de 20% a bhaint amach? Bíonn sé ráite go minic nuair a bhíonn muid ag plé an straitéis 20 bliain don teanga gur cheart go mbeidh an Taoiseach ina chathaoirleach ar an gcoiste chun go mbeadh béim ar an gcoiste agus ar an obair a dhéanann sé. Déanann sé ciall go mbeadh suíochán ag Aire sinsearach, an Aire Caiteachais Phoiblí agus Athchóirithe, ar an mbord sin, bord a bheidh tábhachtach ó thaobh na teanga de. Is é seo an chéad uair a bheidh an Ghaeilge ag croílár an próiseas earcaíochta sa tír. Is rud fíorthábhachtach é go mbeadh an Ghaeilge i lár an aonaigh sa phróiseas sin. Dhéanfadh sé sin difríocht mhór. Tá sé an-tábhachtach don teanga go mbeadh an Ghaeilge i lár an aonaigh ansin. Molaim an obair atá déanta chun é sin a chur chun cinn.

Tá a lán leasuithe molta ag Conradh na Gaeilge. Tá a fhios againn gur glacadh le cuid de na rudaí sin tar éis iad a phlé i rith an Dara Céim sa Dáil agus sa roghchoiste. Tá rudaí eile curtha ar aghaidh ag an gconradh. B'fhéidir go mbeidh an tAire Stáit in ann iad sin a thabhairt san áireamh freisin i rith Chéim an Choiste sa Seanad. Tá a lán rudaí eile a bhí á lorg ag an gconradh, ag an bhFreasúra agus ag an gCoimisinéir Teanga le feiceáil sa Bhille seo. Cuirim fáilte roimhe sin. Táim ag caint faoi rudaí tábhachtacha a ndéanfaidh an Ghaeilge níos feiceálaí sa chóras poiblí. Beidh daoine in ann an síneadh fada a úsáid ar fhoirmeacha oifigiúla de chuid an Stáit. Beidh ainmneacha chomhlachtaí Stáit nua sa dá theanga agus é sin le feiceáil ar a lógónna. Is rudaí beaga iad sin ach rudaí fíorthábhachta ag an am céanna. Ba cheart go mbeidh na rudaí sin ar fáil.

Is deis fhíorthábhachtach é sin. Cé go ndearna Bille 2003 an-jab chun tús a chur le cearta Gaeilge sa Stát, tá an Bille seo fíorthábhachtach chun leanúint ar aghaidh leis sin agus chun níos mó cearta a thabhairt dóibh siúd a bhíonn ag úsáid na Gaeilge sa Ghaeltacht agus taobh amuigh di. Bheadh níos mó cearta acu siúd seirbhísí a fháil trí mheán na Gaeilge. Tá ionadaithe ón tseirbhís sláinte os comhair Chomhchoiste na Gaeilge, na Gaeltachta agus Phobal Labhartha na Gaeilge faoi láthair agus iad ag labhairt faoi na hábhair seo. Bhí díospóireacht maidir leis an gcóras oideachais ag an gcoiste an tseachtain seo caite. Thosaigh muid amach leis an straitéis 20 bliain, a fhoilsíodh in 2010, agus anois tá an plean gníomhaíochta ann. Táimid ag cur an straitéis ó thaobh seirbhísí oideachais i bhfeidhm freisin. Is céim eile an Bille seo chun seirbhísí níos fearr a chur ar fáil do mhuintir na Gaeltachta agus do na daoine a bhíonn ag úsáid na Gaeilge trasna na tíre. Cuirim fáilte roimh thús an phróisis seo anseo sa Seanad.

Senator Niall Ó Donnghaile: Ar dtús báire, cuirim fáilte roimh an Aire Stáit. Táim iontach sásta go bhfuil seal agam páirt a ghlacadh sa díospóireacht seo um thráthnóna. Tréaslaím leis an méid a bhí le rá ag an Seanadóir Clifford-Lee mar fhocal scoir le linn a óráid féin. Nuair a ardaím chun labhairt sa chathair seo, tuigim go bhfuil cearta agam mar Ghael nach bhfuil agam sa dara chathair d'Éirinn, mo chathair féin, Béal Feirste cois cuain. Tá orainn go léir cuimhneamh air sin agus muid ag plé cúrsaí Gaeilge mar is pobal uile-Éireann é pobal labhartha

na Gaeilge. Mar a dúirt mé, tréaslaím leis an Seanadóir as a ceist. Tá súil agam go mbeidh an tAire Stáit in ann a bheith níos gníomhaí agus níos glóraí faoin éileamh ar Acht na Gaeilge a chur i bhfeidhm sna Sé Chontae gan a thuilleadh moille.

Dar ndóigh, tá Bille i bhfad níos láidre os ár gcomhair anois ná mar a bhí curtha os comhair na Dála in 2019. Léiríonn sé sin an tábhacht a bhaineann le plé parlaiminte. Tá súil agam go mbeidh an tAire Stáit chomh hoscailte le leasuithe anseo sa Seanad is a bhí sé sa Dáil, áit inar ghlac sé sa deireadh le scata mór de na leasuithe a mhol mo chomhghleacaithe i Sinn Féin, an Teachta Ó Snodaigh agus an Teachta Daly, toisc gur aithin Teachtaí ó gach páirtí go raibh siad de dhíth. A bhui le brú ó Shinn Féin, tá forálacha sa Bhille teanga anois nach raibh i gceist ag an Aire Stáit nuair a thosaigh an plé sa choiste.

3 o'clock

Deirtear sna forálacha go mbeidh seirbhísí Stáit ar fáil sa Ghaeltacht roimh dháta atá le socrú ag an Aire Stáit; go mbeidh Gaeilge ag 20% d'earcaithe sa státseirbhís faoi 2030; go mbeidh córas IT ag comhlachtaí poiblí ainmnithe ag an Aire in ann an síneadh fada a úsáid, ainmneacha agus seoltaí a thairfeadh, agus iad a úsáid i gceart; go mbeidh foirmeacha oifigiúla ar fáil i nGaeilge ar líne agus i gcló; nach mbeidh iachall ar dhuine teideal ar nós “Mr.” nó “Ms” nó “Dr.” a roghnú; go mbeidh ar chomhlachtaí poiblí freagra a thabhairt ar na meáin shóisialta sa teanga ina scríobhtar chucu; go mbeidh ainmneacha na gcomhlachtaí reachtúla i nGaeilge amháin as seo amach; go ndéanfaidh comhlachtaí poiblí 20% dá gcuid fógraíocht bhliantúil i nGaeilge agus 5% sna meáin Ghaeilge; go mbeidh ionadaí ag pobal labhartha na Gaeilge lasmuigh den Ghaeltacht ar an gcoiste comhairleach um sheirbhísí Gaeilge agus cead ag daoine Gaeilge a labhairt ann; go ndéantar tuairisc rialta ar dhul chun cinn na gceart teanga i gcomhlachtaí poiblí; go mbeidh grúpa buan de shaineolaithe ann a bheidh freagrach as comhairle faoi logainmneacha; agus go mbeidh dualgas teanga ar fhochoinraitheoirí tríú páirtí i seirbhísí poiblí. Ní bheadh na forálacha sin sa Bhille murach obair Shinn Féin agus eagraíochtaí ar nós Conradh na Gaeilge agus oifigigh phleanála teanga na hÉireann chun cearta Gaeilgeoirí a chur chun cinn.

É sin ráite, tá bearnaí fós sa Bhille gur ghá a líonadh isteach. Ar an gcéad dul síos, in ainneoin go bhfuil dul chun cinn déanta ag an Aire Stáit, tá foclaíocht róchasta i gcás a lán forálacha. Mar shampla, ní gá do chomhlacht ainm an duine a úsáid nó a thairfeadh i gceart mura n-ainmníonn an tAire iad i Sceideal 1, agus ansin iad a ainmniú arís le teacht faoin alt sin den Bhille, agus ansin na seirbhísí a sholáthraíonn siad a ainmniú i bhfo-alt (2) den alt sin. Níl aon spriocdháta ann lena chinntiú go dtiocfaidh sé i bhfeidhm go huathoibríoch do gach comhlacht tar éis cúpla bliain.

Chomh maith leis sin, tá solúbthacht ann i gcás seirbhísí a sholáthar trí Ghaeilge sa Ghaeltacht. Chomh fada siar le 1926, d'aithin Coimisiún na Gaeltachta go ndéanann seirbhísí as Béarla amháin dochar d'úsáid na Gaeilge sa Ghaeltacht. Beagnach 100 bliain níos déanaí, tá rudaí fós trína chéile ann. Níl Gaeilge ag gardaí sa Ghaeltacht. Níl teiripeoir urlabhra in ann páistí le Gaeilge a scrúdú, agus feicimid an toradh i bhfigiúirí an daonáirimh. Tháinig laghdú ar líon na nGaeilgeoirí laethúla sa Ghaeltacht in 2016, agus tá an baol ann go dtiocfaidh deireadh leis an nGaeilge mar theanga labhartha an phobail, fiú i gceantair láidre Gaeltachta, roimh dheireadh na ndeich mbliana atá amach romhainn, sula dtiocfaidh na forálacha i bhfeidhm fiú. Is é sin atá ráite ag na saineolaithe. Ní mór don Rialtas a aithint go bhfuil géarchéim as cuimse sa Ghaeltacht agus cearta Gaeltachta a chosaint.

Bhí a lán plé sa Dáil ar na lochtanna atá sa Bhille ó thaobh foclaíocht de, ar nós easpa

spriocdhátaí, agus forálacha a deir “féadfaidh an tAire” rud a dhéanamh in áit dualgas a chur ann agus “déanfaidh an tAire” a úsáid. Níl aon chóras luaite chun pionós a ghearradh ar chomhlachtaí poiblí a dhéanann neamhaird ghlan ar a gcuid dualgais teanga ach an oiread. Léirigh an tAire Stáit nach bhfuil suim dá laghad aige dualgas a chur air féin nó ar chomhlachtaí poiblí trí na forálacha seo a láidriú.

Is iad na rudaí nach bhfuil feicthe againn ar chor ar bith na rudaí is measa fós. Tá a lán den Bhille seo ag brath ar chaighdeán teanga, rud a thiocfaidh in áit na scéimeanna teanga atá ann faoi láthair, ach níl aon dréacht de na caighdeáin seo feicthe againn go fóill. Cá bhfuil na caighdeáin?

Rud eile atá fágtha ar lár sa Bhille seo go hiomlán ná cearta teanga. I dtíortha eile, ar nós Ceanada agus sa Bhreatain Bheag, tá cearta sonraithe go soiléir sa dlí, agus is féidir le lucht labhartha na dteangacha mhionlaigh brath ar a gcuid cearta dá réir. Ní féidir é sin a dhéanamh anseo, cé gurb í an Ghaeilge an teanga náisiúnta agus príomhtheanga oifigiúil an Stáit.

Beidh leasuithe ann ag Seanadóirí Shinn Féin chun cearta teanga a chur chun cinn, agus tá súil agam go mbeidh plé fiúntach againn anseo, mar a bhí sa Dáil, go n-éistfidh an tAire Stáit linn agus go dtacóidh na Seanadóirí as gach páirtí agus grúpa lenár n-iarrachtaí cearta teanga na nGael a threisiú. Más sna Sé Chontae, nó sna Sé Chontae Fichead atá duine, tá cearta teanga uainn go léir.

Senator Marie Sherlock: Cuirim fáilte roimh an Aire Stáit don Seanad agus roimh an mBille tábhachtach seo. Cé go bhfuil stádas ar leith ag an nGaeilge i mBunreacht na hÉireann mar chéad teanga na tíre, tá difríocht mhór idir an stádas agus an scéal i measc an phobail. Is léir go bhfuil géarghá ann chun níos mó acmhainní agus tacaíochtaí a chur in áit ar son forbairt na teanga sa tír seo. Mar sin, tá áthas orm go bhfuil an Bille seo os ár gcomhair um thráthnóna. Níl sé foirfe. Is oth liom a rá nach bhfuil dóthain spriocdhátaí nó sonraí maidir le buiséid fhógraíochta sa Bhille. Mar a dúirt mo chomhghleacaí sa Dáil, níl sé ceart go bhféadfadh An Post agus eagraíochtaí eile opt-out a fháil agus a gcuid dualgas a sheachaint.

Is Bille tábhachtach é seo, go háirithe an plean do 20% d’oibrithe seirbhíse poiblí nua a bheith ina gcainteoirí Gaeilge. Caithfear spriocanna ciallmhara a chur i bhfeidhm chun an teanga a chur chun cinn go héifeachtach. Má bhíonn an teanga riachtanach nó cabhrach chun obair a fháil, ba mhór an spreagadh í don teanga, go háirithe sna scoileanna agus go ginearálta sa tír freisin. Ar ndóigh, tá spriocanna móra sa Bhille seo agus tá an baol ann nach mbainfear na spriocanna amach. Tá sé de dhualgas orainn ár n-oidhreacht a chaomhnú agus a bhorradh. Labhair an tUachtarán Mícheál D. Ó hUigín i rith an tsamhraidh faoin gcaoi a bhfuil ár dteanga agus ár n-oidhreacht fite fuaite lena chéile. Ní dhéanfar aon dul chun cinn, áfach, muna bhfuil Gaeilge á thuiscint agus á labhairt go leathan sna heagraíochtaí poiblí, ionas go mbeidh appreciation ann go bhfuil sé sin tábhachtach. Murach sin, ní bheadh ann ach tokenism. Is cuimhin liom cúpla bliain ó shin nuair a osclaíodh stáisiún iarnróid nua i nDroichead Broome, i gCabra, Baile Átha Cliath 7. Tugadh an t-ainm Gaeilge “Droichead an Scuab” air. Is féidir leis na Comhaltaí a bhfreagraí féin a thabhairt air sin.

Maidir le spriocdháta, aithním go bhfuil níos mó sa Bhille anois de bharr leasuithe ar glacadh leo sa Dáil. Cuirim fáilte roimh seo ach tá níos mó le déanamh. Ba chóir go mbeadh spriocdháta ann do na lógónna agus spreagadh breise á thabhairt do na lógónna i nGaeilge amháin. Um an dtaca seo sa Bhille, tá rogha ag comhlachtaí Stáit Gaeilge agus Béarla nó Gaeilge amháin a úsáid.

Mar fhocal scoir, tá leasuithe eile molta ag Conradh na Gaeilge, mar a dúradh. Admhaím an méid ar glacadh leis sa Dáil ach tá níos mó le déanamh sa Teach seo.

Senator Eugene Murphy: I always laugh when people refer to me as Gaeilge as an Seanadóir Eugene Murphy, but it should in fact be Eoghan. This is just a point in passing. People who speak Irish very well address me as Senator Eugene Murphy rather than an Seanadóir Eoghan.

Cuirim fáilte roimh an Aire Stáit agus déanaim comhghairdeas leis as an obair mhór atá déanta aige leis an mBille seo. Is cinnte gur Bille sármhaith é seo agus ba mhaith liom cúpla pointe a dhéanamh i mBéarla. Cosúil le go leor eile, níl mo chuid Gaeilge féin sách maith chun mo phointí a chur in iúl i gceart.

I compliment the Minister of State on this Bill and on his absolute commitment and dedication to the language throughout the country. This is excellent legislation. I wish to make a number of points, as Béarla, because like many others I would like my Irish to be better. In this situation, it would be better for me to make my cúpla pointe as Béarla. There is a real and urgent need for this revised legislation to ensure all State agencies co-operate in actively supporting an teanga Ghaeilge. It is our first official language which, without doubt, is at the heart of our Irish cultural heritage. For a number of years it seemed to be drifting away. I am very confident that the public is now taking a far greater interest in our teanga Ghaeilge and I am hopeful for the future. I hope it will inspire local authorities, and Departments and their agencies to actively use Irish where they can during their day and in the course of their work among staff and customers alike. I am now especially pleased that there is a requirement on Departments to employ not just an Irish language officer at one of the junior levels in the service but to ensure that at least some staff at every level, including Secretary General level, in the service are proficient in Irish.

As the Acting Chairperson will know I, mé féin, have a great interest in radio having worked for Shannonside Northern Sound for 20 years and I worked on and off for TG4 many years back. I have a concern about the amount of Irish programming across all radio stations in Ireland. Of course, Radio na Gaeltachta is the exception. Recently, we were told by the Director General of RTÉ that the output of Irish from RTÉ 1 and 2 was as low as 1%, which is very sad for our national broadcaster and I would like to see this changed immediately. There are ways to convey Irish. I think back to a clár I used to produce and present myself on Shannonside Northern Sound Radio gach Domhnach. In that programme I used English and Irish. I basically gave people a simple line to change from Gaeilge to Béarla and got a huge response. I would meet people on the streets who would say to me that they hated Irish but thanked me for giving them the option to translate a very simple line as it made the language so easy and different for them. We must always understand that one will lose people if Irish is promoted in a certain way but it can be promoted in such a way that it becomes very attractive to all. Unfortunately, no Irish is used on some local radio stations. From a licensing perspective, they were to at least acknowledge the language. I know that things are difficult for local radio stations financially and otherwise but I would like the ones that use absolutely no Irish to make an effort to do so.

The enforcement of legislation is another issue. Legislation is not much good unless it is enforced. I hope that aspect will be taken into account so that when this legislation goes through it will be enforced.

Again, I appreciate what the Minister of State does. I try to use our traditional language as

much as I can. It is a lovely language and it is a pity to lose it, uair amháin bhí mé ábalta a lán Gaeilge a labhairt ach anois níl an Ghaeilge go líofa agam, go bhfoire Dia orainn, ach b'fhéidir go mbeidh mé ábalta níos mó Gaeilge a labhairt in the years ahead.

Acting Chairperson (Senator Erin McGreehan): Gabhaim buíochas leis an Seanadóir.

Senator Jerry Buttimer: Cuirim fáilte roimh an Aire Stáit chuig an Teach don díospóireacht tábhachtach seo. Ba mhaith liom fáilte a chur roimh an gCéim seo den Bhille. Tá dul chun cinn agus úsáid na teanga inár gcroílár. Is í an Ghaeilge céad teanga na tíre agus is gá go mbeadh muid ar fad, an Rialtas ach go háirithe, aireach faoi seo. Tacaím leis na spriocanna atá liostaithe amach sa Bhille: go mbeadh duine as gach cúigear earcach nua sa tseirbhís poiblí líofa sa teanga faoi 2030; go mbeadh 20% den bholscaireachta a dhéanfaidh comhlachtaí poiblí déanta trí Ghaeilge; agus go mbainfi feidhm agus go mbeadh rochtain ar an síneadh fada i gcórais teangeolaíochta na comhlachtaí poiblí.

Ná bíodh drogall orainn tacaíocht a thabhairt dár gcéad teanga faoi Bhunreacht na hÉireann. Níor chóir go mbeadh ar dhuine a bheith ag streachailt agus é nó í ag iarraidh teacht ar sheirbhísí as Gaeilge, go háirithe iad sin ar cainteoirí dúchais iad. Ní foláir go dtiocfar le cuspóir roinnte an Bhille seo, is é sin seirbhísí poiblí a chur ar fáil trí Ghaeilge. Is mian liom mo bhuíochas a ghabháil chuig an iar-Aire Stáit, mo chara, an Seanadóir Kyne, as an obair a rinne sé chun an Bille seo a shocrú, ach go mór mór gabhaim buíochas leis as an obair rinne sé ar son na teanga agus as an tacaíocht a thug sé do na ceantair Ghaeltachta.

Senator Murphy and I probably share many similarities, one of which is that I would love to be able to speak Irish as fluently as many Members of the House. I have a huge interest in the Irish language and culture. It is something in which I strongly believe. This Bill must ensure that we never forget that the Irish language is our first language. It is a working and living language. We must also ensure that the Irish language is prioritised for the people.

One of my hobby horses, and it is the same for my husband who is a fluent Gaeilgeoir, is the use of the síneadh fada when booking flights. I mean technology does not recognise the fada, the apostrophe or the name, which is something we must get right. I very much welcome the commitment given by the Minister of State and praise him for the work that he has done since his appointment in progressing this legislation. I also praise Deputy Dara Calleary in the Lower House for his stewardship; preparing 32 amendments for a Bill is a huge amount of work. To be fair, the former Minister, Deputy McHugh and former Ministers of State, Senator Kyne, and Mr. Dinny McGinley, did great work to promote the Irish language in the past decade.

The Gaeltachtaí are very important parts of what we stand for and who we are. There is a concern that the use of Irish is diminishing and that the population base is being denuded so we must invest significantly and highly in Gaeltacht areas.

The Minister of State, in his contribution, made reference to place names. Recently *The Irish Times* had an interesting article around whether it should be Enniscrone or Inishcrone in terms of the confusion about place names, which we need to rectify and get right.

We have done huge work. I remember as a Seanadóir having this discussion with Pat Carey and Éamon Ó Cuív when they were Ministers about the living language that is Irish. The Gaelscoileanna movement, primary curriculum development and more have led to gargantuan change in schools. From an educational point of view, schools have been transformed by successive Governments by making our language a spoken one as opposed to when many of us

were in school where it was the tuiséal ginideach or the modh conníollach. I am in the minority of one as I enjoyed reading *Peig*, *Bullaí Mhártain* and *Tóraíocht Dhiarmada agus Ghráinne*, which shows how old I am.

Senator Niall Ó Donnghaile: The Senator is showing his age.

Senator Jerry Buttimer: I have a great desire for language. I regret that my ability to speak the Irish language has diminished over time. The Minister of State has my full support in progressing this Bill. It is important that those of us charged with the responsibility to promote the use of the language, from a governmental point of view, continue to do so. Let us remember that under the Constitution the Irish language is our first language and the Government has a role to lead with that.

Senator Maria Byrne: The Minister is very welcome. Unfortunately, like the previous speaker, I had good Irish in the past but my ability to speak it has diminished due to a lack of use. There is a lesson in that for all of us.

I compliment the Oireachtas on providing Irish language classes. I attended them in the past; I did not sign up to them for this term but I will in the future.

I compliment the Minister of State on bringing forward this important Bill. I have been involved in a Gaelcholáiste for the past 17 years and I am its current chairperson. I believe that the Irish language is very important and that it should be used by the public sector. When one tunes into the broadcast of the European Parliament one will see translators and sometimes when Irish MEPs speak in Irish their words are translated so the Irish language is used in Europe. Therefore, the Irish language should be brought into the public service here and used more frequently.

There are supports in place to support the Irish language and it is off to a very good start with 20%. Many people now queue to get into Gaelscoileanna and Gaelcholáistí and there are always waiting lists. In the past some parents may have been afraid to send their children to Gaelscoileanna because they might not have spoken fluent Irish themselves but now that barrier has been broken. People are using the Irish language more and more. Using and speaking it improves their fluency in it. This is very worthwhile. I support this Bill because we have a proud heritage which is important and means so much to us here in Ireland.

Like Senator Buttimer, I too remember *Peig*, and it was one of my favourite stories to read and learn in school. I wish the Minister of State the very best with the Bill and he has my full support.

Senator Lynn Boylan: Cuirim fáilte roimh an Aire Stáit. Is éard atá á lorg ag Sinn Féin sa Bhille seo ná go mbeadh na cearta céanna ag Gaeilgeoirí in Éirinn is atá acu san Aontas Eorpach, na cearta atá ag daoine a labhraíonn an Fhraincis i gCeanada, a labhraíonn an Bhreatnais sa Bhreatain Bheag agus a labhraíonn an Bhascais agus an Chatalóinis ina dtíortha féin.

When I heard Senator Maria Byrne talking about the European Parliament, it reminded me that when I stayed in Brussels bilingualism was normal at every level there. When one goes into a shop, one finds products which are labelled in French, in German and in Flemish, even though German is only spoken by 1% of the population. One can avail of state services in any language. Newly arrived immigrants receive free lessons in the languages of their region from the local council. At EU level, Irish is treated with far more respect than it is here. From Janu-

ary next year, Irish will have full official status, the same as English, French and all of the other 22 other languages, meaning that when copies of proposed EU laws are deposited here in the Oireachtas Library from January, they can be read in Irish. The Bills coming before this House will only be available in English and my Irish-speaking colleagues here and in the Dáil will be restricted in their ability to make amendments or propose their own Bills in their national language, despite it being the first official language of the State in the Constitution. Securing full official status in Brussels was not easy. The biggest opponent for many years was the Irish Government, which requested reduced status for Irish when we entered the EU because it pursued a policy of English first. It took decades of campaigning and even a language strike by my colleague Liadh Ní Riada to secure the rights to which Irish speakers are entitled. Tá sé in am don Rialtas anseo an meas céanna a thaispeáint don Ghaeilge agus a thaispeánann an tAontas Eorpach.

It is high time also that we finally respect the Irish language placenames, logainmneacha na nGael, that the British Empire tried to systematically eradicate from our country and which the Irish State continues to leave in áit na leathphingine. Despite promises from the then Minister for Transport, Tourism and Sport, Deputy Varadkar, Irish placenames remain subordinate to English on road signs and despite the hard work of Sinn Féin Deputies Ó Snodaigh and Daly to make the case for change in the Dáil, this Bill makes no effort to right this wrong. The Ordnance Survey undertook a colonial mission between 1824 and 1846 to replace our indigenous placenames with meaningless nonsensical bastardised equivalents. This deliberate effort, as described in Brian Friel's *Translations*, attempted to break the link between local communities and their surroundings, forcing new generations to unlearn the inherited wisdom that was integral to their meanings and that hold the key to both culture and geography going back millennia.

The *Thirty-Two Words for Field*, as described in Manchán Magan's recent book, have been "rendered into garbled and discordant forms". We have seen the disasters of developments being flooded after being built on flood plains that would have been understood from their placenames as Gaeilge. This takes on new significance as we aim to repair our relationship with the environment. The living-language-land project at COP26 has highlighted the way in which indigenous languages tie a culture to their land and has emphasised the co-dependency between environment and communities that must form the basis of the just transition we need to save our planet. Just as we must replant the forests that imperial forces destroyed in their quest to control this island, as described in the old song "Caoine Cill Chais", we must also restore our Gaelic placenames to their rightful status as markers of our place within the ecosystem and reminders of the sustainability that was built into Gaelic life before colonisation. Former colonies across the world have decolonised their placenames upon independence, and the first Uachtarán of this State, Dubhglas de hÍde, called on us to do the same which is why I hope my colleagues here will support Sinn Féin's amendments to do just that.

Senator Barry Ward: Cuirim fáilte roimh an Aire Stáit agus roimh an mBille seo freisin. Is Bille an-tábhachtach ar fad é seo. Tá a fhios agam go raibh an-díospóireacht sa Dáil ar an ábhar agus tá roinnt oibre déanta cheana féin air. Ag an am céanna, ba mhaith liom cúpla focal a rá faoin mBille freisin.

I dtús báire, chun an fhírinne a rá leis an Aire Stáit, tá beagáinín eagla orm faoin gcoiste comhairleach um sheirbhísí Gaeilge atá sa Bhille seo. An fíorchoiste atá i gceist anseo? An bhfuil sé chun rud éigin a dhéanamh faoin nGaeilge nó an bhfuilimid ag labhairt faoi quango eile nach bhfuil chun an obair sin a dhéanamh? Caithfidimid a bheith cúramach leis sin. Feicimid go bhfuil roinnt rudaí sa Bhille a chuireann an coiste sin ar bun ach caithfidimid a bheith cinnte

de go bhfuil sé chun rud éigin a dhéanamh do phobal labhartha na Gaeilge.

Go pearsanta, déanaim idirdhealú i gcónaí idir Ghaeilgeoir, duine a labhraíonn Gaeilge, a rugadh sa Ghaeltacht agus a labhraíonn Gaeilge sa bhaile, agus duine cosúil liomsa atá in ann Gaeilge a labhairt ach nach bhfuil seans aige an Ghaeilge a labhairt gach lá, go háirithe i nDáilcheantar cosúil le Dún Laoghaire. Deirim an t-am ar fad go bhfuil níos mó daoine i nDún Laoghaire a labhraíonn Gaeilge gach lá ná in aon áit eile sa tír taobh amuigh den Ghaeltacht. Chun an fhírinne a rá, níl cinnte go bhfuil sé sin fíor nó nach bhfuil-----

Senator Niall Ó Donnghaile: Níl sé sin fíor.

Senator Barry Ward: -----ach tá a fhios agam go bhfuil a lán Gaelscoileanna agus Gaelcholáistí i mo cheantar féin. Tá Scoil Lorcáin ann i mBaile na Manach, tá Gaelscoil Phádraig i mBaile Breac, tá Coláiste Eoin agus Coláiste Íosagáin i Stigh Lorgan agus tá Gaelscoil Laighean, Gaelscoil nua atá againn, i nGráinseach an Déin freisin. Tá a lán teaghlach i nDún Laoghaire dá bharr a labhraíonn Gaeilge sa bhaile agus caithfidimid tacaíocht a thabhairt do na teaghlaigh sin. Ag an am céanna bhí an-fhadhb againn suíomh a fháil le haghaidh Gaelscoil Laighean, mar shampla. Faoi láthair tá an scoil suite in iarbhialann i nGráinseach an Déin agus bhí an-jab le déanamh gan an Ghaelscoil sin a chur i bhfoirgneamh i nDún Laoghaire nach raibh i gceart di. Fiú amháin agus muid ag labhairt i gcónaí faoi na Gaelscoileanna agus ag rá go bhfuil tacaíocht ann dóibh, tá a fhios againn go bhfuil fadhbanna acu freisin. Tá súil agam go mbeidh fíorthacaíocht ann, leis an mBille seo, do na Gaelscoileanna atá ag iarraidh a bheith ann agus fás a dhéanamh chun níos mó daltaí a bheith acu.

Rud atá an-tábhachtach ar fad, agus is rud a labhair mé faoi cheana féin, ná hainmneacha agus an síneadh fada a bheith ar fáil do dhaoine a úsáideann a gcuid ainmneacha trí Ghaeilge. De ghnáth úsáidim m'ainm as Béarla ach ó am go ham úsáidim Barra Mac an Bháird in ionad Barry Ward. Mar dhuine atá ina chónaí i nDún Laoghaire, tá a fhios agam an trioblóid atá ann mura n-úsáidtear an síneadh fada ar Dhún Laoghaire. Fiú amháin i nDún Laoghaire, feictear fógraí nach bhfuil an síneadh fada ann. Tá jab le déanamh i gcónaí ansin. Bíonn trioblóid ag gach duine a úsáideann síneadh fada de ghnáth nó gach lá agus tá an-fhadhb acu. Cuirim an-fháilte mar sin roimh na rudaí atá in alt 4 den Bhille a chuireann ailt nua 9A go 9D sa Phríomh-Acht. Déarfainn, áfach, gur cheart dúinn níos mó a dhéanamh, ní hamháin maidir leis na seirbhísí poiblí ach maidir leis na seirbhísí agus na comhlachtaí príobháideacha a chuireann seirbhísí ar fáil do dhaoine anseo agus go mbeadh seans acu an síneadh fada a úsáid freisin.

Labhair mé i gComhchoiste na Gaeilge, na Gaeltachta agus Phobal Labhartha na Gaeilge ar fhógraíocht freisin. Níl sé sa Bhille. Tá fógraíocht ar siúl, fiú amháin ar TG4, agus ní hamháin go bhfuil sí trí Bhéarla ach is trí mheán Sasanach atá sí. Is iad sin fógraí a thagann anseo ó Londain nó ó áit éigin mar sin le blas Sasanach orthu agus caithfidimid níos mó a dhéanamh chun é sin a scríosadh amach ó thaobh cultúir de.

Bhí mo chomhghleacaí, an Seanadóir Maria Byrne, ag labhairt faoin méid aistriúcháin atá ar fáil san Aontas Eorpach. Bhí mé i mo bhall de Choiste na Réigiún agus bhí seans agam Gaeilge a labhairt sa hemicycle sa Bhruiséil i bParlaimint na hEorpa agus bhí sé sin an-tábhachtach ar fad. Ba mhaith liom focal a rá, mar sin, faoi Mhícheál Ó Conchubhair atá ag obair ansin. Is Éireannach é agus nílimid sa pháirtí céanna ach bhí an-fháilte aige romhainn i gcónaí. Má bhíomar chun cúpla focal Gaeilge a labhairt sa Pharlaimint nó sa choiste, bhí sé ann chun tacaíocht a thabhairt dúinn. Tá daoine cosúil le Mícheál Ó Conchúir, ar fud an domhain, go háirithe san Eoraip, atá ag tabhairt tacaíochta do dhaoine ar mhaith leo Gaeilge a labhairt chun seans

a thabhairt dúinn an cúpla focal a úsáid. Tá an-mheas agam ar dhaoine cosúil leis na daoine a labhair anseo inniu nach dtagann an Ghaeilge go héasca dóibh ach a dhéanann iarracht í a labhairt. Is éard atá ag croí an Bhille seo ná an iarracht a dhéanamh agus seans a thabhairt do dhaoine ar mhaith leo an Ghaeilge a úsáid. Cuirim fáilte roimh an mBille agus tá súil agam go n-éireoidh go breá léi.

Senator Aidan Davitt: Cuirim fáilte roimh an Aire Stáit go dtí an Seanad. I will not delay him. This is a very good Bill and I fully support it. I have spoken to many Irish-speaking people in the midlands and quite a number of people have corresponded with me on the legislation. Is the aspiration of filling 20% of new posts with Irish speakers achievable? Is there a pool of people there whom we think can fill these posts? Does the Minister of State think this could detract from teachers, especially in Gaelscoileanna and maybe on to secondary schools after that? I have a concern about what the knock-on effects of this will be. I am curious about the Minister of State's opinion, but he has my full support on the Bill.

Senator Aisling Dolan: Cuirim fáilte roimh Aire Stáit na Gaeltachta. Feabhsóidh Bille na Teangacha Oifigiúla (Leasú), 2019 seirbhísí poiblí trí Ghaeilge agus tabharfaidh sé tacaíocht do chainteoirí Gaeilge. Tá mé ag tnúth go mór leis an gcoiste comhairleach um sheirbhísí Gaeilge. Mar a dúirt an tAire Stáit, tá sé an-tráthúil gurb é inniu breithlá Phádraig Mac Piarais. Bhí sé ina fhile, ina mhúinteoir agus ina scríbhneoir. Bhí an-ghrá aige do Ghaeilge Ros Muc na Gailimhe. Tá sé an-tábhachtach go mbeadh an rogha ag daoine agus daltaí an Ghaeilge a úsáid. Tá sé tábhachtach freisin teangacha eile amhail an Fhraincis nó *français* agus *castellano* a bheith ag daoine freisin. Ní neart go cur le chéile agus baineann sé seo le hÉireannaigh nua freisin. Nuair a bhí mé ar scoil ní raibh Gaelscoileanna ar fáil, ach tá an-rogha ag daltaí anois i nGailimh agus i Ros Comáin. Is as Béal Átha na Sluaighe dom agus tá Gaelscoil Uí Cheithearnaigh ann anois agus tá Gaelscoil de hÍde i Ros Comáin. Bhí Dubhghlas de hÍde, An Craoibhín Aoi-bhinn, ar an gcéad Uachtarán in Éirinn agus ba as Ros Comáin dó. Bhunaigh sé Conradh na Gaeilge, from which I have received a number of suggestions.

One of the amendments from Conradh na Gaeilge seeks to ensure the employee in charge of implementing the duties set out under this legislation in his or her public body will be a member of the body's senior management team. Conradh na Gaeilge would like to insert the words "a member of the senior management team" into the text of the Bill. It is also requesting an amendment to section 2 to provide that in the case of communication in the English and Irish languages, the public body will ensure the text will be in Irish first and will be conspicuous, visible and legible, and that the letters in the Irish text will not be smaller in size than the letters in the English text. It is seeking to ensure the Irish text will convey the same information as the English text and a word in the Irish text will not be abbreviated unless the word in the English text, which is a translation, is also abbreviated. The third amendment that Conradh na Gaeilge is proposing seeks to insert the words "the Minister shall, after consultation with any of the Ministers of the Government or, as the Minister considers appropriate, having regard to the functions of the public body, prescribe the body for the purposes of this section by 31 December 2024" in page 10 of the Bill. Given that Conradh na Gaeilge was founded by our first President, Dubhghlas de hÍde, it is very appropriate that we consider its proposals.

Is í an Ghaeilge an chéad teanga oifigiúil. Is teanga álainn í, mar a thaispeáin na drámaí de chuid John Millington Synge, Samuel Beckett agus Brian Friel. Like Hiberno-English, tá sí an-fhileata sa bhealach ina labhraítear í. Tá a lán údair Ghaeilge, cosúil le Eoin Colfer, ann do dhaoine óga. Is dalta mé freisin, more so with beginners Gaeilge, san Oireachtas agus tá sé go hiontach.

Senator Micheál Carrigy: The Minister of State is welcome. I was not due to speak on this Bill today but I decided to do so in order to highlight that a large number of people do not speak their native tongue. I am ashamed to say that I am one of them. I would not have understood many of the statements made earlier in the debate. That is a failing on my behalf, but there is a significant number of people who do not have an understanding of our national tongue. There is an issue there. It needs more of a conversation. It would be important to have statements on the Irish language. It is something I might bring up.

I remember the book *Peig*, which has been mentioned by other speakers. I could not stand it, to be honest, because I found it so difficult to grasp. I can speak German better than I can speak my own native language because of the way I feel it is taught in the secondary schools in particular. There needs to be more of an emphasis on learning the actual language and speaking it than on the poetry and the prose at a younger age. Maybe that aspect of the language should be confined to higher leaving certificate level. There is an issue because too many people do not speak Irish. If one did an audit of all the students in the country, one would probably find that the level of speaking of our European languages is higher than our native tongue. It is an issue that needs to be addressed. I need to address it and learn my own national language. It is important I recognise that I am not able to speak it. Something needs to be done about it. I was christened Michael but I have always used Micheál and used the síneadh fada. I remember almost getting deported from America because of the different spelling of the name from what was on my paperwork.

There is an issue with the number of Gaelscoils, their availability and the facilities to allow more families to send children to them. In my county of Longford, which has a population of 40,000, we have just one Gaelscoil. It is in a prefabricated building on the site of Longford Slashers GAA Club because a site was not available to build a school at the time. That is probably going back 15 years. We are now in 2021 and we still do not have a site for that school. I have raised the issue with the Department of Education. I ask the Minister of State to bring that issue to the Department to make sure a permanent site is identified for the school. It should not be in a two-storey prefabricated building on temporary grounds at the side of a GAA pitch. That needs to be highlighted.

We need a general discussion about the promotion of the Irish language and the way we teach it. That is just an opinion of my own.

As Senator Dolan mentioned, Conradh na Gaeilge has proposed a number of amendments. I will mention a few of them. On page 14, it seeks to add a deadline for logos in English of existing State bodies - Transport Infrastructure Ireland, for example - to be changed to bilingual logos. On the same page, it proposes that public bodies should have their new logos in Irish only to further encourage the language. On page 16, another Conradh na Gaeilge proposal seeks to ensure 5% of the advertising budgets of public bodies are spent on advertising in Irish-language media. This would support TG4 and Raidió na Gaeltachta etc. Furthermore, Conradh na Gaeilge proposes the inclusion in the Bill of a deadline by which services provided by all public bodies should be provided in Gaeltacht language planning areas in Irish.

The more we do and the more services we roll out in Irish, the more benefit it will have for oral Irish. However, I strongly believe we need to change it in our schools. It needs to be taught at that younger level and maybe up to junior certificate in the way other European languages are. Students should learn to speak the language, rather than concentrating on prose and so on.

Senator Erin McGreehan: Tá fáilte roimh an Aire Stáit. I am one of those people who do not have the language although I come from north Louth, which was the home of the Oriel dialect and was a Gaeltacht until it died out. Mrs. O'Hanlon, who was the last native Irish speaker on the Cooley Peninsula, died in the 1960s and her homestead is still there. We have a great heritage of Irish going back to Séamas Mac Cuarta and all our poets. The Cooley Peninsula was the home of culture in the north east but we seem to have lost that.

I welcome the Minister of State's ambition for the Irish language and I was very pleased about the protection of the síneadh fada. It seems small but it is huge. When I was registering my children's names, the HSE told me it could not put sintí fada in its system. I was told that the síneadh fada does not exist but I am glad it now exists. There are a whole pile of small issues but they amount to huge issues when you are trying to have an identity and when you are being refused that identity.

My failure is that I am not a Gaeilgeoir. I love our culture and being able to say some words. We need to learn to have confidence in the cúpla focal and I do not have that yet. It goes from the ground up as Senator Carrigy was saying, namely, in our schools. I would send my children to a Gaelscoil only we do not have them. Gaelscoileanna seem to be exclusive as opposed to the default. We should change that around and make our schools, which are generally English medium, far more Irish-orientated. I have children who I would love to see being able to flourish in the language and teach me how to speak it. The love for the language will grow from our children.

I refer to our place names. John Creedon had a fantastic programme about the meanings of the names of our townlands. An Lú is named after our warrior god and Sligo is Sligeach, the shelly place. Those place names are so meaningful and the words for places in this country are beautiful. A place name was not just a name; it meant something and it was about something. There is a lot of hope in the Bill and I congratulate the Minister of State on it. I wish I was able to understand all his speech. I will have to read it back as Béarla but I wish him the best of luck.

Minister of State at the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media (Deputy Jack Chambers): Ba mhaith liom mo bhuíochas a ghabháil leis na Seanadóirí a ghlac páirt sa díospóireacht seo. D'ardaigh an Seanadóir Clifford-Lee ceist na reachtaíochta teanga sa Tuaisceart. Is féidir liom a dheimhniú gur mian le mo chomhghleacaí, an tAire, an Teachta Coveney, tacú le gach deis gur féidir chun an cheist seo a bhrú chun ceann scríbe. Leanfar leis an obair seo sna míonna amach romhainn.

D'iarr an Seanadóir Kyne an mbeidh suíochán don Aire Caiteachais Phoiblí agus Athchóirithe ag an gcoiste comhairleach. Níl gá leis sin. Beidh suíocháin ag oifigigh de chuid na Roinne sin ar an gcoiste agus táim muiníneach go mbeidh siad in ann tuairisciú ar ais chuig an Aire maidir leis an obair sin. Chomh maith leis sin, beidh an coiste ag tuairisciú chuig an Rialtas maidir leis an dul chun cinn a dhéantar.

D'ardaigh an Seanadóir ceist na seirbhíse Childline freisin. Níl sé sásúil domsa mar Aire Stáit le freagracht don Ghaeltacht nach mbeadh seirbhís Childline ar fáil do chainteoirí óga Gaeilge. Níl Childline luaite faoi Sceideal na ngnólachtaí poiblí atá clúdaithe faoin Acht mar atá sé faoi láthair. B'fhéidir go mbeidh a leithéid d'eagraíocht clúdaithe nuair a bheidh an Bille seo achtaithe agus go leagfar dualgais teanga ar eagraíochtaí a chuireann seirbhísí ar fáil ar son an Stáit. Beimid ag breathnú go géar ar an gceist seo sna míonna amach romhainn.

10 November 2021

Tagraím don méid a dúirt an Seanadóir Ó Donnghaile. Tá na rialacha faoina leagfar síos na caighdeáin á n-ullmhú faoi láthair. Foilseofar iad de réir a chéile nuair a bheidh an Bille achtaithe ag próiseas comhairliúcháin ina leith sula gcuirfear iad i bhfeidhm.

D'ardaigh an Seanadóir Sherlock roinnt pointí maithe agus táim ag súil leis na pointí sin a phlé ar Chéim an Choiste.

D'ardaigh an Seanadóir Murphy roinnt ceisteanna tábhachtacha maidir le cúrsaí craolacháin. Cé go bhfuil an cheist sin taobh amuigh de scóip an Bhille seo, aontaím gur ceart go mbeadh níos mó Gaeilge le cloisteáil ar an raidió áitiúil agus ar TG4.

D'ardaigh an Seanadóir Buttimer ceist maidir leis an síneadh fada. Tá an ceart aige sa mhéid a dúirt sé agus réiteoidh an Bille seo go leor de na fadhbanna sin.

Luaigh na Seanadóirí Maria Byrne agus Boylan an Ghaeilge san Aontas Eorpach. De bharr iarrachtaí móra san earnáil tríú leibhéal in Éirinn agus in institiúidí an Aontais, beidh stádas iomlán ag an nGaeilge mar theanga oifigiúil agus oibre ag deireadh na bliana seo. Ní trí thimpiste a tharla seo ach tríd an obair mhóir atá déanta ag an Rialtas.

D'ardaigh an Seanadóir Ward ceist na tacaíochta don Ghaelscolaíocht. Aontaím leis agus tá go leor oibre ar bun trí scéim teanga de chuid Glór na nGael agus tríd scéimeanna Fhoras na Gaeilge agus mo Roinne le tacú le pobal na scoileanna sin an teanga a úsáid taobh amuigh den scoil.

Luaigh an Seanadóir Dolan roinnt moltaí atá ag Conradh na Gaeilge. Tá mo chuid oifigigh tar éis labhairt leis an gconradh cheana faoi na moltaí sin agus beidh mé ag breathnú orthu i gcomhthéacs leasuithe ar Chéim an Choiste.

Aontaím leis na Seanadóirí Davitt agus Kyne go bhfuil dúshlán ann, ach tugann an Bille seo teachtaireacht an-tábhachtach do dhaoine óga go mbeidh go leor deiseanna leis an teanga, go mbeidh siad in ann í a úsáid tríd an státchóras, agus go mbeidh níos mó cearta ag daoine atá ina gcónaí sa Ghaeltacht agus lasmuigh den Ghaeltacht chun an teanga a úsáid an t-am ar fad. Táim sásta go mbeimid in ann an sprioc seo a bhaint amach.

Beidh orm breathnú ar straitéis uailmhianach agus na rialacha a fhorbairt chun daoine óga a spreagadh chun an teanga a fhoghlaim. Tá sé déanta agam cheana ag leibhéal an Aontas Eorpaigh agus táim muiníneach go n-éireoidh leis an mBille. Beidh struchtúr nua ann chun na pointí seo a chur i bhfeidhm. Is féidir liom a chur in iúl don Seanadóir Carrigy go bhfuil coiste bunaithe idir mo Roinn agus Roinn an Aire Oideachais, an Teachta Foley, chun na ceisteanna a d'ardaigh sé a phlé. B'fhéidir go mbeidh seans agam na pointí sin a phlé i ndiaidh na díospóireachta seo.

D'ardaigh an Seanadóir McGreehan roinnt pointí tábhachtacha agus aontaím le go leor a bhí le rá aici. Tá súil agam go mbeidh níos mó deiseanna chun an teanga a fheabhsú i gContae Lú.

Comhlánófar leis an mBille na forálacha atá in Acht na Gaeltachta, 2012. Is iad seo forálacha a bhaineann le pleananna teanga a fhorbairt i limistéir pleanála teanga Ghaeltachta, i mbailte seirbhíse Gaeltachta agus i líonraí Gaeilge. Beidh cur i ngnímh iomlán na bhforálacha sin ag brath go mór ar sholáthar seirbhísí poiblí i nGaeilge. Cé go bhfuil an Rialtas tiomanta gach a dhéanamh laistigh dá chumhacht chun an Ghaeilge a chur chun cinn, tá todhchaí na teanga ag brath go mór ar an Rialtas agus an pobal a bheith ag obair as lámha a chéile. Tá a fhios

againn sa Rialtas go bhfuil dearcadh an-dearfach ag tromlach an phobail i leith na Gaeilge. Tá obair leanúnach ar bun againn tríd na scéimeanna éagsúla maoinithe ag mo Roinn, ag Údarás na Gaeltachta agus ag Foras na Gaeilge chun timpeallacht a chothú ina mbraitheann daoine muiníneach as a gcuid Gaeilge a úsáid, is cuma cén leibhéal cumais atá acu inti.

Aithním agus tuigim go maith gur ag obair i gcomhar lena chéile agus ar bhonn tras-rialtais is fearr a bhainfidimid torthaí fóna amach chun an Ghaeilge a thabhairt slán don chéad ghlúin eile. Ar an mbonn sin, gabhaim buíochas le Baill den Fhreasúra agus leis na geallsealbhóirí uile a chuidigh linn teacht go dtí an pointe seo leis an mBille teanga. Táim an-bhuíoch as a gcúnamh. Tá ardmholadh tuillte ag na heagraíochtaí ar fad ar fud na tíre a dhéanann obair na gcapall ar son na Gaeilge. Táim lán-chinnteach go mbeidh an Bille teanga níos láidre de bharr a n-ionchur agus go mbeidh an Ghaeilge níos láidre agus le cloisteáil níos forleithne sna blianta amach romhainn.

Cuireadh agus aontaíodh an cheist.

Acting Chairperson (Senator Aidan Davitt): Cathain a mbeartaítear Céim an Choiste a thógáil?

Senator Lorraine Clifford-Lee: Dé Máirt seo chugainn.

Céim an Choiste ordaithe don Mháirt, 16 Samhain 2021.

Sitting suspended at 3.52 p.m. and resumed at 4.30 p.m.

Planning and Development (Amendment) (Large-scale Residential Development) Bill 2021: Order for Second Stage

Bill entitled an Act to amend and extend the Planning and Development Acts 2000 to 2021 in relation to applications for planning permission for certain large-scale residential development, to make provision in relation to applications to the Supreme Court to determine certain appeals, to repeal Chapter 1 of Part 2 of the Planning and Development (Housing) and Residential Tenancies Act 2016 and to provide for related matters.

Senator Malcolm Byrne: I move: “That Second Stage be taken today.”

Question put and agreed to.

Planning and Development (Amendment) (Large-scale Residential Development) Bill 2021: Second Stage

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

Minister for Housing, Local Government and Heritage (Deputy Darragh O’Brien): I am pleased to have the opportunity to introduce Second Stage of the Planning and Development (Amendment) (Large-scale Residential Development) Bill 2021 to the Seanad. I thank the Cathaoirleach and the Members for facilitating early debate on this very important Bill.

As the House will be aware, the Programme for Government - Our Shared Future commit-

ted to not extending the strategic housing development, SHD, planning arrangements, which were introduced under the previous Government's Rebuilding Ireland action plan, beyond their legislative expiry date of 25 February 2022. Furthermore, action 12.3 of the Government's more recent Housing for All action plan, on which we had statements in the Seanad, commits to the introduction of a new planning process for large-scale residential developments, LRDs, to replace the SHD arrangements. I am happy that this Bill delivers on both of these commitments in the programme for Government and Housing for All.

In essence, the provisions contained in the Bill will restore the two-stage planning process for large-scale housing developments, with decision making for such development proposals rightly returning to the local planning authority in the first instance, and with the possibility of subsequent appeal to An Bord Pleanála. In addition to the benefits of returning the primary decision-making function for LRDs to the local level, the reintroduction of an appeal mechanism to the board should assist in reducing the number of judicial review challenges against LRD planning application decisions, contrary to the SHD arrangements, where the only appeal mechanism in that process was a judicial review in the High Court.

Moving to the contents and structure of the Bill, it contains 17 sections, to which I will now turn in more detail. The primary provisions are contained in a limited number of sections, namely, sections 3, 7, and 16, with the supporting provisions for these arrangements contained in the other sections. Rather than go through each section individually, if it is okay with the House, I will instead outline the key elements of the provisions in the Bill.

The proposed new arrangements will retain some of the positive elements of the SHD arrangements, for example, mandatory pre-application consultation of proposed developments between the developer and the planning authority, which can help to tease out issues prior to the submission of the planning application itself, as well as mandatory decision timelines, thereby providing greater certainty for developers in terms of planning timelines. I believe this is very important as we ramp up our housing delivery and planning for the 33,000 homes we need per annum over the course of Housing for All.

The new arrangements will comprise three stages: a pre-application consultation stage, a planning application stage and, if required, an appeal stage. Turning first to the pre-application consultation stage, which is primarily detailed in section 3 of the Bill, this will involve two steps. The first is an initial, more informal pre-application consultation on the proposals between the developer and the planning authority, as already mandated under section 247 of the Planning Act for projects of this scale. This will then be followed by a formal request for a large residential development meeting by the developer, requiring the submission of fairly detailed initial documentation in regard to the proposed development.

Planning authorities will be required to hold such LRD meetings within four weeks of receipt of the meeting request and then issue an LRD opinion within four weeks of that LRD meeting. These are strict timeframes that are provided for in the Bill and will take effect in law once the Bill passes. In effect, the formal pre-application consultation stage will take a maximum of eight weeks in total. The LRD opinion issued by the planning authority will set out whether the documentation submitted by the developer constitutes a reasonable basis for moving to the next stage of the process and submitting a planning application. That will identify any issues that need to be addressed when subsequently submitting a planning application. Drawing from the SHD arrangements, the new pre-application consultation requirement is intended to improve the quality of planning applications received and subsequently submitted in respect

of large-scale housing developments and reduce the need for further information requests in respect of subsequently submitted planning applications.

Moving to the second stage of the LRD process, the planning application stage, the new LRD arrangements will rely on the existing section 34 planning application process and will require planning authorities to determine LRD planning applications within eight weeks of receipt of the application, with, as indicated, limited scope for “further information” requests, the details of which will be set out in supplementary regulations once the Bill is passed. We are all aware that further information requests have in the past resulted in considerable delays in determining planning applications. However, the new arrangements are intended to front-load the consideration of a range of issues at the pre-application consultation stage, thereby reducing the need for further information at planning application stage and streamlining the decision-making process.

With regard to the third stage, the appeal stage, which is provided for in section 7, the board will be required to determine LRD appeals within a mandatory 16 weeks of receipt of the appeal, again with very limited scope for further information requests.

The mandatory timelines for the three stages of the LRD planning process, which have the potential to be almost as time-efficient as the SHD arrangements they are replacing, will most importantly bring back decision-making to local authorities, whom I believe will have a better understanding of the applications, thereby providing greater clarity and certainty regarding timelines.

To help ensure adherence to the mandatory timelines, a penalty, payable to the developer, will apply to both the planning authority - 3.5 times the application fee paid or €10,000, whichever is the lesser - and the board, also to a value of €10,000 - for late decisions on LRD planning applications or LRD appeals.

I should also mention one important difference from the outgoing SHD arrangements, which is that the new LRD arrangements will allow up to 30% of the gross floor space of the proposed development to be for commercial or other use instead of the 15% cap that currently exists. The change acknowledges that such developments, particularly in inner-city brownfield sites, which I have had experience of myself, tend to require a greater mix of residential, commercial and other use to take account of the differing needs of inner-city areas, as well as to make LRDs in such inner urban areas more economically viable for developers and to provide for a better design and mix.

In line with the principle of compact growth, more residential development is required in inner urban areas, and this change in the scope of the arrangements is intended to facilitate greater development of brownfield sites in inner urban areas than might otherwise be the case. The Government will also support that with the Croí Cónaithe (cities) fund, the viability fund to develop brownfield sites in cities.

The Bill also proposes a number of transitional arrangements relating to the expiry of the SHD arrangements and their replacement by the new LRD arrangements. There are two scenarios addressed under the transitional arrangements. First, developers with projects already in the SHD system and who, on the commencement of the Act, have received an opinion on their proposals from the board, will have 16 weeks from that commencement date to submit an SHD application to the board. Second, developers who have commenced the SHD process

by requesting pre-application consultations with the board and are awaiting an opinion on their proposals on the commencement of the Act will have 16 weeks to submit an application to the board from the date of receipt of the pre-application consultation opinion from the board. In both of these scenarios the board may then take a further 16 weeks to make a determination on the application.

These are fairly standard transitional arrangements which generally apply when changing from one system or process to another. This is a significant change. However, it is important to note that for large-scale housing development proposals which have not commenced the SHD process on the date of commencement of the Act, which it is intended will be 17 December, any such future development proposals for large-scale housing developments will be required to go through the new process. Consequently, it is intended that the 17 December date will effectively mark the transition date from the SHD arrangements to the new large-scale residential development arrangements.

I think Members will agree this Bill contains a number of fundamental and important legislative changes. It restores the two-stage planning process for large-scale residential developments with primary decision-making being returned to local planning authorities in the first instance - rightly so - thereby enhancing local democracy and providing enhanced public participation in the local decision-making process, with members of the public having two opportunities to input to the process - at the planning stage and at the appeal stage. We are retaining some of the positive elements of the SHD arrangements, such as mandatory pre-application consultation and strict decision-making timelines, all of which are aimed at facilitating speedier decision-making in the planning system for much-needed housing supply.

The final point I want to mention is that these proposed new LRD arrangements will have some resourcing implications for local authorities, especially but not exclusively those in the larger urban areas. Both my Department and I are willing to engage further with the local government sector in this regard with a view to ensuring the objectives of the new arrangements can be effectively achieved. I genuinely look forward to listening to the contributions from Senators this evening. Accordingly, I commend the Bill to the House.

Senator John Cummins: I welcome the Minister and thank him for commencing the Bill in the Seanad. I know it is something he committed to doing and he is to be commended on following through on his word in that regard. The primary purpose of the SHD arrangements, which this legislation will supersede, was to speed up the planning decision-making process for well-designed, large-scale housing developments on land already zoned for residential development, especially in larger urban areas where housing demand is most acute, and thereby provide greater planning certainty in terms of timelines within which proposals could be determined. If we think back, delays within the planning process were being used as a key reason a development was blocked, prevented or delayed. Sometimes, we have to do certain things to prove that blockages exist beyond the planning process, and that has been borne out in the lower than expected commencement of SHD permissions, albeit we have started to see a change in that recently. The SHD arrangements were never intended to be a permanent development. That is clear from the limited timeframe identified in Rebuilding Ireland and provided for in the 2016 Act.

The Bill before the House aims to underpin legislatively the making of large-scale residential development applications for more than 100 housing units and 200-bed student accommodation units to local authorities, while also incorporating some of the most beneficial aspects of

the SHD arrangements into the two-stage planning process. As the Minister stated, the ultimate goal is to provide a system whereby the best parts of the SHD process can continue, but that we restore the two-stage process and the ability of local councils to make decisions within their local authority areas. What we must do in that process is ensure we do not see an elongation of the timelines, which sometimes has an impact on the viability of developments being pursued by developers.

The way the Bill is structured will have a positive impact and reduce the number of appeals. I hope the fact we are introducing more consultation as part of the process will result in a reduction not only in appeals to the board but also a reduction in judicial reviews, which have bedevilled the SHD process in recent years.

I welcome the retention of the pre-application stage, where the applicant will be required to engage in consultation, as currently mandated under section 247 of the Planning and Development Act, and that an LRD meeting and LRD opinion as to whether the proposals constitute a reasonable basis for submitting a planning application has to be given within eight weeks. It is vital that this element of the process is done right. It will have resourcing implications for councils. That has to be borne out. The quality of the ultimate applications that come forward and whether they can be successful in the planning application stage, will be based on how good the pre-application stage is. It is, therefore, vital that we get that right. It is vital that all of the timelines attaching to this are adhered to, whether it is the eight-week timeframe for the LRD meeting and LRD opinion, or the eight-week application stage, or the 16-week period for the An Bord Pleanála appeal element.

That brings me to the topic of delays. I welcome that the Minister is introducing a €10,000 payment, where An Bord Pleanála is aware that a decision is not being made within the mandated timelines. I do not think that goes far enough. Large-scale residential applications are now going back to the councils, and this will free up a considerable amount of resources within An Bord Pleanála. Therefore, there should be no reason it cannot meet its statutory timelines. I gave an example on the Order of Business yesterday of a decision on an application by Waterford Airport. The application was lodged in July 2020, to lengthen and widen the runway. There was meant to have been a decision by 26 February of this year. There is still no decision now. The same situation occurred in the case of a 91-unit housing development. A developer is champing at the bit and ready to go. A decision was supposed to have been made in May of this year. The developer is still waiting on a decision. An Bord Pleanála has to be held accountable for those mandated timelines.

It would be remiss of me not to talk about the resource implication. The Minister touched upon this at the end of his contribution. The resource implication was raised by the County and City Management Association, CCMA, at pre-legislative scrutiny. To ensure that there is a smooth operation and a transition from the existing system to the new system, we have to acknowledge that it will require additional planners within local authorities. Anecdotally, at the moment, requests for further information are being made on applications within the local authority sector, even though the further information requests are for documents that may actually be in the application. That is happening because they are under so much pressure as it currently stands. This is happening before the reintroduction of large-scale applications back into the local authority sector. We, therefore, need to both sanction and finance additional resources for local authority areas, particularly the urban local authority areas, where there will be larger-scale developments. Without that, I fear that we are going to see delays. That is not what the Minister wants, it is not what I want, and it is not what the Government wants. I would

therefore ask that this is taken on board as part of the roll-out of this legislation.

Senator Rebecca Moynihan: I thank Senator Warfield for allowing me to go ahead. I apologise to the Minister that I have a compulsory purchase order, CPO, meeting at 5 p.m., so I will have to go by then, but I will look back at this debate

I am cautiously in favour of this Bill. I hope that it will not be beset by the same problems that plagued the strategic housing development, SHD, process. These were the granting of entirely inappropriate planning permissions, a huge number of build-to-rent planning permissions and, most of all, developers sitting on permissions granted under the SHD process for years without actually building any homes. Most of all, I welcome the return of local authorities to the planning process when it comes to large-scale residential developments. Local authorities and the constituents that they represent are a vital part of our democracy and our planning system. Excluding them from the SHD process was unjustifiable and did far more harm than good. I am glad to see the Minister following through on the programme for Government commitment that he was going to replace the system.

The SHD review identified issues relating to the activation of planning permissions in 2019. It noted that the rate was less than might be reasonably expected, taking into account the benefits of saving time, increased certainty for developers, and the resources invested by the State in upgrading the SHD process. The whole purpose of the SHD process, and now the large-scale residential development process, is to fast track the building of homes. If like with the SHD process, it does not achieve that, then it will be a failure. We must ensure that these planning permissions are not treated simply as a way to increase the value of land, but a way to actually provide homes to people across the country. Even if these developments are built, we must ensure that developers are not leaving them lying empty to keep rents artificially high, as we have seen in a number of build-to-rent units within Dublin city. These units have the plastic still on them. People can see them and identify them.

It is also vital that we back up the movements in the planning process with strong use-it-or-lose-it provisions, a vacant sites levy and a vacant homes tax. All of these measures are needed to work together to make something like a large-scale residential development process work as it should do, to provide homes and buildings, and not just enhance the value of land that continues to lie empty.

The site value tax, which has been introduced in the Finance Bill, has so many get-out clauses in how it has been implemented. I worry that it will not cover the majority of people who are using these sites to lay empty. It would be somewhat like the land value tax in its operation. Many of the applications that went through the SHD process were build-to-rent, or were being bought up by investors in their entirety. Good planning requires a balance of accommodation throughout the country. We need density and good apartments provided in urban centres also. However, people do not only want to rent those apartments. They want to own them too.

The Government's core build-to-rent policy is depriving young and old people, such as in the Minister's own constituency in Malahide, from accessing decent apartments to make their homes in. People are experiencing huge rents, as seen by the *daft.ie* report today, which are entirely unaffordable. Build-to-rent, particularly in Dublin city, is dominating our planning permission system. We continue to see large tracks through Dublin city being taken up by recent developments, such as on Clonliffe Road and at Player Wills. People want to buy apartments too.

Studio and one-bed apartments are not exclusively what people call “transient” accommodation. Single people are entitled to stable, secure homes that they own. I am quite concerned that this approach will continue through the LRD system. I am calling on the Minister to ensure that a portion of large developments, even in build-to-rent, are available to owner-occupiers, and also that build-to-rent standards are harmonised with our apartment standards. Some people may be long-term renters. However, if they are living in a highly-dense apartment network they also deserve a balcony and open space. They deserve to be able to open a window and to be able to sit out on the balcony. It is important that we take a look at build-to-rent standards again. The ways in which they are built act against long-term apartment living and long-term homes for renters. We need a holistic approach to planning in order to ensure that the LRD system achieves its goal of providing people with homes and that communities are both mixed tenure and mixed income.

A significant number of SHD permissions were also student accommodation. They had a greater activation rate than apartments. The student accommodation units have also been consistently made up of a large part of commencement notices that are lodged. I hope that the return of local authorities to the planning process for large-scale developments will help end the dominance of inappropriate housing through these fast-track processes. I hope also that we properly engage local communities in the housing that they need, because they are rightfully worried about the long-term impact that this type of housing will have on communities.

Senator Malcolm Byrne: Go raibh maith agat, a iar-Chathaoirligh. I am grateful to the Minister for coming into the House yet again with another piece of legislation to address the housing crisis.

5 o'clock

The Minister has said right from the start that his priority, and that of the Government, is to provide homes for people. That means using all the resources of the State in whatever way we can to ensure those homes are built, and if legislative change is required, then that will happen. The Minister is in the Chamber almost every week - he is the Minister who is probably here more than anyone else - introducing legislative changes, with more to come. In fact, it is great to see Senator Moynihan cautiously welcoming some of the legislation. It is important we see that engagement by the Opposition. I am quite certain that, in due course, even Sinn Féin, rather than trotting out the standard “missed opportunity” line - I will wait to see if Senator Warfield uses that line - it may even come up with some constructive lines.

I have huge respect for my colleague, Senator Cummins, and his passion for housing, but this is where there is a very key political difference between Fianna Fáil and Fine Gael. The Minister will know that our party strongly opposed SHDs for quite a number of reasons. He gave a very clear commitment during our discussions before going into government that, as part of the programme for Government, we would get rid of SHDs and empower local government. It is something he has done. It is important that in circumstances where we are empowering local government, and as the Minister said, this legislation gives control back to local councillors, that we give power to councillors, especially to those who want to see housing built in their communities and who do not spend the whole time objecting to it.

The introduction of strategic housing developments in 2016 was a very poor decision. I happened to come across a very prescient letter published in *The Irish Times* in July 2016, which outlined a number of the problems. It stated that “There is no evidence that local authori-

ties are delaying the granting of planning permission for large estates when those estates are in line with local area plans.” It goes on:

In the supply of public housing, the major delays are with the Department of Planning and Housing, which continues to delay releasing funds to local authorities to build, renovate or compulsorily purchase housing.

[...]

Local area plans and county development plans are agreed after extensive processes of consultation with local communities and with government agencies and allow for democratic input into what should be built in our communities, combined with good planning advice.

The letter goes on to ask:

...what additional resources are proposed for An Bord Pleanála if ... [this went ahead]. What guarantees are there that this will not result in significant delays to planning appeals, which will surely defeat ... [this] exercise?

Finally, this is yet another example of removing local authority powers.

That 2016 letter was written by a Councillor Malcolm Byrne, as I was at the time. It reflected a very strong view held by Fianna Fáil councillors and, I know, by the Minister. The evidence is that it is very much the case, unfortunately, that much of what I predicted at the time came true.

I recall when the former Minister of State at the Department of Housing, Planning and Local Government, Deputy Damien English, came to Wexford County Council to talk about this, there was no evidence basis for the decision to introduce SHDs. What we saw was a backlog at An Bord Pleanála and a dramatic increase in the number of judicial reviews. In 2020, An Bord Pleanála had to defend 83 legal cases at a cost of €8.2 million, 20% of which related to SHDs. In many ways, the only ones who benefited from SHDs were planning lawyers.

I am very happy the Minister committed to address this issue and to give powers back to local government. Senators Moynihan and Cummins were correct in stating that it is now key that this frees up resources in An Bord Pleanála. I particularly welcome the provisions in this legislation around mandatory decision timelines. This is a big concern to the construction sector but it is also an issue raised by IDA Ireland. This is not about trying to influence the decision process one way or another but rather giving people reasonable timelines. It is a crazy situation that no real timeline is clearly set out for somebody who applies for a major housing development or a critical piece of infrastructure. That is important. An Bord Pleanála needs to realise that this is coming down the tracks and it has to get with it. I echo the point about the need for extra planners at local government level. I know the Minister is putting housing delivery programme teams in place in every local authority but, on the other side, we need to ensure there are a sufficient number of additional planners.

The Minister knows that this legislation has been strongly welcomed in Fianna Fáil but I encourage him to go even further. We are re-empowering local authorities. This is also being done by making sure the budgets are available for them. I ask that as much of the data as possible are published and made publicly available in addition to giving councillors, through the housing strategic policy committees, SPCs, far greater oversight of the plans to ensure housing

is delivered in our community, which will equally ensure councillors will be able to hold planners in the housing delivery teams to account.

What we all want to achieve is the building of more homes in our community. This Bill is one further step as part of the raft of legislation. It is difficult to keep up with the amount of legislation the Minister has been introducing, but this is a very important step forward. Perhaps, in his response, he will indicate how long a developer, who is looking to develop an estate of, for instance, 100 houses, will expect to wait in normal circumstances, and all things being equal, as a result of the legislative changes to ensure we get houses built in our communities.

Senator Fintan Warfield: I welcome the Minister to the House. I also thank his departmental officials for yesterday's briefing, which was very informative. I had to be in the Chamber's ante room so I could not put my video on but I appreciate the briefing, as did my colleagues and Senators across the House.

Sinn Féin supports the legislation. We have some significant concerns about it, which I will come to a little later. When it comes to planning the type of city I want to live in, I want to live in the best place possible. I want good planning, democratic involvement of communities, world-class cycling and walking infrastructure and public transport, affordable housing, well-designed places, a good public realm and arts spaces, cultural venues and nightclubs that are protected from whatever the market forces are, be those office space or hotels. What are the tourists who come here supposed to do if we have no cultural spaces? The Minister's officials have been working with the night-time economy task force and I look forward to continuing those conversations with him.

Sinn Féin opposed the SHD legislation from the start. We welcome the return of the two-stage process involving the council and the board. We also welcome the statutory timelines that Senator Malcolm Byrne mentioned. As many representatives who have been both councillors and Senators will know, the SHD process has been a disaster. This is despite the fact that when the SHD process was going through the Oireachtas in 2016 and 2017, it was left to Sinn Féin and others to oppose it, which we did tooth and nail. We said it would lead to bad planning, planning delays and judicial reviews. We argued very strongly that the two-stage process should be kept, but with clear statutory timelines for pre-planning applications and additional information and board appeals. Fine Gael certainly did not listen to us and, disappointingly, Fianna Fáil Members sat on their hands and abstained. As a result we have had five years of bad planning decisions. There have been 50 judicial reviews of SHD applications when there were barely any judicial reviews into residential applications before that. It has not resulted in an increased housing supply because the vast majority of SHDs have not even commenced. After five years I welcome the fact that Government is doing what the Opposition, including Sinn Féin, has argued for; namely, that we should go back to the two-stage process with clear statutory timelines for pre-planning, statutory timelines for additional information requests and statutory timelines for the board. Many of us from Dublin and elsewhere know how bad the SHDs have been but I want to put the past behind us.

We in Sinn Féin know planning legislation is complex so we want to get the details right and we are going to be constructive in the Committee Stage and the Report Stage and so on in this House. We have significant concerns and I hope the Minister will take them on board. The first one relates to section 4 of the Bill. We think it is a mistake to restrict the right of local authorities to request further information before making a decision. We are being asked to sign up to something without knowing what the Minister is actually going to do. He spoke about

publishing regulations. I ask him to publish these regulations before the Bill passes through the Houses.

The second concern is about section 6 of the Bill. We do not know why section 6 is there. It has nothing to do with residential large-scale developments or SHDs. It changes the procedures for appealing a judicial review decision of the High Court. Why is it in the Bill? Who asked for it? I understand that it was not in the general scheme during the Oireachtas committee pre-legislative scrutiny process. Of the 50 SHD judicial reviews, only two went to the Court of Appeal. It does not seem to be about housing. It does not seem to have anything to do with large-scale residential developments. Can the Minister advise where this section came from and who drafted it?

My most important point is that the legislation which was originally brought in by Eoghan Murphy to extend the SHDs was due to expire in December. Now the Minister is delaying the abolition of SHDs and thereby providing developers with an ample opportunity to submit planning applications using this deeply flawed legislation until June 2022. Unfortunately this legislation is going to be with us through most of 2022 with the process open for planning applications until June 2022. As my colleague Deputy Ó Broin pointed out, some applications will continue until October with the possibility of legal action late into 2022. It is another long goodbye for bad policy. While I commend the ultimate banning of co-living, it took a very long time. We were dealing with co-living decisions still being made until the first quarter of this year. We are giving developers great leeway here in terms of the old process, making it sound as though we are ending something yet giving everyone an opportunity to get their applications in by 16 December. When judicial reviews are taken into account, it is clear that the SHD process will be with us for all of 2022. It took a full month to sign the regulation that gave legal effect to banning co-living and that provided developers with ample opportunity to get their applications in.

It is our intention on Committee Stage to amend sections 4, 6 and, crucially, 16. We do not accept that SHD applications should be allowed to continue into the middle of next year. That is an invitation to get applications in. While I fully support ending these SHDs and replacing them with large-scale residential developments, as we argued for in 2016, I absolutely oppose the transition arrangements.

Senator Michael McDowell: A couple of things occur to me. First, we face a housing emergency and need to have dynamic and early response reactions to the housing crisis that is happening at the moment. Therefore, I commend the Minister on his hands-on approach. He is confounding some of his critics by the dynamism of his approach and his willingness to address the issues quickly. I must commiserate with the Minister that he is in charge of what is possibly one of the worst Departments. I am sorry if any of his officials here take offence at that. The fundamental problem with local government and planning in Ireland has been the attitude of the Custom House to local government. It has been an attitude of distrust, control and clampdown at every stage.

One of our biggest problems has been that we have a negative view of the concept of planning. There is a view that somehow it is the function of local government to set out rules that must be obeyed and to say “if you comply with them you can go ahead but if you do not comply with them you cannot go ahead, and within those two parameters we do not care what you do.” One might say it is a liberal point of view to let people do what they want. On occasion, I pretend to be a liberal. Liberalism does not mean an approach, particularly in urban planning,

which is based on letting things happen. If large developers assemble sites and develop plans for a 20-storey block here and a ten-storey block there, we should not just let them at it. We should not choose not to intervene other than working out whether the proposal conforms with some preordained set of values.

I strongly believe cities have to be planned. I have had representations made to me as a Senator, which is possibly a futile thing for many people to do, in respect of the area where I live. Representations have been made to me in respect of The O'Rahilly's house on Herbert Park, the site at the corner opposite the Smurfit building on the bottom of Eglinton Road in Dublin 4 and other places. My simple view is that the SHD process has given rise to a theory that virtually anything - a 12-storey apartment block, for example - can be built if a sufficiently large site is assembled. One of the curious things is that I was brought up in a rent-controlled house on Upper Leeson Street where a relatively low-level development, a three-storey development called Leeson Village, now exists. One remnant of that development is the corner site between Appian Way and Upper Leeson Street, which Members may have seen. It is now owned by the Ronan Group, which is proposing a ten-storey apartment block in the middle of nowhere in this precinct which is at most three or four storeys. That is not the only such development.

In Donnybrook village, there was an application for a skyscraper development on the site beside Donnybrook Garda station by Denis O'Brien's company. We are living in a confused state of affairs. Dublin City Council has been emasculated as regards its positive duty to have a vision for what Dublin should look like. Post the Civil War, O'Connell Street was rebuilt according to a city plan. There is no plan anymore. People build skyscrapers, apartment blocks and this, that and the other and it does not matter how these interact with other buildings on the street. With regard to some of the sites I mentioned earlier, to build a 16-storey block of apartments because it comes within a definition of a strategic housing development is a ridiculous way to plan for Donnybrook, Leeson Street or wherever. It does not make any sense at all because it depends on the capacity of a developer to secure 1.5 or 2 acres and then ram up whatever he or she thinks is an appropriate development. We need a different approach.

Building high is not the only way to build intensively. I have friends in the auctioneering business who have said to me that if you look at some areas of Dublin where there is intensive development, namely, the artisan buildings erected in the 1890s-1910s, there is a higher density there than you will ever get in some elevated structures.

I said earlier that the Minister for Housing, Deputy Darragh O'Brien, is in charge of one of the worst Departments in the governmental structure. There has been a complete failure to accredit local government with any real positive planning role. Local authorities cannot CPO without the approval of or the financial go-ahead from the Department of Housing, Local Government and Heritage. They should be taking up derelict, semi-derelict, half developed and, sometimes, undeveloped, precincts of the city and putting in a place a plan for them. They have adequate powers under the Planning Acts and the Housing Acts to make acquisitions, to redevelop and to hand-out leases to third parties to redevelop these premises but they have faced an entirely negative and downward pressure from the Department of Housing, Local Government and Heritage with regard to what they should and should not do. They are being told to stay clear of a particular site - I will not mention any name - until such time as the developer assembles the site and, perhaps, for 20 years, until such time as the row about the ransom site in the middle of it is sorted out, not to apply CPOs and to not use their powers to achieve what they want to achieve.

I welcome where the Minister is going now in terms of re-establishing the two-tier approach. The one-tier approach is very hard to justify. The Minister also needs, in the longer term, to look at his Department. Is the Department trying to control the local authorities or is it willing to trust them, especially the urban authorities, with the capacity to redesign cities and make sense of them?

Senator Frances Black: I welcome the Minister. I am glad to see him here this evening as we debate this important legislation, which, I hope, will be an important piece of the puzzle in terms of addressing the housing crisis.

I broadly welcome the Bill which, in my view, addresses many of the issues that existed in the SHD legislation it will replace. I took serious issue with many of the elements of the SHD process, including that it allowed property developers to circumnavigate the traditional two-step planning process. This limited the power of local authorities to promote the type of residential and commercial development stipulated in their local area plans and limited the influence of local communities in the planning process. I was alarmed to hear recently that of the 210 permissions granted under the SHD legislation, only 72 have been acted on by the applicants. In the case of the other 138 permissions, many applicants have chosen to simply sit on the vacant sites, watching as the land value increases month after month with the SHD permission attached.

The SHD legislation clearly did not have the impact the Government thought it would in terms of the number of SHD units delivered. Sadly, it has not been worth the sacrifices made by local authorities and local communities. My local area has seen a great deal of development and large-scale planning applications in recent years, some of which were facilitated by the SHD legislation. While the development of residential accommodation was to be broadly welcomed, the local community had huge concerns about the extent to which some of the applications contravened local area plans and planning law. In instances where these SHD applications were permitted by An Bord Pleanála, judicial reviews were lodged by local residents. While many have expressed frustration with the construction delays caused by judicial reviews, we must ensure that the ability of an individual or group to request a judicial review is upheld. It is critical that we have the opportunity to challenge perceived contraventions of planning law in court. I trust that this will continue to be facilitated in the context of this legislation.

I welcome the restoration of the two-step planning process, which will ensure that the local authorities resume control of decisions regarding development in their local areas. Doing so restores not only the oversight of local authorities, it allows for local communities to engage with planning applications in the traditional way. While engagement also occurs in the pre-application consultation stages, it is hugely important that the public has the opportunity to engage formally with the planning process throughout the process. A developer can choose to take on board the input of an individual or a community in the pre-application consultation phase or choose to ignore it. Restoring the two-step process ensures that members of the public can make submissions directly to the local authorities. I welcome this provision in the legislation.

I have a number of concerns that I wish to speak to and in respect of which I would welcome responses from the Minister. I am concerned about the resource implications of the Bill for local authorities, especially in urban areas where we see greater volumes of planning applications. I know that the Department has advised that it is open to consulting with local government on this but I would like to hear more regarding the its specific strategy to ensure that local authorities have the resources they require to make well-informed decisions on LRDs

in a timely manner. I am also concerned that the Bill seeks to limit the ability of a local authority to request further information on an application, although I accept that this may not be the intention of the Bill. It is really important that the ability of a local authority to seek further information is explicitly protected.

I have spoken already about the number of SHD permissions that have not been acted on. I am concerned that the Bill does not address this in any way and, as a result, we risk the continued facilitation of speculative land hoarding by property developers, which will further distort the property market and maintain the unprecedented pressure on the rental and for-purchase sectors. I would welcome the inclusion of a use-it-or-lose-it clause to remedy this. However, I understand that this is something the Department is not considering at this time. With this in mind, I would like to hear more about the specific strategies of the Department to address this concern as it relates to SHDs and LRDs specifically. I would like clarification from the Department as to whether the outstanding 7% vacant site levies owed to many local authorities will be collected by Revenue as part of the implementation of the new zoned land tax and then ultimately paid back to the relevant local authority. I welcome the provision of a 30% commercial element in LRD applications. I am concerned about the commercial elements remaining vacant post construction. In my local area, there are a significant number of vacant commercial units at the street level of residential developments and there does not appear to be any incentive for developers to let these spaces. As a result, there is often little application at street level, which does not serve the residents of the development or the local community in any way. Does the Department have any specific strategies to address this issue, perhaps such as a provision for using that to serve the local community while the developer searches for a suitable tenant?

In a similar vein, I am curious about whether the Department can or has considered mandating that a certain number of units within LRDs must be offered for sale to individual buyers. Many strategic housing developments have been planned as exclusively build-to-rent schemes. Local communities consistently cite this when opposing residential planning applications. We have legislated for the provision of 10% social housing within larger developments, which is welcome. Can we do something similar to ensure true mixed tenancy in future large residential developments?

I share the concern expressed by some of my colleagues about the transitional phase and the extent to which this will facilitate strategic housing development applications being submitted until the middle of 2022. I know it is the Department's hope to enact this legislation by 17 December. We need to ensure the SHD legislation is wound down and replaced as a matter of urgency. While developers obviously need to be able to plan for the short and medium term, this transitional phase risks applications being rushed under the SHD legislation. This risk ensures developers continue to reap the benefits of the SHD scheme, which I think we can all agree has been unsuccessful in addressing the housing crisis in any meaningful way.

I reiterate my broad support for this Bill. I look forward to working with the Department and my colleagues in both Houses in the coming weeks to ensure this legislation will achieve the things we want and need to do.

Senator Pat Casey: I welcome the Minister and thank him for the informative briefing yesterday afternoon. I sat on the former Committee on Housing, Planning and Local Government for four years, for three of them with my colleague, the Minister, Deputy O'Brien, and with Deputy Cowen for the year before that. We have always raised concerns about the SHD process and had serious reservations about it. I welcome the legislation that is being brought forward to

eliminate that process. At the core of it was the lack of democracy around the SHD process. By reinstating it to the local authorities, we are restoring part of that democratic process. The other bit of it is the detachment the board has with the public, community organisations and people who interacted with the development plan process and were active in that field or with the political process. The board operated in a narrow, confined area where it only met and dealt with developers. This changes that aspect. I welcome it going back to the local authority process.

In response to Senator Warfield, a date has to be put on this at some stage. The date of 16 December is only five weeks away. If I was a developer, would I want to apply to a process that has completely failed with regard to getting an application process through the system to deliver houses or would I wait for a process I have known about for a number of months and which is more streamlined in the long term? I would probably wait for this legislation to come in to bring my application through it rather than use a system that has failed.

I have some reservations about one area, which Senator Warfield mentioned too. It is the area of further information. I believe we should look at further information as a positive to delivering planning permission and not as a negative which slows the process down. I say that for a number of reasons. The strategic housing development process was a professional system. When developers met with the board, they normally sat with 12 or 14 professionals around them. It somewhat excluded the smaller firms of planners or architects who could deliver the smaller scale houses in Wicklow or Arklow as opposed to the bigger developments in the city. Not all information could be provided for them at once. Further information can allow that application to proceed and deliver housing at the end of the day. What I believe is more important is for the local authority to engage now through the consultation and the submission process the public has done. Maybe something that was completely missed through the pre-planning process can be raised through a submission. With further information, that issue raised by a member of the public could possibly be dealt with and the application can be got across the line rather than being refused.

The Minister said this can be done in limited circumstances. I ask him to look at this again and to use further information as a positive and not a negative. If I could ask him to change anything in that process, it would be the timeframe the developer or the applicant has to reply about further information. We cannot bring the local authority into it because it only has 28 days to make its decision, but the applicant has six months to reply to a further information request. Even if the Minister brought that down to a month or six weeks, it would help that process.

I have some issues regarding national policy and county development plan policy. While it is hoped the local authority will have a greater understanding of specific sites because they are in its area, if there is an appeal to the board, I sometimes feel national policy will overrule local development plans. I have some reservation about that.

We can sometimes be too prescriptive in the legislation. While I welcome the 30%, a site anywhere could maybe justify 40% or 35%. Why can it not be site-specific as opposed to legislation prescribing detailed outputs when, at the end of the day, all we are trying to do is build houses?

A number of my colleagues mentioned support for local authorities. While the board had a designated team to deal with the SHD process, that skill level does not exist in each of our local authorities and some assistance will be needed to guide them through that pre-planning process.

Senator Martin Conway: The Minister is always welcome to the House. It is good to see him back here. We spent many days in this House between 2011 and 2016. It was productive and we all learned a lot. The SHD process is much maligned and, to a large extent, rightly so, but it was brought in with good intentions. At the time, the advice given to the Minister was that the structure with local authorities and An Bord Pleanála was not working, which is why the SHD process was introduced. Let us go back to that time and that reason. Of course we would all have wanted to see it be more successful and to have got more housing developments over the line. I reject any implied suggestion that the motivation for the creation of the SHDs was not in any way genuine because that is not true.

This legislation is timely and welcome. Some local authorities have the capability to deliver large-scale projects while others do not. My experience of local authorities as a councillor and as a Senator observing them is that some are great at delivering targets while others are appalling. There is no uniformity, meaning that communities suffer and targets are not delivered. Why are councils regularly not meeting their targets across all sections, be it Traveller accommodation or housing aid for older people? In some cases, almost 100% of the allocation from the Department, given in good faith and negotiated through a budget process, is not spent and is left with the Department. That is unacceptable, yet no questions are answered and no one is held accountable for what is happening in local authorities that fail gloriously to deliver targets. This issue needs to be addressed. I do not know how the Minister can go about doing that, but there are ways and means. Unfortunately, not too many heads roll in the public service. In the private sector, if there is consistent bad management and failure to deliver targets, heads roll because they have to.

Regarding other issues in local authority areas, many casual vacancies are left open for years. By and large, I would give Clare County Council a B grade. It is not bad in some areas. It is very good in some, for example, tourism, but only average in others, for example, the delivery of housing. During the 2020 general election, a person died in a one-bedroom house in a local authority estate near where I live, but that house was only reallocated 14 or 15 months later. That is unacceptable. The slow turnaround in casual vacancies is causing a great deal of trouble.

Councillors have responsibilities as well. The number of objections made to housing developments, particularly social housing developments and Traveller accommodation, never ceases to amaze me. As public representatives, we all have a responsibility to have houses built so that those who need them get them. I appeal to public representatives to think twice before lodging objections to a development. By and large, the professionals employed by the local authority are competent enough to take community observations on board. If that does not work, then a development can be appealed to An Bord Pleanála, which is at least supposed to have the expertise to adjudicate on matters and deal with concerns that were not identified by the local authority.

By having the local authority and An Bord Pleanála involved, we will see a reduction in the number of cases that are judicially reviewed and delayed. The objective is to build more houses. I hope that this legislation assists the Minister in his extremely ambitious plans, which the country and its people need, including families in dire need of accommodation.

Minister for Housing, Local Government and Heritage (Deputy Darragh O'Brien): I thank the Senators who contributed in a positive way - Senators Cummins, Moynihan, Malcolm Byrne, Warfield, McDowell, Black and Conway and my good friend and colleague, Senator

Casey. I have taken note of the points they raised.

I have always been convinced that the best place for planning is with the local authorities. We must resource them to do that work. Every Senator, including Senator McDowell, referenced local authorities as the best place for planning.

I agree with Senator Conway that SHDs were introduced with the best of intentions. They did not work as intended, though, and when something is not working, one does not continue with it. Instead, one changes it and then brings it back. We will need a transitional phase because we cannot just end the process. If people were in the process and we took them out of it, we would be open to challenge. However, I am bringing an end to new SHD applications for people who have not engaged with the process by 17 December, which is well ahead of what was originally envisaged. This was a commitment in the programme for Government but is also something that I firmly believe should be done.

To answer all Seanadóirí who raised the issue of resources, we must ensure that our local authorities are tooled up to do the job. We also need to ensure that, when the legislation is passed, the strict timelines are adhered to. They must be. That is why they are being set in the legislation.

I take the points raised by Senator Casey and others around further information. While there is additional information, its provision and then its clarification can prolong a planning process, and I do not want to see that happening anymore. I will publish the regulations in this regard approximately one week after the Bill passes, so it will be this year. I will be open to people's suggestions and comments.

I have initiated so much legislation in the Seanad because it offers considered debate and scrutiny. I have accepted amendments in the Seanad and brought them to the Dáil. Along with my team and other officials, I will consider any reasonable amendment that is proposed to this Bill on Committee Stage. We need to work quickly, though. Planning needs to be fit for purpose and this is just one of a number of actions we are taking in that regard. A full planning review, headed by my team and the Attorney General, is being done and Senator Burke will shortly introduce a judicial review reform Bill. A great deal needs to be done with the planning system, but Senator Black is correct that people also need to have their say. With SHDs, a large part of the reason for the increased number of judicial reviews was that the only recourse for people to make a case where they felt their say had not been taken on board was to the courts. The courts are not the right place for planning decisions to be made. We will continue to address this matter.

I agree with Senator Warfield that we need our cities, towns and villages planned well, but there needs to be a streamlined process that takes a plan-led approach. One of the deficiencies of SHDs that I have witnessed is that, in some instances, county development plans, local area plans and master plans have been set aside and gone unconsidered. In a plan-led approach, residents and other citizens also need to be aware of it.

There is an issue with objections from people who have no strategic or selfish interest in certain developments. There is a mini industry - a lay industry - of people who, in my view, take judicial reviews that could be regarded as spurious and that block important homes for people and important strategic developments. This is not something that I am willing to allow continue. As Minister, it will require making tough decisions. If we are serious - the Government

is, and I am sure the Seanadóirí are as well - about delivering 300,000 homes between now and 2030, including 90,000 social homes and 54,000 affordable homes at least, with the rest being private homes, we will need a planning system that allows it to happen. If we are to deliver the infrastructure that we require to underpin that housing development - for example, wastewater, fresh water, transport and education infrastructure - then we will need a planning system that is robust. This Bill is one part of that work.

The low percentage of planning permissions that are converted into SHDs has been mentioned, with people possibly sitting on land and enhancing values through planning permissions without increasing densities in various areas. The Government is introducing a zoned land tax. This will be a significant move. It will be an annual tax to be administered by Revenue. It will require some work, as it will be a significant change, but it will make a difference. There is vacant home tax as well, and the land value sharing, which is a Kenny report-style power that has been called for for years and which we will do. All of these things connect to make the planning system better, coupled with what we are doing on housing. They do not happen overnight and housing is not fixed overnight. Some will say there are short, simple solutions to the rental crisis and the increases we see in rents are happening in Ireland alone but they are not. I ask people to cast an eye across continental Europe and our nearest neighbour and look at what is happening post Covid across the world.

There needs to be an element of getting real and local authorities need to deliver on their housing plans. Senator Malcolm Byrne and others, including Senator Conway, mentioned that. With the additional resources and responsibility that local authorities should have and the additional powers we will make sure they have come additional responsibilities to deliver. They are resourced to deliver housing at a scale never done before in the State but they must deliver. That is why the plans being worked through with my Department and local authorities, overseen by me, on the housing delivery targets we will set in place for every local authority across the country, for social, affordable, private homes and homes for sale or rent, will be a clear and transparent process. The funding capital is in place to the end of 2026 on housing. We have put some of the building blocks in place. We are doing it on planning. We have passed the Affordable Housing Act, the Land Development Agency Act and others. They are in place now.

I agree there needs to be transparency around delivery and no local authority has anything to fear on that. Our local councillors will be aware of what the housing plans are and how the local authorities they are elected to are performing versus their peers in the 31 local authorities across the country. We are working well with local government to do that. They will be in place and I expect it to be open, transparent and public as to what we expect to be delivered in Wexford, Wicklow, Clare or one of the four Dublin local authorities. It is incumbent on us to do it.

Many important contributions have been made here, all of which I have noted. I look forward to getting to Committee Stage. I welcome the support across the House for this legislation. It is not the first time we have had unanimity. I have been much criticised, though not in here, for the legislation I bring forward but a sizable percentage of that legislation has been agreed and passed unanimously. We must be doing something right. That is good and it is good to start off Second Stage of this Bill in such a way. I am interested to hear the views of colleagues and look at areas of the Bill we may improve but we need to get it passed expeditiously.

Section 6 is around streamlining judicial review and being able to make sure that a person challenging High Court decisions could leapfrog the Court of Appeal and go directly to the Supreme Court. We have had issues with people taking cases at every stage along the line. That

can delay the process.

I have taken the points on board that Senators have mentioned. I thank them for their time and contributions. I look forward to Committee Stage of the Bill.

Acting Chairperson (Senator Mary Seery Kearney): I thank the Minister for his readiness to engage with the housing committee so openly and with us.

Question put and agreed to.

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

Senator Malcolm Byrne: Next Tuesday.

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

Committee Stage ordered for Tuesday, 16 November 2021.

Sitting suspended at 5.54 p.m. and resumed at 7.18 p.m.

Safe Access to Termination of Pregnancy Services Bill 2021: Second Stage

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

It is good to see a trade union comrade in the Chair today. It is also nice to see the Minister, who is very welcome. I am moving the Second Stage reading of the Safe Access to Termination of Pregnancy Services Bill 2021. While Sinn Féin is very proud to be supporting this legislation, I want to begin by stressing the cross-party nature of the campaign behind this Bill. The Bill has been co-signed by members of Sinn Féin, the Labour Party, the Civil Engagement Group, the Green Party and Fianna Fáil, as well as by the father of the House, Senator David Norris. The Bill has been commissioned and drafted by Together for Safety, a national campaign group working for legislation that would enforce safe access zones around all family planning centres, maternity hospitals and healthcare facilities in Ireland that provide or give information on abortion. All credit for this legislation belongs to Together for Safety and its tireless campaigners across the country. Due to Covid-19 restrictions, they cannot be in the Seanad Chamber but I can assure the House that they will be watching proceedings closely and hoping that the Minister will allow this Bill to pass Second Stage in line with his own stated position on this issue and with the commitment given in the programme for Government. Let me be very clear. We need this legislation without further delay because women and pregnant people are entitled to access essential healthcare including access to termination of pregnancy services in privacy and dignity without being subject to intimidation, harassment and the subtle but deliberate chill effect that anti-choice protesters are bringing to hospital, family planning and GP settings across the State right now.

Legislation was promised three and a half years ago but to date has not been delivered. Indeed, as recently as August, the Minister’s Department issued a statement to the effect that there was no need for such a Bill. My colleague Senator Boylan will expand on the reasons we need this Bill, the tactics being employed by anti-choice protesters and the difference it will make not only for women and their partners but also for hospital staff, local residents, businesses and

the vast majority of the public who have to endure these protests currently taking place outside of our maternity hospitals and family planning clinics.

The core aim of this Bill is to keep people safe and protect people's right to access health-care with compassion. In the short time available to me, I will take Senators through the key provisions of this short Bill. The Bill was drafted by barrister Clíodhna Ní Chéileachair and constitutional law expert Dr. Jennifer Kavanagh. It aims to do three things: establish safe access zones, extend the law on harassment to protect anyone involved in the provision of abortion services and establish a civil right to damages.

Section 1 deals with definitions. Here I will highlight the definition of a designated premises as "any premises at which termination of services or contraceptive services are provided". Harassment has the meaning given to it in the Non-Fatal Offences Against the Person Act 1997.

Section 2 seeks to establish safe access zones around premises that provide abortion services and contraception services with a radius of 100 m around designated premises. There is nothing new about the idea of a safe access zone in Irish law. We already have safe zones as set out in the Electoral Act 1992 which established such zones of 100 m around polling stations. That was brought down to 50 m in the 2001 Act. No one has ever had a problem with the fact that someone is not allowed to run up to a polling station and make a political speech. There is nothing groundbreaking about this aspect of the Bill. The radius of 100 m mirrors the size set out in local authority legislation such as in Ealing, in our nearest neighbour state, and also existing legislation in parts of the US.

Section 3 sets out activities restricted in the safe access zone, that is, to express or demonstrate support for or opposition to a person's decision to access, provide or facilitate provision of termination of pregnancy services or contraceptive services, or to seek to influence a person's decision to access, provide or facilitate provision of termination of pregnancy services or contraceptive services or engage in any acts that any reasonable person would see as likely to achieve those aims. That is the core of the Bill. The point is that it is nobody else's business. This is accessing healthcare and people are entitled to privacy and dignity.

Section 3(2) sets out a list of the types of activities that would not be allowed within 100 m of a designated premises. They are well set out and quite specific. Sections 3(4), 3(5), 3(6) and 3(7) build in a number of important safeguards and exceptions to the rules as set out in the Bill.

Section 4 details the definition of harassment. It is an important aspect of the Bill that it extends the law of harassment to include people providing abortion and contraception services.

Finally, section 5 sets out a civil right to damages.

I want to say a few words on the right to protest. I feel passionately about this right. I have been protesting for the best part of four decades. I marched for the Birmingham Six as a teenager in London and against Ronald Reagan when he arrived in Shannon in 1984. I protested right the way through the austerity years. Now, I protest against the US military at Shannon as often as I can. I am a passionate protestor. This Bill does not prevent protests by those opposed to abortion. It simply means that those protestors will not be able to protest within 100 m of a maternity hospital. It balances the right to protest against the right to privacy of people accessing essential healthcare. I will put it simply. Everyone and their partners should be able to access compassionate care in privacy and dignity.

I wish to directly quote our colleagues in Together for Safety on this Bill:

The right to protest is core to our democracy and our lives as activists, however we want to also ensure the right to access healthcare in privacy, safety and with dignity. This Bill does that.

The right to religious freedom is key to our vision of Ireland as a diverse and inclusive modern country, however, people accessing healthcare find it upsetting, intimidating and distressing that anti-choice activities are occurring outside medical centres under the guise of prayer. We think there is a time and a place for such activities and want to find the balance to protect everyone's rights. This Bill does that.

We've been told that existing public order legislation is enough to deal with anti-choice protests and activities. However, we want to pre-empt anti-choice harassment and distress and keep people safe from it entirely. This Bill does that.

This is a well written Bill, and one that could make a real difference to thousands of women every year. There is a broad coalition behind this Bill, including people in the Minister's own party. We will listen carefully to his thoughts on the Bill, and if it passes Second Stage this evening, we will seek to work constructively with him to address any concerns he may have before moving to Committee Stage. I ask the Minister to commit to working with us. This is an opportunity to transcend narrow party politics and instead reach for the common good. Women have already waited too long for this issue to be addressed. Just today during the universal periodic review held by the United Nations, the Government's failure to address anti-abortion protests outside of medical centres was raised by no less than three different civil society organisations. The Irish Council for Civil Liberties said:

Ongoing anti-abortion protests outside healthcare providers aim to deter individuals from accessing healthcare and doctors from providing it. This can cause distress, exacerbate existing social stigmas and pose a serious risk to a range of rights.

I urge the Minister to support this Bill and send a powerful message from the State that it hears people's concerns and is not neutral when it comes to protecting people's right to access essential healthcare in privacy and with dignity.

Senator Lynn Boylan: This is an incredibly important Bill that we are discussing tonight. I sincerely hope that it will be allowed to progress. I want to begin by commending the Together for Safety group which has tirelessly pursued the issue of safe access zones so that women can access the vital health services they are entitled to without harassment or fear. In response to constant anti-choice protests and activities outside the family planning clinic and maternity hospital in Limerick, Together for Safety was founded. It has meticulously documented the negative impact that anti-choice protests are having on people.

Abortion is legal in this country. That is the democratic decision taken by the people of Ireland in 2018. Repealing the eighth amendment sent out the very clear message that decisions taken by women regarding their bodies and healthcare are a matter for them and their doctors and nobody else. My colleague, Deputy Louise O'Reilly, in anticipation of protests submitted amendments to the original termination of pregnancy Bill and was given a firm commitment that if she withdrew the amendments, legislation would swiftly follow. Yet women still wait.

Ministers have changed, elections have taken place and yet women still wait. All the while, protests continue. Even during the pandemic, protests continued. Together for Safety would have preferred for the Minister to have delivered on the commitment to bring forward the legislation but in the absence of such legislation and with the daily damage that is being done to women through these protests, it has come forward with its own legislation, which has been drafted by a constitutional legal expert, Dr. Jennifer Kavanagh, and barrister Clíodhna Ní Chéileachair.

The Bill is also endorsed by the following groups and individuals: the Abortion Rights Campaign, Ailbhe Smyth, Alliance for Choice, Amnesty Ireland, Clare ARC, Clare Women's Network, Disabled Women Ireland, Donegal ARC, Dr. Mary Favier of Doctors for Choice, Dublin Well Woman Centre, the Irish Council for Civil Liberties, Kerry for Choice, Leitrim ARC, Limerick Feminist Network, Limerick Women's Network, the National Women's Council of Ireland, the Northside Family Resource Centre, Offaly ARC, Rape Crisis Mid West, Rape Crisis Network of Ireland, Rebels for Choice, Safe Ireland, Sligo Asking for Angela, Tipperary for Choice and West Cork Rebels for Choice. It also enjoys the support of elected representatives in both Houses and from across the political spectrum. I would like to commend my colleague Senator Gavan, who is piloting its progress through the Oireachtas.

It is really important that we remember why this Bill is so essential. It is not about stopping the right to protest. As an activist who wears the badge of serial protester with pride, I have taken part in many protests here and internationally. I have been tear-gassed at protests and I led a high-profile campaign at European level for the release of imprisoned protesters in Egypt. The right to protest goes to the core of my values, and it is the pillar of democracy. The right to protest, however, does not confer a right to a captive audience. As a country we have accepted this when it comes to polling stations. In fact, we accept that it is not appropriate for political badges and slogans to have any place where people go to cast their votes. Surely a person accessing healthcare should be afforded similar rights to those casting their votes?

Women have been treated with disrespect, distrust and disdain since the foundation of this State. Forcing them to run the gauntlet through protestors just so they can enter or leave a healthcare facilities is nothing more than a continuation of that treatment. That has a lasting impact and please do not take my word for it but listen to the women directly impacted who shared their stories with Together for Safety:

1. One of the young women from the protest group stood at the traffic lights opposite the maternity hospital. She asked if I had an appointment. I presumed that she was making small talk so I said, yes, I did. She told me that she and her friends were praying that no babies were murdered in the hospital that day and asked me why I was attending. I told her my visit was none of their business and they should move their protest to outside of Leinster House and leave people to access healthcare. They were still there when I got out. I went over to them and told them they should be ashamed of themselves. They ignored me and shouted a decade of the rosary at me.

2. I have left that hospital with my two bonny babies. I have also left it with nothing after a dilatation and curettage or D&C, and I exited through a side door with a wicker coffin in my arms. Passing the hospital stirs up a mixture of emotions. Since I have heard of these protesters I have gone out of my way to avoid walking past the hospital as they would have added to my grief and heartache. The women of Ireland deserve peace. It is 2021 and we have had enough.

3. I went to my doctor for a routine check-up and protestors were outside her surgery chanting something like stop abortions. I said it to my doctor and she said that she had called the guards but they were there every morning that week and were upsetting patients.

That is just a sample of the emotional turmoil that women are being put through on a daily basis. It is not just women accessing healthcare, however; it is the healthcare workers, doctors, nurses and administrative staff. Is it any wonder then that not every maternity hospital, and only one in ten GPs, offer abortion services even after we repealed the eighth amendment?

The protestors know what they are doing. They know the chilling effect that their protests are having. They know exactly what they are doing. This is not about religious freedom. This is about curtailing women's freedoms. Nobody has ever stopped an anti-choice protest taking place in public places. I have countless teenage memories, as does anybody who grew up in Dublin, of walking across O'Connell Street and being accosted and having graphic leaflets pushed into my face by people from groups like Youth Defence. I have walked passed similar protests on my way into this building and into the European Parliament. That is democracy and freedom of expression. I will defend the rights of everyone to exercise those rights even if I fundamentally disagree with them. However, I will not defend someone who has a right to access healthcare, including abortion services, having to go through distress, intimidation and emotion abuse in order to fulfil that right. This Bill seeks to strike a balance that protects everyone's rights. I hope that we can progress it tonight and that it will be allowed to move on to the next Stage.

Acting Chairperson (Senator Marie Sherlock): I welcome the Minister and I call Senator Lorraine Clifford-Lee to speak on behalf of Fianna Fáil.

Senator Lorraine Clifford-Lee: I welcome the Minister. I am very happy to have the opportunity to express my commitment to safe access zones. I know that the Minister has a firm commitment to safe access zones.

As we all know, the commitment to safe access zones is contained in the programme for Government. My Government colleagues and I are very supportive of them. I am glad that Deputy Stephen Donnelly is our Minister for Health, particularly on foot of his ongoing and very real commitment to women's healthcare through the free contraception scheme, menopause clinics, endometriosis funding and period poverty and breastfeeding supports. I appreciate his active engagement on the review of the abortion legislation, which is approaching the three-year mark. I know that the Minister is personally committed to reproductive health and rights. It is very good that we all have the opportunity tonight to express our commitment to the expressed will of the Irish people.

As outlined, there is a broad coalition of support for safe access zones. I commend Together for Safety and the coalition of fantastic grassroots groups across the country that are responsible for the drafting of this legislation and making sure that this matter is kept high on the political agenda. It is that grassroots engagement, support and driving of legislative change that gave rise to the repeal of the eighth amendment. It is good to see that these groups are going from strength to strength supporting and encouraging legislative change.

Termination services have, thankfully, been legal in this country for almost three years. It is not acceptable that anybody should be intimidated while accessing health services. It is incredible that people feel they have the right to intimidate and provide an undignified space for

people when they access services. Women and pregnant people should be able to access health services without experiencing intimidation, stigma or shame. We have had enough of that in this country to last a lifetime. People need to be able to access services in a private and safe fashion, and with dignity.

We can sometimes forget how far we have come. Recently, the anniversary of the death of Savita Halappanavar took place. We have made great strides since then but we have a way to go. We should always be conscious of how easy it is to slip back from that position.

My colleague, Senator Chambers, and I visited Poland recently. On behalf of the all-party group on sexual and reproductive health and rights, we signed the Warsaw commitment to freedom of expression in Europe, and to the access and support of people's sexual and reproductive rights. At the time, I was struck by the fact that the activists in Poland said to me that a case like Savita's was going to happen and, unfortunately, Izabella, a Polish woman got sepsis and died because of the situation there. I know that everybody here will think about Izabella tonight and about all of the sacrifices that Irish women, and women across Europe, have made to get the rights that we have now.

I am sure there will be many arguments in favour of freedom of expression tonight. I do not think any of these arguments hold weight. The people who seek to vindicate these rights just want to restrict and intimidate others. There is nothing about the freedom of expression. Down through the years, and before we had the debate on repealing the eighth amendment, people attempted to restrict me from expressing my views on this issue. It is those same people who are very concerned about freedom of expression now.

Protests are part of our psyche in Ireland. I am a prolific protester. I have protested with great gusto in the past, but I would never seek to protest outside a medical establishment. These protests are very far-reaching in their impact, not only on the people accessing termination services but also on everybody accessing health services within a particular establishment, the staff and the wider community.

There is significant evidence that large parts of this country do not have adequate termination services and that this is down to the level of protesting that has taken place in some areas. Such a situation is completely unacceptable. Vulnerable women are being impacted by the level of protest in some parts of the country.

I am very glad of the opportunity to discuss this matter and to air of our commitment to establishing safe access zones. We all want to improve the provision of health services. I am glad we can all work together on this issue.

Senator Martin Conway: I, too, welcome the Minister. I also acknowledge his constant availability and engagement with us.

It is only fair that I commend Sinn Féin colleagues on tabling the Bill. They have put this issue on our agenda. All of us are shocked at the carry-on around hospitals. Let us remember that 68% of the population voted to repeal the eighth amendment three years ago. Termination of pregnancy services are now available in hospitals in this country but they are not available to the level they should be because medical people are threatened, intimidated and are afraid to provide them because of the backlash from ultra-right, dangerous, fascist groups who think it is appropriate and proper to protest outside hospitals and other healthcare settings. It is not appropriate and it is not good enough.

I am disappointed the Minister has not brought a Bill before this House to deal with this situation at this stage, as per the commitment in the programme for Government. The Government has been in place for more than a year now, this has been going on for the past year, and yet we do not have legislation from the Government to deal with this issue. If we achieve nothing else tonight, I hope the Minister brings legislation before this House. If the Sinn Féin Bill does progress, as we expect it will, people in this House will be put in an invidious position in terms of what they do because none of us can stand over what is going on outside healthcare settings in this country at the moment. It is morally reprehensible. It is wrong, abusive and disgraceful. We have seen how women have been treated by this State for decades and this is just another example of what this country is doing to women because we are not dealing with it. The fact the Government has not legislated for safe access to healthcare settings is an abuse of women. I applaud the Together for Safety group for highlighting these issues and telling the stories of the people who have been blackguarded outside hospitals in this country.

Does the Minister agree that this legislation is necessary in the first instance? I hope he does. Senator Clifford-Lee referenced comments the Minister has made and I take that in good faith, but I want a timeline from the Minister. When is he going to bring Government legislation before the House that we can vote on and deal with? There may very well be legal issues with the Sinn Féin Bill and, if that is so, let us deal with them. Alternatively, the Minister must bring his own Bill before the House, but either way this issue has to be addressed. We cannot have a situation where a woman in a crisis pregnancy or a difficult situation who is going for medical treatment is faced with a barrage of protests, is approached and asked what she is doing and what is the purpose of her visit. That is barbaric and I am sure the Minister agrees with me. It is not good enough and it cannot be allowed to continue. We in the Oireachtas must make sure it does not happen and I cannot understand why we have not done so already.

I want an explanation from the Minister as to why he has not brought legislation before the House to date. What is the reason for it? What is the rationale for not bringing legislation before the Houses of the Oireachtas to deal with a problem of which the Minister and everyone here is aware? This is an important Bill and I commend our Sinn Féin colleagues on bringing it to the House tonight and for putting this issue on the agenda. It is important this was done and it is critically important it is acted on.

Senator Niall Ó Donnghaile: Well said.

Senator Sharon Keogan: The Minister is very welcome to the House. As I read through this Bill, I was reminded of Senator McDowell's Children (Amendment) Bill 2020 which passed into law in April 2021. That was a targeted Bill, urgently drafted to remedy an obviously unintended legal situation. There was a universally recognised need for that Bill by the public but such does not seem to be the case with this Bill. The calls for protest prohibition zones, which, let us call a spade a spade, is what they are, do not appear to be coming from the grassroots but almost exclusively from special interest and political advocacy groups. Indeed, the Bill itself was gifted to Senator Gavan by a faceless campaign group, Together for Safety. As legislators, we should be extra vigilant when it comes to outsourcing our constitutional duties to pop-up activists.

Senator Martin Conway: That is a totally unacceptable comment. It is disgraceful.

Senator Lorraine Clifford-Lee: Shameful.

Senator Sharon Keogan: Of course, people should be able to visit healthcare buildings without harassment but the need for this Bill is certainly subject to scrutiny. The Department of Health has stated that protests outside healthcare facilities are limited and that where problems do arise, there is existing public order legislation in place to protect people accessing services, staff and local residents. Indeed, the Garda Commissioner said the same in a letter to the then Minister for Health, Deputy Harris. He outlined that the introduction of protest prohibition zone legislation would be redundant because of the existence of current laws and the fact no incidents of criminality had been reported or observed. If the situation around access to healthcare facilities was akin to what we see in the United States, for example, with large-scale, organised, high-energy and confrontational protests, that would be handled using current public order legislation. The fact this does not occur demonstrates that what this Bill seeks to ban is small, peaceful groupings of individuals who gather to discuss alternatives to abortion with women who may be open to such or simply to engage in quiet prayer, as is their right. The fact the Bill explicitly mentions prayer as a “prohibited action” in section 3(2)(f) is astounding. It might be the first time a Bill has sought to criminalise the act of praying.

Senator Martin Conway: They are praying in women’s faces.

Senator Sharon Keogan: This Bill has been introduced by Sinn Féin, a party that sang the praises of Kevin Barry last week, a man who was executed with his rosary beads in his pocket. There is more than a whiff of anti-Christian sentiment-----

Senator Martin Conway: There is a big difference, in fairness-----

Senator Sharon Keogan: I did not interrupt you, Senator Conway.

Senator Martin Conway: You need to be interrupted.

Senator Niall Ó Donnghaile: Hear, hear.

Senator Sharon Keogan: I did not interrupt others. Where is free speech? If I cannot deliver my speech-----

Acting Chairperson (Senator Marie Sherlock): Senator Conway, please allow Senator Keogan to continue without interruption.

Senator Sharon Keogan: Thank you.

Senator Lorraine Clifford-Lee: Kevin Barry would have been pro-choice.

Senator Martin Conway: Correct.

Senator Sharon Keogan: There is more than a whiff of anti-Christian sentiment about it and I wonder if the proponents of this Bill would be so quick to encroach on the faith practices of other major world religions.

The right to protest and assembly cannot be limited to what one wants. The law must treat all equally. The exemption for industrial action in this Bill makes a farce of it. Are Senators saying posters extolling the value of dignity for all human life are to be made illegal but placards, soapboxes and megaphones deployed in the same spot are to be celebrated if they are referring to wages, pensions or holidays? When these zones were being discussed in this House earlier this month, it was said, I think by the acting Leader, there is a very delicate balance to be

struck between free speech and the freedom to demonstrate peacefully and we need to be very careful on that front.

The fundamental purpose of the law is to balance the rights of citizens where they come into conflict, and on that front this Bill utterly fails. The drafters of the Bill, whoever they may be, have no desire to recognise the rights of those with whom they disagree. It is a dangerous voice that tells us to use our power to restrict the rights and freedoms of our opponents and it leads us down an entirely anti-democratic road. It is certainly not a voice I expected to hear in this House. I will be voting against this Bill and I implore all of my colleagues who recognise and respect the right of people to voice their opinions in a free society without fear of persecution to do the same.

Senator Rebecca Moynihan: I welcome the Minister to the House. I will start by paying tribute to a woman we only know as Isabella who died because of the rollback on abortion provision in Poland as a result of a Supreme Court judgment, a woman whose name, like Savita, we should not know. From Texas to Poland, in between and worldwide, reproductive and abortion rights are contested and that is why this Bill is so important. That is why this Bill is so important. Protests outside maternity hospitals or GP clinics are about creating a chill effect. That is the case in America where there were protests and in places like Ealing and Richmond that have safe-access zones. Despite an overwhelming repeal vote, just ten out of 19 maternity hospitals offer abortion services and just 10% of GPs. A total of 375 women still travelled for abortions in 2019. Women also travelled in 2020 and in 2021. All these issues must be addressed urgently in the repeal review. I am disappointed that the process has not yet commenced, although it is November.

I came to the House today to ask the Minister a very specific question and I want a very specific answer. This does not require legislation to pass, as the legislation has already been passed. I refer to Covid legislation and women travelling to access abortion services and being asked to have a PCR test or proof of a Covid test. When seeking terminations abroad, women are undergoing urgent, necessary and radical treatment and they should be exempt under the Covid regulations, which state that a person is exempted when returning to the State after travel to a state for an unavoidable, imperative and time-sensitive medical reason. It is clear in the regulations that abortion services are exempt, yet the Minister has not made a clear statement on it, either in response to parliamentary questions or queries from organisations that help women access abortions. Those travelling for access are expected to get a private PCR test coming back to Ireland if they are not vaccinated. This has to happen within a very specific timeframe in a private clinic. In most cases, the women underwent a surgical abortion as it was after 12 weeks. This adds to the stress and the costs of what is already a very difficult situation. Why is that happening and why has the Department refused to clearly state that access to abortion is a necessary, time-sensitive medical procedure for women travelling? Could the Minister make a clear statement in this House that accessing abortion abroad is an exempted medical procedure under the Act?

Senator Annie Hoey: I want to start my contribution by recognising the tireless work of the Limerick-based group, Together for Safety. It is a very visible, open and transparent group of campaigners who have been fighting hard to get this issue back on the political agenda.

Senator Paul Gavan: Hear, hear.

Senator Annie Hoey: It is a grassroots organisation of activists who have spent their week-

ends, evenings and even break times in their work day to promote this issue. The organisation published a very comprehensive Bill and lobbied us all in advance of this debate in recent months. It is often a lonely station when doing this work. Many of us in the Chamber have been those foot soldiers before, but the group's dedication to it is immense and so impressive.

The Bill, as proposed by Senator Gavan, with cross-party support, is clear and straightforward, legislating to create protest exclusion zones within a defined radius of a facility where terminations of a pregnancy are to take place. It involves nothing more or less. In 2018, the people of Ireland voted overwhelmingly for a more compassionate country which respected the experience of women and pregnant people, and the clinical judgment of doctors, and enabled abortion care to be provided. Three years on, I am still overwhelmed at how strong the "Yes" vote was and by how much the people of Ireland wanted change to our restrictive, draconian abortion laws. As a country, we had enough of years of secrecy, shame, exile and isolation. We demanded that people be able to access reproductive healthcare in this country, and not have our shame shipped across the sea any longer. The Minister was a part of the campaign. I do not doubt his personal commitment to the issue, but he has an opportunity today to put that commitment into action and to follow up on promises that have been made about the legislation.

A vital part of the campaign was for people to be able to access this healthcare in a safe way, and that means not having to face harassment or intimidation. We were promised that legislation would be introduced on safe-access zones, yet three years on, it is still no dice. Dignity and privacy are two things every patient has a right to expect when attending a GP or hospital. It is a bare minimum, and we will not tolerate any less. As it is, abortion is one of the few services that patients already must worry about being provided by their GP. Only 10% of GPs nationally are providing abortion services at the moment. After people decide to avail of abortion, they should not have to face a crowd of people, some of whom they may know from their local area, standing outside their GP's office or hospital, casting judgment on them. This is not okay. This is not fair. I would go so far as to say that it would not be tolerated if it affected any other group of patients. We have a long and sad history in this country of judging and shaming people for their reproductive choices, and this is simply the newest manifestation of that. The protests are designed to deter people from accessing healthcare and to stop doctors from providing it.

The legislation is necessary, and I ask the Minister to put it at the top of his agenda. Safe-access zones were promised. We have let down women and pregnant people in this country for decades. We simply cannot do so anymore. We have more to do in the repeal review and I am sure many of us in this House will engage with the Minister on this review. His predecessor promised on multiple occasions to legislate for this, but he did not. The Minister has committed to this and yet we are still not there. I ask him to put this at the top of his agenda. This is such a necessary piece of legislation. I urge the Minister not to let another year roll by without this being put to bed.

Senator Frances Black: The Minister is very welcome to the House. I am proud to be a co-sponsor of the Bill, along with my Civil Engagement Group colleagues. I commend Senator Gavan on introducing the Bill. I also commend Together for Safety on drafting this important legislation and its advocacy for the introduction of safe-access zones.

As the Minister well knows, following the 2018 referendum to repeal the eighth amendment, where two thirds of voters in Ireland voted for free, safe, legal and accessible abortion, there was a commitment to introduce safe-access zones to protect women and pregnant people from harassment while accessing reproductive healthcare. It has become abundantly clear

since the referendum decision was legislated for, that women and pregnant people, as well as their healthcare providers, would require protection in law from harassment and intimidation. To grant this protection would not exceed any legislative standard, instead it would merely meet the standard that the then Minister for Health, Deputy Harris, promised, as Senator Hoey outlined.

Speaking at the time, Deputy Harris noted how much legislation is necessary to protect both users and staff from distress and harassment when accessing facilities. Despite that acknowledgement, safe-access zone legislation is still not in place and people continue to be harassed on a daily basis as they access health services to which they have a right.

Legislation on this issue was listed in the 2019 legislative programme and the programme for Government, as well as being listed in the 2021 summer and autumn legislative programmes. However, such legislation is yet to appear from the Government. Patients and medical staff have been forced to endure repeated harassment and intimidation when seeking or providing healthcare.

I fundamentally believe in the right to protest. However, a right to privacy is an implicit right in the Constitution, in particular in cases such as the ones we are discussing here. Anti-abortion activities are happening outside hospitals, clinics and GP surgeries across the country on almost a daily basis. These protests include chanting, name-calling and the use of seriously distressing images, as well as props such as small coffins and white crosses. These protests, if we can even call them that, show an utter disregard for the welfare of women and pregnant people, who are at some of the most vulnerable moments of their lives. They deserve our protection to ensure their privacy.

In its submission to the *Universal Periodic Review*, the Irish Council for Civil Liberties, noted that ongoing anti-abortion protests outside healthcare providers aim to deter individuals from accessing healthcare and doctors from providing it. This can cause distress and exacerbate existing social stigmas and cause a serious risk to a range of rights. It is also totally unacceptable that healthcare providers would be subjected to harassment or intimidation in the course of their duties.

We know that access to abortion in Ireland is unequal across the country. I am concerned in particular about GPs in rural areas, as in many cases their family home is attached to their practice and if they face protests it provides a chilling effect on them providing services. Let us be clear; as long as abortion remains inaccessible in Ireland, we have failed to deliver on the mandate given by the public in 2018. This legislation is a concrete step towards realising the democratic mandate for free, safe, legal and local abortion.

8 o'clock

I strongly urge the Government to support it.

At the outset of the Twenty-sixth Seanad, colleagues spoke of how this Seanad needed to be a space where ideas were listened to and implemented regardless of whether they came from the Government or Opposition. Women and pregnant people have waited long enough for an assurance that they can safely access reproductive healthcare. Simply saying that legislation is on the way is not good enough. We have before us legislation that is timely, that addresses this vital issue and that will ensure that women and pregnant people can safely access reproductive healthcare without intimidation or harassment. It is an emergency for people experiencing cri-

sis pregnancies and for healthcare providers and we need to act now. I urge the Government to engage with the sponsors of this legislation so that it may be enacted urgently. We cannot have further delays in the realisation of rights for women and pregnant people. They have waited long enough.

I commend the Bill to the House.

Senator Lisa Chambers: I thank the Sinn Féin group for introducing this legislation and giving us an opportunity to discuss the issue. I commend Together For Safety on its work in putting this legislation together, bringing the issue to the floor of the House and making sure that we do not forget our obligations as legislators to deal with it.

Senator Clifford-Lee mentioned our recent trip to Poland on behalf of the all-party Oireachtas group on sexual and reproductive rights. It was a surreal experience. One almost forgets how fraught and difficult the campaign was in this country and how it lasted for 35 years. In some ways, Poland reminded me of what Ireland was like 20 years ago. That is how much it has regressed and how scary a place it is to campaign for such issues. Women spoke to us about being intimidated while they were peacefully protesting and the heavy-handed approach taken by law enforcement. They were concerned that someone would die as a result, which has happened since we returned to Ireland. The situation in Poland is worrying. In some ways, it was uplifting to be able to talk about the Irish experience of what we went through - the Citizens' Assembly, the cross-party Oireachtas Committee on the Eighth Amendment of the Constitution, of which I was a member, and the people's vote in the referendum that provided for abortion services with a two thirds majority, which was a resounding yes vote. The response we received from parliamentarians in Poland was that ours was an uplifting and positive story from what was considered to be a predominantly Catholic and conservative country. We managed to turn the situation around even though it took a lengthy campaign.

We are on the next step now, though. We have abortion services, but we do not have full access across the board and there is a level of intimidation outside where services are being provided. Senator Keogan referenced some of my comments in this Chamber regarding the need for a balancing of rights. She is correct, in that I did say that, but it would have important to give my full comment because there was context to what I said. I believe that the enacting of legislation for safe access zones is the correct balance to strike. Whatever we do, we are always balancing rights. It is about striking the right balance. There are peaceful protests, but as Senator Black outlined, when people are standing outside a clinic or hospital holding a small coffin or white cross, it is intimidating. It is not there to reassure or be pleasant to an individual. Rather, it is intimidation. It is the right of every citizen to challenge the laws of this country and the policies of the Government. If people have issues with how we are doing things, they can protest outside Leinster House or the offices of policymakers and lawmakers. Do not protest at innocent citizens who are accessing services that are legal.

Senator Niall Ó Donnghaile: Hear, hear.

Senator Lisa Chambers: That is the wrong place to go. This is just my opinion and I appreciate that others will disagree.

This is an important matter. I know from speaking to the Minister about it numerous times that he is fully committed to delivering the legislation. I hope I am not taking liberties, but I believe we were under the impression that the legislation was further along before he took office.

That impression was certainly given by the previous Minister. In reality, the current Minister was effectively starting from scratch when he entered office. To be fair, there has been much happening in the past year and a half in terms of the pandemic-----

Senator Martin Conway: The-----

(Interruptions).

Senator Lisa Chambers: -----and the Department has been extremely busy, but that is not to say that there is not full support for the legislation. It is in the process of being drafted, which is important. The situation would be very different if the legislation was not being advanced, but the Government is committed to doing so and will do it. That is important. Ultimately, it does not matter how we get there as long as we get there.

There is a sense of urgency around this matter. Senator Moynihan highlighted the challenges being experienced by women because of the lack of legislation of this type. It is important to acknowledge that there have been delays, but I wish to reassure not just Senators, but the public watching this debate, that there is a strong and genuine commitment to delivering safe access zones so that women and their partners and families do not have to deal with what they are currently dealing with. I am not suggesting that all people who have an issue with abortion services are engaging in intimidation, but when we ask ourselves what harassment and intimidation are, it comes down to the subjective view of the person who is experiencing it. The person protesting might feel that he or she is doing so peacefully and does not intend to intimidate, but what matters is how the person who is the subject of the protest feels. If that person feels intimidated, then it is intimidation. It is important that we look at it from the perspective of the person experiencing the intimidation. People in that position are already dealing with quite a lot. It is an emotional and vulnerable time and people have thought long and hard about it. The last thing they need is anyone questioning their judgment when they are already at that point.

The Seanad and the Lower House have debated the provision of services. Services are being provided and, for now, that debate has concluded. This legislation is about ensuring that we allow people to access those services in all parts of the country. We are yet to achieve full access across the country. There are particular difficulties in rural areas that we need to address. I believe that the situation will improve over time, particularly as the next generation of general practitioners enter general practice. I have no evidence to back that up - it is just my opinion.

I wish the Minister well in his work. He will have the support of the House in dealing with this matter. It is something to which he is firmly committed. I thank him for attending to listen to our debate.

Senator Mary Seery Kearney: At the ungodly hour of 9 a.m. last Sunday, I had my first experience of being a sideline mom at a match. I cheered on as six-year-olds played as they do, that being, not very well; but they did play. A woman beside me had a three-year-old child with her. My husband and I looked around. We thought that the little girl was gorgeous and said she was lovely. The mother told us not to judge her. I wondered what she meant, but the little girl was watching “Peppa Pig” on a phone. I told the woman there was no judgment and that we had all been that soldier.

We ended up having a conversation about the experience of being judged and the presump-

tion of judgment. We related our experiences as new mothers of people coming up to us, commenting if we were not breastfeeding or about the clothes our children were wearing and saying the things people think they are entitled to say to others. They put their own opinions and judgments out there without any consideration for others or respect for their autonomy.

That sense of entitlement to comment becomes an aggressive entitlement when one is standing outside a service that any woman is legally entitled to get, that is, walking into a GP's practice or maternity hospital to access termination services. How dare anyone decide that he or she can go up and pray into a woman's face, shout rosaries at her and hold up obscene photographs to try to shock and shame her? The generations which shamed women are over. That ended when we voted. As a society, we made a democratic decision to permit terminations. We had a mature debate and it took us a long time to get to the table and make the decision, but we did. Therefore, anyone who has the right to access that service legally also has the right to do so without being coerced or told what choices they should make with their bodies, what services they should access and how they should think by those who are doing so based on their own morality rather than on the medical ethics and entitlements that obtain in our State. The idea of the right to protest is a Trojan horse for intimidation and coercion. That is all it is. It is using our civic right to protest. People should do so outside the Dáil, constituency offices, political party headquarters or appropriate places and zones.

An appropriate zone is not the one a woman needs to go through to access a service when she is already vulnerable and in a position where she needs to be given the freedom to go. Those protestors will not be there after they have coerced and intimidated women to have to go abroad because the service is not available in rural Ireland or not to go at all. They will not be there to pick up the pieces; they never were and they still are not. They are still not paying the bills for the intimidation and control of women over generations in this State. They are still not coughing up the money for that and there is no sign of them coming forward over the mother and baby homes either. How dare anybody decide on the right of bodily integrity for any woman in this State. We have passed that point and we are a mature nation that allows women to decide on their bodily integrity and autonomy. How dare we interfere with that right.

I congratulate Senator Gavan and the Sinn Féin group on bringing this Bill and I congratulate those who signed and supported it. This gives us the opportunity to have the debate, air our positions, agitate for the legislation to be brought forward, consider whatever legislation is still there and how that needs to be enhanced and all of that. That is very important. We have had enough of telling people what to do. At the point where they are crossing that threshold, they need to be left their privacy and the right to attend their doctor, as does everybody else who is attending that doctor. I have seen the protests outside the National Maternity Hospital, Holles Street and the clinics in Goatstown. It is an obscenity and coercion and it should not happen. Shame on anyone who thinks he or she has a right to intimidate up that close with such graphic props like photographs and white coffins. I have been one of those women who has crossed that threshold and gone in with my baby's heart no longer beating for a dilation and curettage procedure. I would not want to come out and see white coffins; it is shameful.

I support the Bill and I know the Minister will be bringing forward legislation quickly. It is important we do so now. We need to protect and support the women and we also need to support the practitioners around the country who would wish to provide the service and who currently feel disabled from doing so. That time is over.

Senator Rónán Mullen: I welcome the Minister to the House and I will pay attention to

his response and to the other speakers after me, although unfortunately I cannot be here for the remainder of the debate because of another commitment. I am not just here to defend the right to protest in a range of circumstances but I am also here to defend decent people who want to save lives. Listening to Senator Seery Kearney, I was thinking of an organisation I am aware of and support called Community Connect, which reaches out and in practical ways supports women who find themselves experiencing difficulty during pregnancy. It is also there for women who might regret their abortions and who need other kinds of support, without ever judging anybody because none of us ever has the right to judge anybody else. It is entirely legitimate and worthy to seek to save lives and to affirm the lives of both women and their unborn babies, and that will continue.

This legislation is not constitutional and it is not legally necessary as there is legislation in place to prosecute and punish anybody who would intimidate or harass people. The Garda Commissioner has said as much not too long ago. The reality is that because of the nature of abortion in this country, we do not have abortion clinics *per se* as there are in other countries, so there is not that direct recognisability between people who want to witness to the dignity of the unborn life and to posit alternatives to abortion and people who are going into hospitals or clinics for a range of different reasons. I am afraid this legislation ultimately seeks to demonise people who want to offer positive alternatives to abortion. It is an attempt to deny there is a legitimate human rights argument in favour of protecting the unborn baby as well as a mother's health and well-being. That counter narrative will always be there as long as abortion is legal in this country.

This legislation is about driving the abortion agenda forward, lest it go backwards, as people wonder about the fact we have an increased number of abortions, with more than 13,000 lives lost since the legislation came in. That is an increase of between 40% and 75%, depending on how one calculates it, on the rate of abortions that would have been taking place, judging by the figures the Government supplied prior to the 2018 referendum. There are questions about the failure to guarantee precautionary pain relief where terminations of pregnancy take place in late pregnancy. There is also a refusal to provide that women would be offered an ultrasound as part of the counselling that is available. All of these things could, in a non-coercive and non-deceptive way, offer people real and positive alternatives to abortion in an attempt to save lives and continue to support women. However, all this is to be denied because there is a desire, not just to nail down abortion services and ensure they expand and continue, but to deprive those who would try in any way to offer an alternative point of view or an alternative source of hope and healing.

As I have said, this Bill is clearly unconstitutional and its sponsors and the Government know it. That is the simple reason that three years have passed since this legislation was promised and it has not appeared. The Department of Health has produced thousands of pages of legislation, statutory instruments and guidelines in the past three years but we are expected to believe that in that time it could not produce a simple two-page and five-section Bill on this topic, rolling the issue on and on. The simple reason for it being stalled is that the Government and the current and former Attorneys General cannot square this proposal with the constitutional right to freedom of assembly, which it clearly breaches. The Government cannot admit this because it has politically sold its soul to pro-abortion groups and NGOs, which it funds and which want this legislation. The Government is terrified of a backlash from them.

The Minister seemed to indicate in a series of responses to questions from Deputy Cairns in the Dáil before the summer that the plan to legislate had been abandoned. There was an outcry

by groups against that and the Minister dutifully got back into line and repeated the three-year commitment. With the greatest of respect, that political approach and discrediting of what our Constitution requires brings our legislative process into disrepute. Article 40 of the Constitution “guarantees liberty for the exercise ... subject to public order and morality ... of the citizens to assemble”. This Bill would target the constitutional freedom of assembly of a specific group of people. We heard Senator McDowell today in another debate talking about how the Supreme Court struck down legislation on the basis it targeted a specific group of people and did not apply generally. This legislation would do the exact same thing and target a specific set of venues, namely, the ten hospitals which provide abortion services. None of this is permissible under the Constitution because everybody has the right to assemble peacefully and make their point.

Members have talked about Poland. Poland and places in America are the reason abortion proponents are worried because people there are starting to think about the humanity of the unborn. No woman could or should lose her life as a result of the legislation in Poland, which has a clear life-saving provision. I saw this with the tragedy of the Savita Halappanavar case as well. People tried to make the claim it was about Irish law, which clearly contained protections for women, but because of a misadventure in a hospital it gained political impetus. We have heard nothing about the tragedy of what happened to baby Christopher in the National Maternity Hospital, Holles Street. What about the fact the law which was crafted and voted for by many Members here led to a misdiagnosis and the loss of a child’s life? Will the politicians who campaigned for that extreme abortion law take responsibility for the loss of that child’s life? That was a consequence of an overly permissive law and one hears nothing about it.

When the 1983 referendum was passed, the third of the population who were on the losing side were never denied their access to the airwaves and they were never denied their voices being heard. It seems, however, as though the one third of people in this country who expressed their belief that the unborn deserve to be protected, in addition to the mother, are expected to go under a rock, disappear from the airwaves and are not allowed to express their views respectfully and in public. That is what is going on here. That is not good for our democracy or for mothers and their unborn children. I hope it will stop.

Senator Ned O’Sullivan: This a very important debate and I commend Senator Gavan, his colleagues and the other signatories to the motion. There is something déjà vu-like about speaking immediately after Senator Mullen and disagreeing with him. I do not know if I have the stomach for much more of this at my age because I tend to agree with the Senator on virtually every other standpoint that we share.

Three years ago, the Irish people went to the polls and made an emphatic decision. I thought that decision was settled for the remainder of my political lifetime. I regret we have to debate the issue again so soon. I only hope that it will not give rise to the emotional extremism we always experience when we debate something to do with abortion. I just hope the debate will be civil and carefully worded. I played a part in that last campaign along with Senator Chambers. I was on the Oireachtas committee that brought forth the wording of the motion that was put to the people. That is why I am in the Chamber tonight because it has had consequences. To paraphrase my fellow county-man, The Ó Rahilly, if you are going to wind the clock, you had better be prepared to hear it strike.

There is no shortage of free speech in this country, thanks be to God. There is total freedom of expression in this country. Do the people who are on the street shouting, megaphoning and all the rest of it, ever appreciate that those freedoms do not obtain in countries such as Russia,

China, Cuba, North Korea and now, apparently, Nicaragua, sadly? I often wonder if people take it for granted that we have the right to express ourselves like that, which we do. The movement towards people power has a good history in this country. It was Daniel O'Connell, all those years ago, who called monster meetings and managed to put major pressure on the Tory government of the time. It was very effective. We paid tribute this morning, rightly so, to the late Austin Currie. He, John Hume, Seamus Mallon and all those other great people in the early civil rights movement in the North effected major change by bringing people out onto the street and through people power. As I said, they did not have to shoot or kill anybody in doing so.

Free speech is available in this country. The right to protest is important, once it is not abused. We sometimes see it abused, most remarkably in the terrible way the then Tánaiste, Joan Burton, was blaggarded in Jobstown by an absolute mob, when she and her young female assistant were locked into their cars for a number of hours. It was a horrendous thing, especially for anybody like me who suffers from claustrophobia. The right to protest can be abused. We have seen that on television at night with different protests.

While it may not be as extreme an instance as the one I referenced, what is going on at the hospitals is very regrettable and has to stop. I speak for myself, but if I am going into hospital, even for a routine procedure, I am not a happy camper. I am nervous, worried about getting injections, what the pain level will be like and, maybe, what will show up. Imagine going into hospital, having come to what is probably the biggest life decision a person will ever make, which is something as important as terminating a pregnancy. I just cannot imagine what it must be like for those individuals, having come to that decision, I am sure in consideration with their partners and so on, to then have to run the gauntlet of people who are, in their view, morally educating them on the rights or wrongs of their decision. Protest and free speech are important. It is great that we have them in Ireland, but they have been both well used and abused. I believe this is an abuse.

Senator Fintan Warfield: I am sharing my time with Senator Ó Donnghaile.

Acting Chairperson (Senator Sharon Keogan): Is that agreed? Agreed.

Senator Fintan Warfield: I commend those who have drafted the Bill. Together for Safety was set up by a group of women in Limerick in response to protests at their local maternity hospital. Members of this group are not faceless. NGOs and civic society groups play an important role in our democracy. On this narrative of a policy capture, people have campaigned on social issues for decades in this country and now, all of a sudden, there is a policy capture when we start to make progress and the empathy of the Irish people becomes clear and is allowed to flourish. I commend the broad coalition of people who have backed the Bill, from all parties and none, and those who co-signed it. I commend my colleague and comrade, Senator Gavan, on all his work in making the case and ensuring that we in Sinn Féin use our time to debate this Bill.

During the debate, it struck me that at pride protests, when we are busy sharing our love with the city, we pass counter-protests telling us to repent and so on. I have never once taken issue with those people. I am too busy sharing my love with the city to take issue with people calling on me to repent, but I have a real issue with the ability of people to access healthcare in their local community, which the Irish people voted for, being prevented and interfered with. I also have a real issue with women being distressed, stressed out and traumatised by people when they access services. These protests have a chilling effect on the provision of services.

All we are asking for, if protests take place, is they do so from 100 m away. That is the size of a football pitch. We are not infringing on people's right to protest. As political activists, protest is a core tenet of our democracy for all of us. I add my voice to the support for the Bill.

On the other recommendations of the Committee on the Eighth Amendment of the Constitution, I commend the Minister on the allocation of funding for contraception for women and girls aged between 17 and 25. Is there any chance this can be rolled out before August 2022? Is it the Minister's hope, in future budgets, that this will be available to all women and girls who ask for and need it?

Senator Niall Ó Donnghaile: Cuirim fáilte roimh an Aire. Gabhaim buíochas leis an Seanadóir Gavan agus le Le Chéile don Sábháilteacht, atá lonnaithe i Luimneach, as an Bille seo a chur le chéile dúinn. I do not have a great deal more to say beyond what my colleagues arguing for this Bill have had to say thus far. They have made a compelling case and some have reflected on their own personal experiences. I am very conscious of that. I thank them for sharing those experiences and stories because it gets to the real crux of why this legislation is, unfortunately, required. At the heart of this is keeping people who are pregnant and who are accessing healthcare safe. Sin é. That is what it seeks to do. No one is seeking that diminish the right to protest. I will defend that right with every fibre of my being. However, as colleagues have said, some people are taking a protest deliberately to a place where vulnerable people are trying to access healthcare in private pertaining to their own personal medical requirements and their own lives. Why would these protesters do that? Why would they even want to do that? What would drive them to go and stand outside a healthcare provider, sooner than standing outside the gates of Leinster House, which is the far more appropriate location, in my opinion?

I want to take issue briefly with some of what was said earlier on about the Together for Safety organisation. If one goes on their Facebook page, which is open and public, it becomes apparent fairly quickly that they are not faceless. They stand proudly in public. They have had their photos taken launching this Bill, appropriately again, outside the gates of this building. I was here in the last Seanad, in the run up to the repeal legislation. Believe me, I had lots and lots and lots and lots of anonymous and, at times, extreme correspondence sent to me. I know faceless organisations and faceless lobby campaign groups when I see them. Together for Safety does not meet that description.

I also welcome the fact that this Bill, which will hopefully pass tonight, comes on the back of a similar Bill that passed on Second Stage in the Assembly in the North. This is an all-Ireland issue. Women's healthcare and healthcare more generally is an all-Ireland issue. It is important that we approach it in that regard. Until all of these designated zones are safe and all of these healthcare providers and facilities are safe, unfortunately the tragic reality is none of them will be safe. We have to ensure we work collaboratively and together to ensure access to healthcare is safe throughout the Thirty-two Counties.

Le bheith ionraic, is é sin mo mhéid ar an díospóireacht seo. I think colleagues have articulated the rationale for this legislation well. I understand and appreciate fully that there are differences of opinion in this House and indeed outside it. However, I hope that none of us is approaching or will approach each other with any hostility or any thought of intimidation. We value the fact that we have different opinions and are allowed to express them here peacefully, democratically and in the full knowledge that we will not be subject to that kind of intimidation or threat. I hope we can get to the point where women and people who are accessing healthcare are able to be as confident and assured in their safety when accessing it.

Senator Paul Gavan: Well said.

Acting Chairperson (Senator Sharon Keogan): I thank the Senator. As there are no other speakers, I call the Minister to make his statement.

Minister for Health (Deputy Stephen Donnelly): Nobody should be harassed, insulted, intimidated or interfered with in any way when accessing healthcare services in our country or anywhere else. That applies absolutely to pregnant women who are accessing termination of pregnancy services. I welcome the publication of the Safe Access to Termination of Pregnancy Services Bill 2021. I would like to begin by thanking the Senators involved for their work on it. Their commitment - and indeed the commitment in most parts of the House, based on tonight's debate - to highlighting this issue has been significant. It should be applauded and commended. I would like to thank and pay tribute to Together for Safety and the many voluntary groups around the country that are working and advocating on this issue. I would also like to restate my commitment to ensuring we provide safe access to termination of pregnancy services. I assure Senators and the House that the issue is a priority for me as Minister and for this Government.

It is important to recognise that the Senators supporting this Bill this evening and the Government are in the same place on this issue. This is a lawful service, which the majority of people in this country voted in 2018 to allow. Nothing should get in the way of that service being accessible. We all want to protect the people who need access to termination of pregnancy and our healthcare staff who work to provide these services. None of us wants to see these violent and intimidating protests outside our hospitals or our GP practices. None of us wants our service providers and our patients to be intimidated or to be fearful. I would like to take a moment to thank all of the practitioners who have worked through the pandemic to ensure these services continue to be provided without interruption.

I am fully supportive of the spirit and the intent of the Bill being debated this evening. I do not intend to oppose it. However, there are legal concerns about the provisions of the Bill, as currently drafted. I am advised that it could cause significant legal difficulties and may have unintended consequences for the operation of existing public order legislation. For the reasons I have covered, I will not be opposing this Bill. However, in order to ensure the quickest and most legally robust route to achieving our aims, I plan to have proposals for safe access on the legislative programme very soon - indeed, in the coming spring session. That would mean that the heads of the Bill would be produced. I will bring them to the Government. If I succeed in a Government decision, which I would hope to do because it is in the programme for Government, we will bring that to the committee for prelegislative scrutiny. Then all of us in the Oireachtas can work together to move the Bill through the legislative process and into law as quickly as possible. It was in September of this year that I listed this legislation for priority drafting by my Department. I hope we will have support for it. While the legislation we intend to bring forward in the spring will not have the support of everyone, I hope it will have the support of the Senators who are supporting this Bill this evening. Obviously, we should have a good and thorough debate and examination of that Bill when it is introduced.

As Senators will be aware, it was originally hoped to include provisions on safe access to services in the Health (Regulation of Termination of Pregnancy) Act 2018. However, the Department advised at that time that some complex legal and policy issues had been identified which necessitated further consideration. Prime among these are the constitutional and human rights issues which could be infringed upon should peaceful protest be prohibited. Freedom

of peaceful assembly, freedom of association, freedom of expression and freedom of thought, conscience and religion are fundamental rights in a democratic society. They are fundamental rights in our society. We have significant human rights commitments and obligations, both domestically in the Constitution and of course internationally. This means that there is a delicate balance to be struck in devising new legislative provisions to curtail rights in this area.

Given the delicate balance that needs to be struck, my officials are currently drafting legislative proposals and consulting other Government Departments and An Garda Síochána to find the best way to provide for safe access. I want this to be expedited and I have made this clear to my officials. I have also had discussions on the matter with the Attorney General. I want to assure the House again that it is my intention to introduce legislative measures as soon as possible. While I do not oppose the Bill before us, and indeed I support its spirit and intent, I have been advised of some concerns. I would like to cover them briefly now. They are being addressed through the drafting process in the Department.

First, the definition of “designated premises” set out in section 1 of the Bill suggests that 100 m safe access zones would apply to all premises that provide termination of pregnancy services, as well those providing or advising on contraception services. Within the 100 m zones no protest either for or against termination of pregnancy or, indeed, contraceptive services, would be permitted. It is a very broad definition. It would cover GPs, family planning clinics, primary healthcare centres and hospitals. It would also apply to pharmacies as they commonly dispense contraception and provide advice in regard to contraception. It might also extend to other premises which sell, supply or give advice about contraception, such as student unions, welfare offices and schools. It has even been suggested it would cover pubs which have condom vending machines in their toilets. Given the number of such premises in any given town or city, the application of a 100 m zone would have a serious impact on the ability of anyone to hold a protest for or against termination of pregnancy in any location without the risk of inadvertently committing an offence.

The establishment of 100 m safe access zones around all premises that provide termination of pregnancy and-or contraceptive services also presents a legal frailty in the Bill, as there is no public list of sites where these services are provided. This means that a person could argue that as the State has not confirmed which sites provide such services, that person cannot reasonably be on notice of how he, or she, may be breaching the law, which is a key requirement of criminal law. The HSE My Options programme holds a list of termination of pregnancy service providers who have agreed to share their details with patients seeking to access services. However, inclusion on the list is voluntary and many providers prefer not to be listed, and for some of the reasons we have heard debated this evening. The creation of a publicly available list is likely to deter some practitioners from providing services or cause other practitioners to withdraw the provision of services. It is essential that we develop a culture where termination of pregnancy services are accepted as part of standard healthcare provision so that that woman can access termination services across the community and hospital sectors.

There is concern that there are no enforcement powers included in the Bill. For example, it does not provide powers for An Garda Síochána to direct people to immediately leave the area or to arrest any person failing to comply with such a direction. This would have serious implications for the implementation and enforcement of the legislation by An Garda Síochána.

Since the commencement of the Health (Regulation of Termination of Pregnancy) Act 2018 in January 2019, termination of pregnancy services have become established and have become

part of the Irish healthcare system in line with Government policy. However, we are all aware of reports of protests which have caused real distress to those accessing and providing services. We heard some very important and powerful testimony this evening from Senators with regard to women who have been affected in very serious ways in this regard. These are a cause of concern. They are completely unacceptable. Nobody should be blocked or denied safe access to lawfully provided services and no healthcare provider should have to deal with this intimidation.

I am committed to ensuring that anyone needing a termination of pregnancy can access services in safety. As I said, this is a priority for me and I intend to introduce the necessary legislation in the next Oireachtas spring session, that is, January to March 2022. It is important that such legislative provisions are implementable and enforceable, that they will stand up to any legal challenges that might be brought against them and that they do not cause any unintended consequences for existing public order laws.

I want to assure the House that my officials are currently working hard to find the best, most robust way to provide for safe access. My Department is also continuing to work with the HSE to ensure that all women in Ireland can access this service quickly and easily, without bias or judgment. We want to continue to provide a compassionate and dignified termination of pregnancy service. The most important thing is that women accessing this service can do so with certainty of the quality and safety of the care they will receive.

Our country has fallen far short of its obligations to women for a very long time. That applies in healthcare as much as in any other sector. As I have said previously, we do not need marginal improvement in women's healthcare, we do not need things to get a little better one year at a time, we need a revolution in women's healthcare. That means better services, more choice and more services. This applies in respect of maternity, gynaecology, fertility, menopause, contraception, mental health, endometriosis and much more. We will be launching a women's health action plan next year, which will cover these areas. We got off to a good start this year. We need to do more as quickly as we can. It also means safe access for women to these services. That is what this Bill is about. It is what this debate is about. It is a priority for so many people who have spoken tonight and for so many people who are watching this evening's proceedings. I want to assure Senators that we will be debating a Bill in the spring session, which, I hope, we can pass as quickly as possible through the full legislative process and provide the safety that is required.

Senator Paul Gavan: I thank all contributors to the debate. It has been, for the most part, a reasoned and powerful debate. I am struck by the personal testimony of a couple of speakers in particular. I thank them for their courage in speaking out so strongly this evening.

In the five minutes available to me, I will try to deal with a couple of the points raised. I will start with the unfortunate reference to my friends and colleagues in Together for Safety as a faceless campaign group. I have known these fantastic campaigners for many years. We soldiered together through the referendum on repeal of the Eighth Amendment of the Constitution. They are some of the most inspirational people I have ever worked with. They have built a nationwide campaign on the back of a courageous call to stand up for women's rights and to fight to equality. I am very proud to be associated with them. They are far from faceless. As mentioned by my colleague, Senator Ó Donnghaile, they were outside the gates of Leinster House a few weeks ago. They are among the finest people I have ever worked with. It is disappointing to hear that type of reference made in this House. It is clear the Senator con-

cerned simply does not know anything about the group. That type of comment is unacceptable.

I would like to raise with the Minister the very important point made by my colleague, Senator Moynihan, with regard to abortion being covered as an emergency medical treatment for the purpose of travelling. That is an important issue. The Minister did not respond to Senator Moynihan on that point. I accept that he had a number of points to cover and that he might not have had an opportunity to respond to Senator Moynihan, but I am happy to give way to him if he would like to respond on that point now.

Deputy Stephen Donnelly: I will need to consult and come back to the Senator on it.

Senator Paul Gavan: Fair enough, but please do because it is an important point. A number of Senators referenced the backdrop to what we are experiencing here. I want to speak openly. As Senator O'Sullivan and others will be aware, I was also a member of the Joint Committee on the Eighth Amendment of the Constitution. It was a wonderful moment when we achieved repeal but, to a degree, I feel cheated because we have not seen the implementation of repeal in the manner it should have been implemented. As referenced, only one in ten GPs provides services. We know that almost half of all maternity hospitals do not provide termination services. There is a direct link to the chilling protests and subtle coercion, sometimes not all subtle coercion, that is being practised by these campaigners. I would make the point, respectfully, to the Minister that we can do something about it, and we should do that. There is a lot of work to be undertaken but if we could take this step in terms of engaging with this Bill to move it forward and to establish safe access zones that would be a great job of work. Hopefully, the Minister will acknowledge that all of us have tried to do this on a non-party political basis here this evening. We are trying to do what is right. We are trying to reach for the common ground. The Minister asked if we would work him in regard to his Bill. Absolutely, we will do so.

Senator Martin Conway: Hear, hear.

Senator Paul Gavan: However, we do not have that Bill at the moment. I ask the Minister to work with us on the Bill before the House. I appreciate that he has made some constructive comments in regard to the Bill. I am the first to admit it is not perfect, but it has been well drafted. In terms of the issues raised by the Minister, we should constructively engage on them. Will the Minister engage with us? I propose to write to the Minister tomorrow requesting a meeting with him and his officials where we can go through this Bill drafted by Together for Safety and, if necessary, amend it and make it practicable. The people watching at home will wonder why it has to be a Government Bill. We have spoken previously about how the Seanad can work collectively and this is probably the best opportunity we will have this year to do so. I say to the Minister, respectfully, let us work together with this Bill. While we would work very constructively with a Government Bill, to be frank we do not have one from him just yet but we do have this Bill and women have already been left waiting too long. Again, I reference the harrowing testimony detailed by Senator Boylan. I wonder if some of the speakers in this debate did not listen to that because it made it very clear that something very wrong is happening outside our maternity hospitals right now. There is something deeply wrong happening. I was very struck by Senator Seery Kearney's point about being judged. That is what is happening but it should not be happening outside our hospitals.

The constitutional balance to which the Minister refers is, of course, important but as I referenced, we have safe zones in this country around our polling stations and no-one has ever had an issue with them. The possibility exists to make progress on this Bill and I ask the Minister

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to work with us. We will work with him but this Bill is live here this evening. It is on Second Stage and with his support, it will pass Second Stage. We want to get it to Committee Stage, to engage with the Minister on it and make it better and stronger. Above all, we want to act in defence of women and pregnant people, and put an end to this nonsense, this poison, that is outside our hospitals at the moment. Let us show the people watching that we can do this.

Senator Lynn Boylan: Hear, hear.

Question put and agreed to.

Acting Chairperson (Senator Sharon Keogan): When is it proposed to take Committee Stage?

Senator Paul Gavan: Next Tuesday.

Acting Chairperson (Senator Sharon Keogan): Is that agreed? Agreed.

Committee Stage ordered for Tuesday, 16 November 2021.

Acting Chairperson (Senator Sharon Keogan): When is it proposed to sit again?

Senator Martin Conway: Tomorrow at 10.30 a.m.

The Seanad adjourned at 8.52 p.m. until 10.30 a.m. on Thursday, 11 November 2021.