



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Dé Céadaoin, 17 Samhain 2021

Wednesday, 17 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 Senator Rebecca Moynihan that, on the motion for the Commencement of the House today, she proposes to raise the following matter:

The need for the Minister for Education to make a statement on classroom capacity in Irish primary schools, which is above the EU standard.

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

The need for the Minister for Education to provide an update on the acquisition of a permanent site for the new Educate Together secondary school in Gorey, County Wexford.

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

The need for the Minister for Health to implement a new national men's health action plan in the context of International Men's Day on Friday, 19 November 2021.

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

The need for the Minister for Housing, Local Government and Heritage to make a statement on the supports to be provided to Longford County Council following the loss of commercial rates as a result of the closure of Lough Ree power station.

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

The need for the Minister for Health to provide an update on the provision of Saturday morning medical cover in Clonakilty, Skibbereen, Rosscarbery, Enniskeane and Kinsale, County Cork, during the current dispute between GPs and the HSE.

I have also received notice from Senator Sharon Keogan of the following matter:

The need for the Minister for Children, Equality, Disability, Integration and Youth to

make a statement on the proposed inclusion of gender identity as a protected ground under the review of the equality Acts.

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

The need for the Minister for Education to provide an update on secondary school places in Kildare South.

Of the matters raised by the Senators suitable for discussion, I have selected those raised by Senators Moynihan, Byrne, Kyne and Carrigy and they will be taken now. The other Senators may give notice on another day of the matters that they wish to raise.

Nithe i dtosach suíonna - Commencement Matters

School Accommodation

An Cathaoirleach: I welcome the Minister for Education to the House and thank her for taking time out of her busy schedule in the Department to take the first matter, which has been raised by Senator Moynihan.

Senator Rebecca Moynihan: I welcome the Minister to the House and thank her for taking this matter. I understand that at the moment, given the current Covid numbers, she is particularly busy with managing the opening of the education and school system and keeping it going. I pay tribute to her and teachers throughout the country, who have kept schools going. One of the most important issues relates to keeping children in school, and the impact of lost days is significant, not least for kids in my area and from disadvantaged backgrounds.

I raise the issue of capacity within the school system, with a particular focus on St. Patrick's National School in Chapelizod. The school building has enough space for only one classroom per class. There are three small special-needs rooms but there is not space for a specialised autism spectrum disorder, ASD, unit, which the school's principal believes are becoming increasingly necessary within school settings. The school is oversubscribed by approximately two times. There are 70 applications for the junior infants class each year. The school can take 30-something pupils and at the moment is at capacity, with 36. The yard space is limited given the number of children in the school and the size of the yard precludes the option of an extension for the school for anything else. Moreover, its location on a three-way crossroads makes it difficult and dangerous for the children coming to school.

In light of these constraints, limitations and the potential for the expansion of the school to take in a sufficient number of pupils from the catchment area, a site has become available across the road, opposite the old school post office. I understand a compulsory purchase order, CPO, for the site is being processed. I accept the Minister will not have a direct answer during this debate, but she might follow up within the Department to engage with Dublin City Council with a view to purchasing the site for the development of the school across the road. It would keep the school within the local area, with enough space for pupils from the catchment area, and allow it to expand. It would also allow it to include an ASD unit and, potentially, to run a

number of additional classes. The school building is 50 years old and expensive maintenance is required. An application has been lodged for a grant of €300,000 to fund the replacement of old windows and frames. That was submitted two years ago but appears to have stalled. There is an expensive maintenance cost in the upkeep of an old school building that is too small and is not fit for purpose.

Will the Minister and her Department engage with the principal and Dublin City Council with a view to allowing the school to move to a safe site just across the road that will allow for expansion to serve the educational needs of children within the local area, including through an ASD unit?

Minister for Education (Deputy Norma Foley): I thank the Senator for the opportunity to speak with her today. I express my gratitude for her very positive comments on the school sector and Department. She is correct that a significant body of work has been undertaken by the entire education sector to ensure our schools could operate safely and continue to operate. It is a significant achievement that today I can say that we in the education sector cater for 1 million students in 4,000 schools with 100,000 staff. They are not operating without challenges in particular areas, and we are conscious of that. Significant resources have been provided for schools so that they can operate. I have been consistent in my view that resources are significant but they would be of no value if the goodwill and generosity was not available on the ground to implement them. We have seen that in abundance in the education sector. It is a positive reflection on society that schools continue to be supported to operate.

On St. Patrick's National School and the issue the Senator raised, the specific school was not flagged with me in advance. If it had been flagged in advance, I would have had a more specific and detailed answer for her. I will commit to her that engagement will be provided by my officials regarding a specific update on the school.

In general terms, we have a very significant building programme within the Department of Education. The provision of new builds and additional accommodation, as required, is all provided for. Even during lockdown, the school building programme continued. It always continues, with the collaboration of and close engagement with patron bodies and schools. The Senator referred to local authorities, which have been very helpful and have engaged with us positively in advancing specific education needs in specific locations. We have benefited very much from the proactive engagement of the partners in education. I acknowledge that local authorities have played a role where necessary.

In respect of St. Patrick's National School, I am happy for my officials and the Department to examine the matter. I will revert to the Senator in due course with an update.

Senator Rebecca Moynihan: I thank the Minister. I understand her comments. I did not frame the Commencement matter in a specific way because such matters are sometimes ruled out of order. I also did not expect it to be selected for that reason. I understand that I sprung the issue on the Minister. I will email her and the Department after this debate. We can continue the engagement because I do not expect a specific answer, given that I did not flag the issue in advance. I thank the Minister for her engagement.

Deputy Norma Foley: I thank the Senator and appreciate her absolute honesty on the phrasing of the question. I assure her that the Department will be very open to receiving an email regarding the issue she has raised.

Schools Building Projects

Senator Malcolm Byrne: I thank the Minister for coming to the Chamber to take this Commencement matter. We are very fortunate that she announced we would have approval for a third new second level school in Gorey. I know from engaging with her that she took an interest in this issue. Educate Together became the patron body for the school. We are now fortunate in Gorey to have three excellent second level schools, Creagh College, Gorey Community School and the new Educate Together school, under a great team led by principal, Conor Berry. I was fortunate to have visited the school. It has a student council up and running, even though it is only in its first year. It has a very active school community.

As the Minister knows, the difficulty is that the school is located in a temporary site in Creagh in Gorey. That means the current students are disadvantaged in that they have no, or very limited, access to practical classes. In science, technology and home economics the students are not getting the full experience they should get. This was accepted when the school year began in September. It was known that the school would be located in a temporary site, but commitments were given that this issue would be addressed.

I am happy to say that there is a strong demand for places in the school. We are fortunate to have a young and vibrant community, and there is significant demand for school places. It is a very good school, but it is unfair on the students concerned that they do not have access to practical spaces and that there is a lack of certainty around the location of the school site. Wexford County Council, local public representatives and anybody living locally who wants to help the Department would, as the Minister knows, be more than happy to do so. It is a question of urgency as to where the site will be. We need a permanent second level Educate Together school to be constructed. It is to be hoped that by next September the students will know exactly where they are going.

Deputy Norma Foley: I thank the Senator and acknowledge his very positive and proactive engagement regarding all issues in the education sector in his constituency. He has been particularly vocal regarding this matter. I acknowledge his positive engagement and interaction with me. He is personally invested in seeing this advance.

I appreciate having the opportunity to update the Senator on where we are at in this point in time. The site acquisition process has been progressed in respect of the requirement in question and in line with standard acquisition protocols, as the Senator will appreciate. The Department is liaising closely with Wexford County Council under the memorandum of understanding for the acquisition of school sites, with a view to securing a suitable site for Gorey Educate Together Secondary School. The Department has engaged the services of a site acquisition manager in order to shortlist potential sites.

Following an extensive site identification and assessment exercise to identify a permanent site location for Gorey Educate Together Secondary School, a number of site options have been identified and investigated by the Department, in conjunction with, as the Senator referenced, officials from Wexford County Council. As part of our standard general procedures following technical assessments of the site options, valuations were carried out on a number of preferred site options.

Negotiations are ongoing with the landowner of one of the preferred options. However, these negotiations have proven to be protracted to date despite the best efforts of officials in the

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Department of Education. The Department is now opening negotiations with a landowner of another of the preferred site options. The Senator will appreciate that commercial sensitivities are attached to site acquisitions such as this. Given that negotiations are at a critical point, I am not currently in a position to disclose further information in regard to that. I assure him that the work is ongoing, has priority and will be continue to be prioritised by the Department. Should agreement on the proposed acquisition be reached, the process will advance to the conveyancing stage when draft contracts are prepared and legal due diligence is undertaken in respect of the proposed transaction.

I thank Senator Byrne for giving me the opportunity to address the issue and I assure him that the school authorities will be kept apprised of the situation and informed of a permanent location for the school as soon as it is possible to do so. I again assure him that this is a priority for the Department.

Senator Malcolm Byrne: I thank the Minister. I appreciate that there are commercial sensitivities involved and that this involves the expenditure of public money. We have to ensure we get value for money. However, I am concerned about what the Minister described as the protracted nature of some of the negotiations. If one side is not deemed to be suitable or a commercial agreement cannot be reached, other potential sites have been identified. As the Minister said, Wexford County Council and people locally are more than willing to work with the Department to assist in this process.

I am seeking certainty for students, teachers and parents that this matter will be addressed in the coming months. I would not like to move into the new year without agreement having been reached on a site. We owe it to the students and school community to get an answer.

Deputy Norma Foley: I thank the Senator. I want to articulate my understanding of the dynamism that operates within the school and the provision of excellence in education. I am very impressed that all of the benefits are in place for students in terms of creating a school environment, including the establishment of a student council, to which the Senator referred. I am a great admirer of the operation of school councils in our schools. They are proactive and positive contributors to school communities. I appreciate all that is being done on the ground. The Senator said that when engagements with landowners become protracted, we need to move elsewhere. I confirmed in my answer that a significant number of potential site options were considered as part of the site acquisition analysis. Each of those sites was technically analysed and assessed. The assessment involved considerable technicality and complex work, but the work was done. I acknowledge the role of Wexford County Council. The Senator will appreciate that the work takes time because of the arrangements that have been set for what has to be done.

The original discussions and engagement with the landowner have proven to be protracted, but we have now moved on. That can be reassuring. We have now moved on to engage with another landowner to advance this. I appreciate the urgency with which the Senator views this. I assure her that I view the matter with a similar lens in respect of the urgency and the provision of the accommodation. We will do all that we can to expedite the process as a matter of priority.

Healthcare Policy

Senator Seán Kyne: I welcome the Minister. I thank the Cathaoirleach's office for select-

ing this matter for debate this morning. Friday, 19 November is International Men's Day so this is an opportune time to consider issues concerning men's health. Men's Health Forum is an all-island network of individuals and organisations that have identified key concerns related to men's health and understanding these issues. There is a strong reason to keep a focus on men's health. Men and women continue to have different life expectancy rates, and health inequality among different subpopulations continues to feature. There is a substantial body of evidence supporting a gender-specific approach. It is imperative to build on the momentum and key milestones achieved over the past ten years.

A review of policy in the Department of Health and the HSE concludes that the policy has made significant progress in four key areas: promoting an increased focus on men's health research in Ireland; developing health promotion initiatives that support men in adopting positive health behaviours and increasing control over their lives; building social capital within communities for men; and the development and delivery of men's health training for health and other professionals. That is all positive. The HSE has funded a men's health forum to produce an Irish men's health report card, which represents an excellent body of work providing valuable statistics in the area of men's health. For example, the life expectancy of males increased from 77.3 years to 80.5 years between 2007 and 2018.

There is much evidence on the causes of health problems in men. Cancer is the number one cause of men's deaths in Ireland, and Ireland has the highest rate of diagnosis of prostate cancer in the EU. To be positive, this may reflect the use of prostate-specific antigen, PSA, screening, on which we are a leader. Cancer is the cause of 33% of all men's deaths. These include neoplasms of the larynx, trachea, bronchus and lungs and cancers of the prostate, pancreas and oesophagus. Testicular cancer is the most commonly diagnosed cancer among males under the age of 45. The incidence of non-melanoma skin cancer has doubled since 1994. Thankfully, however, the mortality rate is low. The mortality rate associated with testicular cancer is low, and the survival rate has increased. Some 71% of heart disease cases in 2019 related to men. I refer in particular to coronary artery disease and coronary heart disease, which is a narrowing of the heart arteries. That is important to note. The male death rate associated with respiratory diseases has fallen, but the rate is still higher than the EU average.

Circumstances are improving but it is important to keep the focus on men's health to remind men - and, in many cases, to remind women to remind men, their loved ones - to look after their health and get regular checkups. In this vein, it is clear that we need to redouble our efforts and provide a new national men's health policy and action plan that would strive to build on the progress we have achieved to date. Maybe the Minister will comment on whether that is in train.

Deputy Norma Foley: The Senator will appreciate that I am responding on behalf of the Minister of State in the Department of Health, Deputy Butler, who is unavailable today. I thank the Senator for raising what I consider to be a timely discussion in the Seanad on an important matter. I am pleased to have this opportunity to inform the House about progress in this important area. Events such as International Men's Day and Men's Health Week always give us a great opportunity to come together to raise awareness of men's health, as the Senator has done, and, perhaps most important, determine what we can do to improve it.

The need for a continued focus on men's health is grounded in the evidence that men die younger than women and have higher death rates associated with the leading causes of death, including accidents and suicide. Research suggests that, by comparison with women, men have

more limited contact with GPs, can be reluctant to use primary care services and are more likely to present late in the course of an illness. These are trends we need to reverse to improve the health and well-being of Irish men.

In 2009 Ireland was the first country in the world to publish a national men's health policy, and it has been at the forefront internationally in advancing men's health at research, policy and advocacy levels. The HSE's National Men's Health Action Plan: Healthy Ireland - Men 2017–2021 sets out a new vision and roadmap for men's health. Good progress has been made on implementing this plan, which has seen the delivery of several health-promoting activities targeting men and boys. It is led by the HSE's health and well-being division, with several active and engaged partners. In particular, the further delivery of the Engage men's health training programme has improved the way health and social care services are targeted at, and are delivered to, men.

Health and well-being are promoted in men's sheds through the network of more than 400 men's sheds across the country and the development of an evaluation programme for Sheds for Life. Earlier this year, my colleague, the Minister for Health, Deputy Stephen Donnelly, launched an impact report on the Sheds for Life programme. It shows very encouraging results in several areas, particularly an increase in levels of physical activity and benefits for mental health and well-being.

Programmes such as Men on the Move and On Feirm Ground are making a real difference and supporting men in making their journey to better health and well-being. The HSE's men's health advisory group works to develop annual action plans to deliver on the overall Healthy Ireland plan for men. It is made up of key stakeholders in the area of men's health, including the HSE's health and well-being division, the Institute of Public Health, the Irish Heart Foundation, the HSE's National Office for Suicide Prevention, the National Men's Health Research Centre, the Irish Men's Sheds Association, and the Men's Development Network. This group is currently planning to develop a new action plan, and work on this will begin in the coming months.

Senator Seán Kyne: I thank the Minister for her response on behalf of the Minister of State, Deputy Butler. I welcome the fact that the advisory group is working on the delivery of a new plan. It is important that we continue to focus on men's health. As the Minister pointed out, tremendous work has been done by men's sheds, which have played a major role in providing a social outlet for men across rural and urban areas. The Irish Men's Sheds Association is being considered internationally as a model that brings men together.

I welcome the announcement that work is continuing and that a new action plan will be devised over the coming months. It is most important that we continue to focus on men's health and encourage men to visit their GP regularly. If they feel something is not right, they should go to see a GP. We must urge the loved ones in their lives, including spouses and partners, to encourage them to look after their health for the sake of themselves and their families.

Deputy Norma Foley: I thank the Senator for his significant contribution to the House today on this important topic. Any opportunity we have to shine a light on the discussion on men's health and to be proactive in this regard must be seized.

11 o'clock

As the Senator will be aware from what I said earlier, significant progress has been made on this. As he has indicated, there is a responsibility on all of us collectively to play our part.

A range of factors needs to be taken into account when we apply ourselves collectively to such an important goal as improving men's health. However, if we had to pick just one term to encapsulate the significance of the success that has been achieved to date, it would be co-operation and partnership. Healthy Ireland, the national framework for improving the health and well-being of our people, emphasises the importance of recognising that it is beyond the capability of any single Department or Government agency to promote health and well-being to everyone. This can only be done through society-wide engagement with health and well-being promotion and health improvement activities. This ranges from individuals making positive lifestyle choices and projects run by community and local groups, to policy and legislative changes, where necessary at the highest level of Government. Therefore, it is a collective approach.

In the area of men's health, we have been pleased to work with the organisations I referenced earlier, such as the Men's Health Forum, the Men's Development Network, the Irish Men's Sheds Association and of course the HSE. This is the type of co-operative, collaborative approach that is delivering results. We will continue to work to strengthen and develop this partnership cross-departmentally and also with wider society, individually and collectively.

Commercial Rates

Senator Micheál Carrigy: My Commencement matter relates to the loss of commercial rates as a result of the closure of Lough Ree power station. On 8 November 2019, the ESB announced the closure of two peat-powered generating plants at Lanesborough and Shannonbridge, near the Minister of State's area. These plants stopped generating electricity in December 2020. This was a major blow to employment and local economic activity in the region. Counties Longford and Offaly were negatively impacted not only by the loss of commercial rates income from the plants themselves, but also by the potential loss from suppliers to the plants, including Bord na Móna.

Lough Ree power station paid €1.2 million in rates annually. It was the single biggest ratepayer in Longford and accounted for 15% of the rates base in the county. The rates income loss from Bord na Móna was €16,200. Considering that the average ratepayer in Longford pays €1,782, this puts the severity of their loss into a vivid context. To compensate for the loss of one large ratepayer, another 674 new ratepayers would need to emerge for 2023 out of a rateable property population of 1,455, which will not happen.

To sustain a loss of rates income of that magnitude in one year would mean that in order to compensate on the income side, we would need to pass on an increase of 13.5% to balance the books. Longford County Council has consistently varied the LPT upwards by the maximum of 15% for four years. It was the first county in Ireland to do that. I was my party's group leader and in conjunction with our Fianna Fáil colleagues, we proposed doing that to finance critical capital regeneration projects in the county. It would be wrong to ask the same council, whose funding model is predicated on the maximum upward variation of the LPT each year, to curtail or even completely cease this critical work on regeneration.

I will contextualise the problems we would face with this potential devastating loss of income. A sum of €1.2 million is the equivalent of keeping 35 general operatives employed. A sum of €1.2 million is earmarked to service capital project loans to the tune of €12 million over the next ten years. This, in turn, could potentially attract capital funding of €124 million into

the county. A sum of €1.2 million in discretionary income pays for such diverse services as tourism initiatives, community grants, public lighting, leisure centre costs and sports partnership costs. A sum of €1.2 million lost per annum will severely compromise and probably halt our ability to match funding for many Government initiatives, such as the urban regeneration and development fund, URDF; the rural regeneration and development fund, RRDF; the outdoor recreation infrastructure scheme, ORIS; CLÁR and the town and village renewal scheme, which we have been successfully doing so far; and our contribution to just transition projects. It would effectively mean a moratorium on all recruitment. We need a long-term sustainable solution. It is critical for us to alleviate this potential calamitous situation that could arise in the coming years. We have received the top-up for 2021 and 2022, but we want certainty up to 2027 which is when the just transition period was meant to end.

I was involved in a meeting with the just transition commissioner, Kieran Mulvey, also attended by the Taoiseach, the Tánaiste and the Green Party leader, the Minister, Deputy Eamon Ryan. In discussing the just transition project, I raised the subject of rates. It was agreed, including by Kieran Mulvey, that this needed to be put into place until 2027. We need certainty. Based on my knowledge of the director of finance in my county, John McKeon, I am sure he is already planning ahead for the 2023 budget and the various projects planned to regenerate our county. I do not think it is too much to ask for certainty rather than me coming here next August or September looking for that top-up of money while everyone agrees that we should get it. We just need to put it in place now so that Longford County Council can plan ahead financially for the coming years.

Minister of State at the Department of Finance (Deputy Sean Fleming): On behalf of the Minister for Housing, Local Government and Heritage, I thank the Senator for giving me the opportunity to speak about the funding of Longford County Council, and in particular the loss of income due to the closure of Lough Ree power station in Lanesborough. I believe I was present at the online meeting the Senator mentioned involving the Taoiseach, Tánaiste and Kieran Mulvey some time ago. I know the Senator made a very strong case on the issue on that occasion. It is good that he is taking the opportunity to continue dealing with this major issue for Longford, Offaly and other adjoining counties in the midland region. It is definitely a very important issue in Longford and Offaly.

Just transition is integral to the Government's climate action plan, and we are committed to supporting communities transitioning to a low-carbon economy. However, the Government acknowledges that the closure of power plants has a serious impact on the local economy. Longford and Offaly are the two most affected counties. In 2019, Lough Ree power station in Lanesborough accounted for approximately 16% of the rates receipts for Longford County Council. The Government recognises that this is a significant portion of the rates income of the local authorities, particularly against a backdrop of the Covid-19 pandemic and the financial impact it has had on ratepayers generally. As part of budget 2022, the Government announced an allocation of €1.3 million to Longford County Council in respect of the rates that would otherwise have been levied on the power station next year. Funding for the same reason was also provided this year, as the Senator knows.

In the wider context of rates, since revaluation in 2018, the rates base in Longford has increased by just over 7%, which is equivalent to an increase of about €590,000 in the rates levied. In addition, I note that the Programme for Government: Our Shared Future commits to bringing forward local property tax, LPT, reforms and streamlining commercial rates. The LPT reforms, brought into effect by the Finance (Local Property Tax) (Amendment) Act 2021, are

bringing in new homes, that were previously exempt from LPT, into the taxation system as well as providing for all money collected locally to be retained within the county.

The Revenue Commissioners are currently conducting their first revaluation of LPT. Once the information on the new yield is available, the Department of Housing, Local Government and Heritage intends to conduct a review of the allocation process and funding baselines across the local government sector, which is very important. Any significant changes to the rates base of individual local authorities will be considered as part of this process.

In the absence of a more permanent solution to this issue in Longford, which also affects Offaly County Council, the Department of Housing, Local Government and Heritage will continue to engage with both local authorities, as part of the overall Government approach to just transition, with a view to developing a longer term solution for 2023 and beyond. In the meantime, I assure the House that the Government is committed to supporting the financial stability of local authorities and to the sustainable funding model of the sector. Once the review of the new LPT is complete, we will look at the long-term stability arrangements for the years to come. Pending that, we will keep in touch with the local authorities. That process can only commence now that the Revenue Commissioners are finalising details of the recent LPT revaluation. Rates in LPT are being looked at collectively.

Senator Micheál Carrigy: By way of figures, although not exact figures, our LPT base is more than €2 million, albeit we used to have a top-up from the equalisation fund. Based on the figures, more than 90% of our housing is in the lower end of the LPT market. We will not see a significant increase in our LPT uptake. I wish to highlight the fact that we were the first county to increase it by 15% and to use that funding to match funding for regeneration projects for our county. It has been very successful, and I hope it will be taken on board.

From what has been said, it is positive that there is a commitment to engage with the local authorities so that it is intended to discuss the plan from 2023 onwards. I ask, and this is in the Minister of State's interest as it relates to his constituency of Laois-Offaly, that when the decision is made, it is made for a three- or four-year period. It is important for any local authority to plan forward. We have a significant number of projects. We have a large €10 million urban regeneration and development fund, URDF, project in Longford town. We have an URDF project of more than €6.5 million in Ballymahon. There are significant projects throughout the county on outdoor recreation. We have been successful with those applications because of the decision we took on the LPT and the model, which has now been replicated by 15 or 16 local authorities in the country. When that review is complete, I hope the commitment is for a four-year period so that we can plan ahead for the projects we have in the pipeline in our county.

Deputy Sean Fleming: I, again, acknowledge the contribution of Senator Carrigy. Having listened to everything he said, if every Oireachtas Member was as well informed as to what was happening in his or her local authority area as he is, it would add to the richness and quality of the debate and the information available to us in this House when dealing with these types of issues. The Senator listed a number of projects and it is clear he has a great interest in each one. I acknowledge what he said about the 15% being used for matching funds to increase. The Government has provided an unprecedented level of support in the context of the just transition and the impact of Covid-19 at the same time. Longford County Council applied 100% commercial rates waiver for 100 businesses and received more than €4 million from the Department of Housing, Local Government and Heritage for that rates waiver.

On additional Covid-related expenditure in 2020, the Department provided €1.7 million to Longford County Council due to other income loss streams. As has been the case since the outset of the pandemic, the Department will continue to engage with the local government sector, with individual local authorities on the financial impacts of the pandemic and provide them with the necessary financial support. Additionally, in the Senator's county there will also have to be special engagement on the just transition and the serious loss of a rates base in the county.

Sitting suspended at 11.15 a.m. and resumed at 11.32 a.m.

An tOrd Gnó - Order of Business

Senator Lisa Chambers: The Order of Business is No. 1, motion regarding report of the Oireachtas Joint Committee on Justice entitled Report on Victim's Testimony in cases of rape and sexual assault, to be taken at 1 p.m., with the time allocated to this debate not to exceed two hours and, notwithstanding anything in Standing Orders, the contribution of the proposer of the motion shall not exceed five minutes, the Chair of the committee being a Member of Dáil Éireann, or another Member of Dáil Éireann in the Chair's stead, may attend and speak to the motion for a period not exceeding 12 minutes, contributions by all other Senators not to exceed eight minutes and the Chair of the committee shall be given not less than five minutes to reply to the debate; No. 2, statements on the Northern Ireland protocol, to be take at 3 p.m. and to conclude at 4.30 p.m. 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 six minutes, all other Senators not to exceed four minutes and the Minister to be given not less than ten minutes to reply to the debate; No. 3, Private Members' business, Criminal Justice (Public Order) (Amendment) Bill 2019 – Committee Stage, to be taken at 4.30 p.m. and to adjourn at 5.15 p.m. if not previously concluded; and No. 4, Residential Tenancies (Amendment) (No. 2) Bill 2021 – Order for Second Stage and Second Stage, to be taken at 5.30 p.m., with the time allocated to the opening remarks of the Minister not to exceed ten minutes, group spokespersons not to exceed eight minutes, all other Senators not to exceed five minutes and the Minister to be given not less than ten minutes to reply to the debate.

Senator Malcolm Byrne: We will be speaking about the Northern Ireland protocol later. There is a broader issue on the building of trust between the EU and the UK and all parties on these islands. The Brexit committee, of which the Deputy Leader is Chair, has been doing a lot of work on these issues. It is very clear that we need to have greater co-operation, North-South and east-west, among parliamentarians and diverse elements of civic society. I hope we can have this debate or discussion, particularly in the context of discussions in the shared island unit on how we can build trust, North-South and east-west, between civic groups. There is far less engagement taking place now than there was at the time of the Good Friday Agreement and beforehand. It is important.

February will mark the centenary of the founding of the Civic Guard which became the Garda Síochána. I hope the House will mark the centenary of the Garda and acknowledge the contribution of the force over the past 100 years, in particular, to remember those who made the ultimate sacrifice and gave their lives in the service of the State. It is appropriate that we have

a debate on the future of policing and look at policing on this island. If we are to move towards a new constitutional arrangement on the island, what will an all-island police force look like? These are the discussions we need to start to have. How will we deal with cyberterrorism, cybersecurity and some of the new threats that society faces? Perhaps as part of our schedule for next year, we can look at events to mark the centenary of the Garda and acknowledge its contribution. We need to have a debate on the future of policing.

It is only fair to comment on the announcement last night. It is unfortunate that we are moving in a particular direction. Much Government policy had been based, correctly, on our vaccination programme. We have had a very successful vaccination programme. The Government needs to stand up for those people who have been trying to do the right thing. We need to ensure we put first the interests of people who are vaccinated and the interests of our health service. It is very clear that people who are unvaccinated are six times more likely to end up in ICU than those who are vaccinated. We need to reward and recognise those people who are doing the right thing. I do not believe it is right that we should be closing late-night facilities, provided the publicans and venues are enforcing the Covid certificate rules on the door. We need to reward and recognise those who are doing the right thing. I know some people are not able to receive the vaccine. We have to recognise and protect them. To those who are unvaccinated and who are being so selfish, the message from the Government has to be that we will stand up for those who are being responsible.

Senator Seán Kyne: Following on from the previous speaker, we should invite the Minister for Health, Deputy Donnelly, to the House to discuss the decisions taken at Cabinet yesterday. There is a sense of frustration in the country. The Government makes its decision based on best advice but it would be timely to have a debate on yesterday's decisions, the huge success of the vaccination programme and the need to progress the booster roll-out.

I will touch on the issue of rural housing, which has a special place in the hearts of many rural people. I have no doubt that in the Deputy Leader's home county of Mayo, and certainly in Galway, it is part of our history. We can see many old homesteads and famine cottages that are a throwback to how and where we lived. Perhaps it is also evidence of land ownership in this country. When we did get control of our land it was often small parcels of land and small strips of land. Very often, it was scattered in different areas. A family's right to build on its own land is something many rural people hold dear. It provides supports in the community, with sons or daughters living close to parents or grandparents and providing family support. We are talking about small numbers in many rural areas.

I have a concern that if we left these matters to the Custom House, there would be a total clampdown on rural housing. It is important that we debate this issue in advance of the new guidelines on rural housing. I know the Minister of State, Deputy Burke, is working on those and I understand there will be a period of consultation next year. I call for a debate with the Minister of State on the guidelines and how they are feeding into the national planning framework and how this framework is feeding into the county development plans.

It is important that we allow families to continue to build on their own lands. This brings me to the Flemish decision in the courts, restrictions in relation to the Irish language and the strict environmental conditions that apply to building and high scenic amenity areas. There is a whole array of areas in respect of rural housing. It is an expensive process and there is a large number of refusals and appeals. It is important that we have an input on policy and that we hear from the Minister of State on the consultation that will take place in the coming months.

Senator Victor Boyhan: I thank the Deputy Leader for setting out the Order of Business. I also thank the Cathaoirleach, the Seanad staff and the staff of the Oireachtas for facilitating a very late debate in the Seanad. We will not sit until 1.15 a.m. tomorrow but we did so yesterday to deal with important legislation, the Planning and Development (Amendment) (Large-scale Residential Development) Bill. It was a good debate, which there is no point in revisiting now. We move on and we will have other opportunities next week. I acknowledge the staff, the Cathaoirleach and the Senators who were or could be here and engaged in the debate.

Let me put down a marker. We talk about a family-friendly Parliament. I am not here to define what a family is - there are very mixed groupings - but people have family commitments. It is not right or proper that we sit until 1.15 a.m. to deal with legislation when we have a half-day on Tuesdays. The issue is one for discussion on another day in another forum and I will take it up again. Nonetheless, I want to put down a marker. I am always conscious that this is a public forum. Members of the public listen and see us on Oireachtas TV. I use this opportunity to communicate my messaging and I never apologise for that. This is not the way to run a Parliament. We should all take away that message, think about it and use our contacts and energy to focus on how we can reschedule our business in a way that is supportive of people. A number of Members could not be here last night because family members were sick. We need to bear that in mind. I will leave it at that.

I ask for a debate on the mother and baby institutions payment scheme announced by the Government yesterday. There are clearly some anomalies and shortcomings in the scheme. As *The Irish Times* stated today, there are some notable exclusions as regards eligibility. I do not intend reading out the relevant article. Suffice it to say, it is in that newspaper today and people can read it for themselves.

Yesterday, I raised illegal adoptions and birth registrations, which are very serious issues. We have to find out what happened, who can be held accountable, what institutions were involved and what was the role of the State. We often talk about the role of the church, in the broader sense of the word, but the State had a significant role in all of this. We need a frank discussion of these issues.

On the issue of illegal adoptions and birth registrations, we know the Minister has a report on his desk setting out proposals for the State response to illegal birth registrations, which he commissioned from Professor Conor O'Mahony. We need to see that report. We also need to have a frank discussion and question and answer session in the Seanad, this public arena I talk about and value so much. I ask the Deputy Leader to facilitate this. I know there are many demands but this is critically important for the people involved.

Many Senators will know Samantha Long, the administrator for the Independent Group and assistant to Senator McDowell. She was on the radio last night and also featured on "Six One News". Everyone should have a look at that programme. Ms Long, somebody who works with us and walks the corridors of this House, is telling us her story. Many people want that opportunity. As legislators and politicians, we need to ask some hard questions of the Minister. I acknowledge his commitment to first engaging with the people directly involved, the survivors, which is critically important. The sooner he comes to the House to discuss these the two issues, the better. I ask that the Deputy Leader facilitate this.

An Cathaoirleach: I thank the Senator for his comments on the staff of the Houses and the late hour everybody worked until last night. I pay tribute to the Senator and also to Samantha

Long for articulating her story and also the stories of so many thousands of people who were failed by the State, its institutions and the churches, in the broader sense.

Senator Pauline O'Reilly: I will talk about transport today. We have very welcome news that there will be a 90-minute fare for Dublin. This is of great importance because we know that the transition must also mean we have a transition in transport. I do not see why we cannot have a 90-minute fare in every city. We would certainly welcome it in Galway. It costs €6 each way to travel between Galway and Athenry and people may then have to hop on a bus. There are no joined-up fares in most of our cities. I ask the Minister and the Deputy Leader to progress this issue because it is very important. It will make people get on board with the transition to a climate-just future.

Connecting Ireland was announced a couple of weeks ago. That will see a significant increase in public transport across the country. Currently, 53% of people have access to buses, which is quite a low figure. We have a very dispersed population, which speaks to the issue raised by Senator Kyne. One of the issues with one-off housing is that it is difficult to connect it from a transport point of view. With Connecting Ireland, 70% of the country will be connected, which will be a major improvement. This was part of what we included in the programme for Government.

Let us not forget that cost is a huge contributory reason for choosing a car instead of a bus. When it is cheaper to travel by car with children and then to park, it stops an awful lot of people from taking the bus. It is not just the lack of access. Let us address the two issues at the same time. This issue has been raised for years and is being addressed right now in Dublin. We have to ask when is it will be addressed in the cities outside of Dublin?

Senator Paul Gavan: I will raise two issues. The first is the ongoing and horrendous plight of patients and staff in University Hospital Limerick. We hit a new record yesterday when there were 95 patients on trolleys and chairs. For 11 years, we have had this ongoing story of failure. Let us be absolutely clear about that. The situation continues to get worse. The numbers do not really tell the story. I had a call from a lady last week, a trade union colleague, who endured three days on a trolley before getting a bed. She then had an urgent procedure and was sent home, only to have to be readmitted on the same evening, when she faced another 24 hours on a trolley. In another example, a woman took up a bed for eight days because it was the only way she could get an MRI scan. This tells of the level of dysfunctionality in the system that is ongoing.

In theory, we are all signed up to Sláintecare. We know, therefore, that the emphasis has to be on rapidly enhancing primary care but that has not happened. A number of the people heading into the accident and emergency departments should be going somewhere else entirely. However, the failure of successive Governments to provide sufficient resources for primary care means they all end up in accident and emergency departments. To be frank with the Deputy Leader, we need more than a debate on the matter. I would like to hear some accountability from Government politicians. Fine Gael in particular has failed the people of Limerick year on year, and the situation continues to get worse. I am really afraid we will hit the 100 mark over the coming days. All this could have been foreseen. Five months ago anyone could have told the Government we would have an extremely hard winter in our hospitals, but no plan and no significant additional resources have been put in place. It is an ongoing disaster failing the people of Limerick. I call for a debate on the matter.

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The second issue I wish to raise is the Government's decision to continue to privatise local employment services. This is absolutely outrageous. People are now losing their jobs. I will quote from correspondence a lady sent to me and all other Senators. She works in Galway City Partnership. She says:

I do not want to be made redundant by the actions of ... [the Department of Social Protection]

I have been working with the Galway City Partnership for 7 years and I am really worried about being made redundant in 2022 by the same Department that I have effectively been working for all these years, as it seems that those at the top of the Department ... have now deemed that we in the ... Jobs Clubs are simply surplus to their requirements.

The new model the Government has put in place is a privatised model of employment services. Why are the people in this room not standing up and stopping this? We have a Minister hell-bent on privatising services across the State, and nobody on the Government side is prepared to shout "stop".

Senator Rebecca Moynihan: I often say when I rise to speak after a Sinn Féin Senator that I have the same issue to raise. I will also raise the local employment service because the issue is affecting the whole country and there is a time-sensitivity to it. I understand that local employment services have received an extension to their current contracts until the new year, but after the new year they are unsure where they will be. The Department of Social Protection has said to them that salary costs are too high. It seems extraordinary to me that the Department of Social Protection is saying that having decent, well-paid jobs is problematic for it. Essentially, the Department is trying to replace what is a community and individual-driven model of trying to place people in local employment with a commercial tendering model. There are certain causes of this. It will be a pay-per-placement, commercial, cost-driven model for people on the register. People coming into local employment services may have lost confidence, may have lost a job, may not have been in the workplace for a long time and may have been a carer. They will suddenly be told they have to go into inappropriate jobs for which they might not be ready or able for because the Department of Social Protection has decided to replace the current model with a commercial tendering model. One of the key parts of this is that the services are not allowed to take walk-ins. Rather than the people using the services and the staff, the services will be driven by key performance indicators, KPIs, and a bureaucrat looking at a number of indicators and ticking off boxes. That does not recognise the huge contribution local employment services have given this country over the years or the humanity of people using them. Therefore, preferably before Christmas, we need a debate on the local employment services. The issue is affecting my area particularly but other areas around the country as well.

I also wish to raise the evolving humanitarian crisis on the EU Polish-Belarusian border. It is shocking to see, in 2021, scenes from an EU member state of water-cannoning, and in some cases there are reports of tear-gassing of refugees who are trying legitimately to claim asylum from the Middle East. There is a shrugging of shoulders and comment to the effect that this is an act on the part of Belarus and of Lukashenko, who is trying to get at the EU. I do not care what Lukashenko's reasons or rationale for doing this are but I do care about the thousands of migrants on the border. Fortress Europe is not only turning them away but in many cases, it seems, violently doing so. The Polish Government has refused to engage with Frontex, the EU

border agency. We need to have a debate about this here because in 2021 the way in which the European Union is treating people claiming legitimate asylum coming from the European border is an absolute disgrace. It will be a shame and a stain on us if we allow Poland to continue doing this.

Senator Frances Black: I wish to speak again about the music and entertainment industry, more specifically the impact this dreadful pandemic is having on the lives of individuals employed in that industry in Ireland and, ultimately, on our heritage and our culture. I understand totally that we need to take action to curtail the spread of Covid-19, but I believe that the music and entertainment sectors have shouldered more of the burden than any other sector in this society and that this treatment is unfair. More significantly, it risks sounding the death knell of a hugely important part of Irish life. The music and entertainment industry was the first sector to close and the last to reopen.

It has been less than four weeks since restrictions were eased to such an extent that the industry felt that a lifeline was available to it. While the Government may still hold the view that the sector as a whole remains open, yesterday's announcement completely contradicts that assertion. In recent weeks, Government advice has been for individuals to take action to reduce their social contacts. Many formal settings in which people socialise have felt the knock-on implications, with many gigs seeing fewer attendees, venues seeing fewer tickets sold and some gigs being postponed or cancelled outright. The Music & Entertainment Association of Ireland, MEAI, reports that confidence within the industry is at an all-time low and that there is huge concern about its continued viability in light of yesterday's announcement. Musicians and entertainers who are employed in these sectors are still available to do their work, but the opportunities for them to do so are eroding week on week.

Live music in Irish pubs and restaurants does so much more for Irish society than just provide places for people to gather, to drink and to eat; it provides space for connection and conversation through stories and songs for the benefit of health and happiness and for life and love. They are a fundamental and invaluable part of the ecosystem of music and entertainment, of the arts and of our culture. Over the course of this pandemic the Government has failed to recognise the full contributions of these industries to Irish life, and that needs to change. We must not allow for their full value to be recognised only when they no longer exist.

An Taoiseach advised yesterday evening that he was of the view that these latest restrictions would not be hugely impactful on the levels of employment in the sector, but changing opening hours impacts the viability of these businesses and, therefore, the livelihoods of the people employed in them. It was also advised in the Dáil Chamber yesterday that the pandemic unemployment payment, PUP, will not be restored for those individuals put out of work by these latest restrictions. I cannot get my head around that decision, and I call on the Government to revisit it as a matter of absolute urgency. These businesses and their employees are real but at present they do not feel seen by our political decision-makers.

In recent speeches I have called for co-operation between the Government and stakeholders in the music and entertainment industry. I request that the Minister have an urgent meeting with all the stakeholders of this industry to discuss the implementation of essential support needs for the industry. These stakeholders need to be at the table. We have to listen to them and hear their voice. An Taoiseach invoked the old Irish seanfhocal, "Ní neart go cur le chéile", in his speech yesterday evening, and there can be no strength without unity. However, how leaving a hugely valuable part of our Irish society out in the cold can be viewed as unity is just beyond me. I call

on the Minister, Deputy Humphreys, to come in here and talk to us about the PUP, particularly for the music and entertainment industry and how it is being cut.

Senator Paul Daly: I wish to be associated with Senator Boyhan's remarks in complimenting and thanking the staff for facilitating the debate last night. However, I cannot let the occasion go, in commenting on his remarks as to why the debate went on for so long and what happened, to say I am blue in the face listening to arguments here about Bills being cut short and guillotines. On the one occasion on which we did allow seven hours to tease out legislation, I do not like hearing back that it should not have happened, and I wish to put that on the record.

Yesterday's announcements and the unfortunate rising numbers associated with Covid have been mentioned already.

12 o'clock

We might need the Minister to come in that regard. In addition to asking for a debate on the situation with Covid-19, however, I want to speak about the idea of a booster vaccination and its efficacy. With increasing numbers in the categories that will receive a booster vaccination, the people concerned want to know the when, the where and the how of the process. There is an urgency here because almost everybody now knows of people who were doubly vaccinated and then contracted Covid-19. To be sure to be sure, then, everybody wants a booster vaccination as soon as possible.

Before I raised this subject, however, I did some research and it is not clearly stated anywhere when a booster vaccination is most effective. Is it a case of getting the third vaccination into people's arms as quickly as possible or is it more effective if the jabs are given five or six months after the second vaccination? That is not clear now and it needs to be. A debate in this House may not make it any clearer for people out there, but there certainly must be an awareness campaign and this point must be clarified as part of it.

People who were vaccinated in June want their third dose now because it is available to them, or they think that it is. Would those people be better off waiting until December when it will be six months after their second vaccination and will it be the same for those who were vaccinated in the subsequent months? This aspect must be made very clear to people because there is an urgency in this regard. This is especially the case given there is so much awareness now of doubly-vaccinated people picking up Covid-19. People want their third booster shot as soon as possible. That might not be the most effective thing to do, however, and perhaps they should wait for the full six months, but people must be made aware of that fact.

Senator Martin Conway: I welcome the appointment of Kieran Mulvey to help in resolving the dispute in the Doolin Coast Guard unit. As my colleagues will be aware, that unit was stood down two weeks ago, primarily due to HR issues and the resignation of several members. Now that Kieran Mulvey has been appointed, I call on all parties to engage meaningfully with him with the objective of getting the Doolin Coast Guard unit back up and running to allow it to continue doing the vital work it has been doing for many years off the coast of Clare.

I am also deeply concerned about the situation in University Hospital Limerick, UHL, where 95 people are on trolleys. As was said earlier, this has been going on for years. The last Government responded to the situation by investing more than €25 million in a 60-bed modular unit, which was supposed to reduce the number of people on trolleys in the hospital. That unit is now up and running and fully commissioned, yet we are in a situation where we have 95

people on trolleys in the hospital in Limerick. Something is wrong somewhere.

I have called before for some independent mediator or reviewer, or somebody, to go into the hospital to find out where the stoppages are. Is it a case of people just not being discharged quickly enough, or where is the problem? I ask that because it seems to be worse in Limerick than anywhere else in the country. Therefore, I request that the Minister for health, Deputy Stephen Donnelly, come in to debate the specific issue of the accident and emergency department in UHL. I would like him to come in even for just one hour some day, and to make a statement and take questions from the Senators based in Limerick, Clare and Tipperary. Those are the areas where people are affected by this issue in the hospital and Senators from the region are receiving phone calls daily from people on trolleys and who are suffering greatly. It is not good enough and it is not acceptable. Accident and emergency departments around the country face challenges, but the problem has been constant in Limerick and it has been going on for years.

Senator Sharon Keogan: Yesterday, €800 million was allocated to the mother and baby homes redress scheme, and rightly so. What have we learned as a nation, however, and are the mistakes of today going to be our horror stories of tomorrow? Last week, I was horrified by the report from the national review panel on children and young people in State care. Since 2010, 236 deaths have been reported, and 56 of these were through suicide. Last year, 30 children died in care, seven through suicide. One of these, whom I knew through the emergency services, was in a residential placement home, while six were in after-care and 23 of the young people lived in communities and were known to Tusla with supported services.

Let me explain emergency services in this context. I was part of these emergency services for several years, where people spend one week on call and the next week off, before being on call again for another week. People on call for a week might get a child in the middle of the night and they keep the child for three nights. There will be somebody else to take that bed in the following three nights. These are young teenagers, unloved and unwanted, who then go into residential placements. Those placements are in a residential home, where social workers look after these children. There is no family unit or love and support network there. Children are dying today because of neglect by the State.

There are some fantastic foster parents and foster families out there, so I plead with our nation and with those who have homes, beds and spare rooms in their houses to please consider fostering these children. They come with their trials and their baggage, but there is no child that we cannot help. We must give these children every possible support. It is wrong that children are dying in the hands of the State. It is absolutely wrong that they are taking their own lives because they see no way out of the system they are in. They might be coming into that system with a plastic bag full of their belongings. This is 2021, and here we have children coming into us with a plastic bag, having left home with not even a suitcase. They are revolving through the system and may end up in care for a year and a half before finding a placement, and in that time going from house to house without getting a permanent home. Therefore, we must learn about the mistakes we made in the past, but these are the mistakes we are making today. I hope the Leader can press people to consider fostering and opening their houses and their hearts to a young person.

An Cathaoirleach: Senators will understand that I allowed more time for that topic because of Senator Keogan's personal involvement in this area and her commitment to helping the most vulnerable children in our community by raising a topic that many people would not be aware of regarding the number of children dying in the care of State. I thank her for raising this issue.

I call Senator McGreehan.

Senator Erin McGreehan: I acknowledge the publication of the mother and baby homes institutional payment scheme. I welcome the scheme, and I ask that we have a debate on it, its importance and what went into the making of it. The Minister for Children, Equality, Disability, Integration and Youth, Deputy O’Gorman, undertook a great deal of work to get that scheme published yesterday. I refer as well to the consultation he has been doing since he took up office to get this scheme over the line.

I reiterate the importance of the church paying up in this regard. We have provided €800 million to these worthy women and children. The church owes them an acknowledgement and it also owes the State. The church should pay up for the wrongs that were done unto these women as well. Let us not forget that every single woman was paid for by the State. These institutions were paid to look after these women and children. Each one of them had a capitation price on their heads. Not one worker in those homes was hungry. They were all fed. Those homes might have been classed as charities, but they were in no way charities. They tortured and abused these women, and the women and children deserve every single cent they get.

I also highlight that GlaxoSmithKline also benefited from clinical trials done on children in those homes and that company should also be paying up. We do not know how much money it gained from these illegal trials and that company deserves to be answerable in that regard.

Senator Garret Ahearn: I echo the comments made by Senator Keogan in respect of encouraging people to get into foster care. I had an opportunity to meet many foster families in Tipperary when I was a councillor. The work they do is incredible and the love and support they give to these kids is phenomenal. The Senator does a great deal of excellent work in that field and I support her call.

I ask that the Minister for Transport, Deputy Eamon Ryan, be invited to the Chamber at some point to speak about cycleways and walkways around the country. The Government is investing a significant amount in cycleways and walkways. The Deputy Leader will know from her own area how this benefits a region. In Mayo, the greenway is very well known, as is the one in Waterford. In Tipperary, we have what is called a blueway, which goes from Carrick-on-Suir to Clonmel. It has been very beneficial since it was opened, which was just before Covid, two years ago. The mayor of Carrick-on-Suir, Councillor Mark Fitzgerald, and I are doing a lot of work in conjunction with Tipperary County Council and Waterford County Council to join the blueway and greenway together. The greenway is going to be extended from Waterford city to Portlaw, which is about 12 km from Carrick-on-Suir. Connecting the greenway to the blueway in Tipperary will be advantageous in the promotion of the towns of Carrick-on-Suir and Clonmel and the wider region.

I live on St. Declan’s Way, a walkway from Cashel to Ardmore in Waterford. The promotion of that route over the past year has been dramatic. I have seen so many people walking past my house every day with hiking boots. They go up the Knockmealdowns and on towards Waterford. If we can promote the cycleways that are being developed and constructed as attractions for foreign tourists, there will be a great advantage for the country. I refer to the promotion of the scenic areas outside Dublin so we can bring tourists to towns such as Clonmel, Cashel, Carrick-on-Suir and Waterford. If, as a Government, we harnessed an approach in this regard, I would be very grateful.

Senator Ollie Crowe: I want to raise the supports being offered to businesses affected by yesterday's announcement. The Covid restrictions support scheme, CRSS, currently makes businesses that receive restart grants ineligible for further payments, as the majority of Members of this House will be aware. That needs to be changed as a matter of urgent priority, within the next 24 to 48 hours. Effectively, premises with late-night licences, such as nightclubs, will have to close due to yesterday's decision, and others will have their incomes severely reduced. The CRSS restriction affecting businesses that have received restart grants must be removed. We must make the CRSS open to businesses immediately.

The pandemic unemployment payment, PUP, must be restored for impacted employees of these businesses. As Senator Black outlined, the live music sector must be included at once. The sector has been hammered by Covid, and thousands of small businesses face a genuine battle to survive a crisis not of their own making. After yesterday's announcement, some businesses had been shut for over 500 days before having been open for just 27 days. We must make every effort and provide every support possible to ensure these businesses have a fair chance of survival. The employee wage subsidy scheme, EWSS, needs to be extended for at least the first quarter of next year for businesses in the sector. It simply cannot be accepted that other sectors rightly had the opportunity to avail of the scheme for over a year as they rebuilt while businesses in the music sector had 27 days in which it could be used. In general, the hospitality sector needs critical support. I call on the Government to offer this at once.

Senator Catherine Ardagh: I want to talk about antigen testing. This is an issue I have raised on many occasions in the House. I welcome the extension of antigen testing to schools, but I feel it is not going far enough. In the UK an individual can order seven antigen tests and QR codes for a household and report the results of the tests. We are just not going far enough. I realise there is a great cost involved. The cost is not as much as that associated with PCR testing, but if we invest in antigen testing we will be able to keep our economy open and we will not need lockdowns of the kind we had before. Ultimately, people need to take personal responsibility. Many people are doing that. In this building, for instance, we are not allowed to bring in stakeholders or to have meetings on the premises. If we had access to antigen testing, we could be facilitated in going ahead with our business. We have to continue governing, scrutinising and legislating. Antigen testing in this climate would play a huge role. I urge the Cathaoirleach to raise this with the Houses of the Oireachtas Commission so we will not have to go back to the conference centre. Ultimately, this would save money for the Exchequer as there would be no rental cost. Antigen tests have a huge role to play. We are not doing enough. I encourage the Government to roll out antigen testing on a much more widespread basis.

It is World Prematurity Day today. I thank all the nurses and doctors working in neonatal intensive care units and special care baby units around the country. It is amazing that babies weighing as little as 500 g now survive and have a great chance, thanks to science, awareness and the contributions that many medics and scientists have made. I congratulate the parents of premature babies. The babies are hard to mind and have to be fed, watered and cleaned every two hours. It is a huge task for parents.

Senator Tim Lombard: As the pandemic goes on, many sectors will have been affected. Many Members have spoken about how the entertainment sector and late-night bars will be affected, but in the past ten days I have become aware of how the charity sector has been grossly affected by the pandemic. Local branches of the Society of St. Vincent de Paul and local parishes may have two ways of raising money, one being raffles and the other being church-gate collections. As the House is aware, church-gate collections have been ceased over the past 18

months. This is a busy time of the year for the Society of St. Vincent de Paul. It is dealing with the vulnerable and others who need help and support. Unfortunately, the society's funds are depleted because of the pandemic and the inability to collect money. Members of this House could do a body of work to help to promote the cause and the idea that the next six weeks will be an important six weeks for society. There is great need in society. The Society of St. Vincent de Paul has a great understanding of where that need is. At parish level, it knows exactly who is vulnerable and needs support. I see this in my own parish. It would help if we could do a body of work in the next six weeks to promote the good work of the society, particularly at parish level, so it can identify the people who require help so they may have, I hope, a peaceful, safe and prosperous Christmas. The society buys fuel and Christmas presents and gives food vouchers. I call on the House to do everything it can to help the society to raise its profile, particularly in the next six weeks.

Senator Jerry Buttimer: I support Senator Ardagh's call, on World Prematurity Day, for us to commend all who work in our hospitals and to support the parents – the women and their partners – who require considerable support. There is an urgent need for us to have an updated premature baby strategy. As Senator Ardagh said, medical science has evolved and babies as light as 500 g are now surviving and living to tell their story. That is to be commended.

It is important that we have a genuine debate on living with Covid. I spoke yesterday in the House on the HSE's winter plan. Yesterday the Government announced changes to the framework. There are legitimate concerns over the night-time economy, which includes pubs, restaurants and nightclubs. There is a huge lacuna regarding antigen testing and its roll-out. Those of us who are members of the transport committee have been calling for the introduction of antigen testing since the summer of 2020. There is an issue in our schools that needs to be addressed in respect of contact tracing, the role of teachers and the question of whether they stay out or come back. There needs to be communication and messaging by the Government on that issue. I ask that next week we set aside time to start a rolling debate with the Minister for Social Protection on the pandemic unemployment payment. The debate should also involve the Ministers with responsibility for jobs, education and health. It is important we do that because this is something we must get right. The people have responded to the guidance of the Government in the past and they will this time too. How is it, for example, there was no guidance given on the wearing of masks or face coverings for sporting events? We all know county finals are happening in every county this month. Why was no clarity given on that yesterday? It is important we have a rolling debate on living with Covid-19.

Senator Gerard P. Craughwell: Yesterday, I spoke about the frustration I was experiencing with respect to vaccine boosters. I was contacted shortly afterwards by a member of the public who heard what I said and he was, in effect, a facsimile of my case as his underlying conditions mirrored mine. His consultant told him to contact his GP and get vaccinated. He contacted the GP but was not on any list he could find so he contacted the HSE helpline. By the time he contacted me yesterday, the man was extremely angry. I said I would try it myself today and I rang the number this morning. I had to ring twice because I made a mistake in one of the number of options. It was 34 minutes and 32 seconds before I got a reply from a human being, and that is simply not good enough.

Older people who are concerned or worried about their condition and vaccine booster cannot be left for 34 minutes on the phone. The person who contacted me was a lot longer on the phone and he claimed he had been somewhere close to an hour on the call. At the end of the call, all I got was that my name would be put on a list. That was after 34 minutes and 32 sec-

onds and it is bloody well not good enough.

The Deputy Leader is a former member of the Defence Forces and will understand what I am about to mention. There has been €40 million saved by the Exchequer because we are not promoting people in the Defence Forces. There are almost 700 non-commissioned officer vacancies that remain unfilled. We can add to this the number of people we have not recruited, and all this brings us to the €40 million. One wonders if we are saving money on personnel to buy hardware such as ships and the like. Just think of what that €40 million would do for the families who are struggling. The Deputy Leader knows the rank system better than I do so she would have some sympathy with those who serve in the Defence Forces on that. I hope we might use that €40 million in a better way.

Senator Maria Byrne: I rise today to follow up the conversation we had yesterday on University Hospital Limerick. I know it has been raised in the House a couple of times already today. I know it has been suggested there are a lack of resources and investment from the Government, particularly the Fine Gael Government, but I remind Senators on the other side of the House that more than 110 beds have been provided in the past 12 months at University Hospital Limerick. This is not about resources and there is something wrong at University Hospital Limerick. I feel so sorry for the patients and worry for their safety. I also think of the staff and their working conditions.

Major investment has been made at the hospital, with two extensions made to the building. There have been almost 900 people on trolleys over the past 12 months, and there are 75 people on trolleys today after 95 people being on trolleys yesterday. There is definitely something wrong. Are people not being discharged quickly enough? Examples have been given here of people attending unnecessarily or perhaps just to get on a waiting list. There must be an approach from the bottom up or the top down. I asked yesterday and several times before that the Minister be brought in to discuss the matter.

At this stage I support the Irish Nurses and Midwives Organisation, INMO, which has called for an independent review and for somebody to be brought in from outside to look at what is happening in the hospital. Maybe there could be a fresh approach. I am not condemning anybody working there or anything like that because everybody is doing their best. I really feel we need a fresh approach and way of looking at University Hospital Limerick. That is for the safety of patients and the people accessing those services. There are 562 beds in the hospital alone and there are four other hospitals in the same group with more than 200 beds. We need an independent assessment now.

Senator Barry Ward: I have two matters to raise and the first is in respect of vaccines. Other Senators have mentioned the importance of the booster programme, but there are certain people falling between the cracks. For example, I am aware of one individual who was hospitalised and therefore missed the appointment with her GP and did not have the opportunity to avail of the booster vaccine from her GP. Those vaccines do not appear to be administered in hospital, so can something be done to ensure people do not miss out because of that and to ensure we have the greatest possible coverage? I agree with colleagues who have said we must advance this process and progress it as much as possible.

The second matter I wanted to mention is the Winter Olympics in Beijing next year. We as a House and as part of the Legislature should be making clear our difficulties, as indicated by several Senators, with the manner in which China conducts its business on the international

stage. The Olympics next year will be an opportunity for us at the diplomatic level to make a very clear statement that we diplomatically boycott those games and send the message that Ireland, while not affecting its competitors, will not at an official level support the Chinese hosting of these games. Were there to be such support, with it would come an endorsement of Chinese activities around the Uighur minority and the attitude to freedom of speech and expression in Hong Kong, not to mention the country's attitude to Taiwan etc. I call for a debate on the matter so we can make a very clear statement on this as a House and as legislators that we have serious difficulty with this. We should call through that debate for a diplomatic boycott of the Winter Olympics next year.

Senator Mary Seery Kearney: I associate myself with the remarks from Senator Ward on China and the Winter Olympics next year. I rise today to speak to two related matters, both concerning our attitude to public transport, its provision and how the National Transport Authority, NTA, engages with communities.

On 28 November this year there are changes in bus routes being effected under BusConnects in Dublin city. One example is the changes that will occur in Chapelizod and such places. In town, people have a variety of bus routes to get to Chapelizod but from 28 November they will only have one. The connectivity between Chapelizod and Lucan, where many children go to school, will be broken because the direct route has been broken.

I have throughout this process challenged the NTA's engagement with the public and its public consultation has been deeply flawed. One cannot have proper public consultation when people have not been able to mingle or get out and about and when there was a very controlled Zoom environment. Communities have repeatedly put forward their case and explained it. There have been some minor amendments to try to plámás people but there has been no real engagement with the community and its needs.

A community like Chapelizod has had connectivity for the children but after 28 November people will have to choose to get into their cars to drive. We have huge momentum in the transferring of modalities to public transport from private transport, but at the same time we are creating a position where cars are going to be essential for the movement and collection of children who are too young to get two buses when they can get one now. It seems ridiculous.

I appeal for the Seanad to write to the Minister, Deputy Ryan, to demand he makes the NTA connect with communities and listen to them effectively. They have a right to be heard.

Senator John Cummins: I join others in acknowledging the staff who facilitated the late sitting last night.

I will put on record my thanks to Tegus, which is a US-headquartered company that announced this morning that it is locating its headquarters for the Europe, Middle East and Africa, EMEA, market in Waterford city with the creation of up to 100 jobs over the next two years. This is a great vote of confidence in Waterford city as a location for inward investment and a further shot in the arm for the growing technology sector in the south east. It is another announcement of jobs backed by the Industrial Development Authority, IDA, on the back of recent announcements by Bausch and Lomb, Repligen and Horizon Therapeutics. More than 410 jobs have been announced for Waterford city over recent months and that is very welcome. What makes this announcement stand out a little more than the others is that Tegus is a new IDA client company entering Waterford. I heard the vice-president of the EMEA operation

on local radio this morning and he said that Waterford was chosen over Dublin for the EMEA headquarters and the associated jobs on the basis of the quality of life in Waterford, the lower cost of living for employees and the ability to get high-quality staff within the region. It is a very welcome boost. It is important to say that, over the last decade, the number of IDA jobs within Waterford has increased from 5,217 to 7,875 as of the end of last year. I look forward to that upward trend continuing among the client companies of the IDA and Enterprise Ireland.

Senator Lisa Chambers: I thank all of the Members who contributed on the Order of Business this morning. Senator Malcolm Byrne kicked off the debate this morning. He spoke about the work the Seanad Special Select Committee on the Withdrawal of the UK from the EU has been doing to build trust between the EU and the UK and between Ireland and the UK throughout the Brexit process. It is incumbent on all of us to build that trust. He also spoke about the need for greater co-operation. I fully endorse his comments and agree with him on that. There is a greater role for the Seanad in that. We should link in more and better with our colleagues in Northern Ireland and across the water. We have the ability to do that and we probably need to reach out a little bit more. We have begun that work in the committee and we can certainly continue with it.

I concur with the Senator's remarks on celebrating the centenary of An Garda Síochána. Perhaps we could put that matter on the agenda for discussion at the Committee on Parliamentary Privileges and Oversight to see what the House can do to commemorate that point in history.

With regard to restrictions and the vaccination programme, I agree with the Senator on putting vaccinated persons first. Perhaps late-night venues were the low-hanging fruit. There are other areas where people are mingling and meeting each other. It is down to personal responsibility but those who have been vaccinated absolutely deserve credit for doing the right thing and protecting themselves and, more importantly, protecting others.

Senator Kyne requested a discussion with Deputy Stephen Donnelly with regard to the restrictions and a debate on matters relating to health in general. The idea of a general debate on health was also raised by Senator Buttimer. Other Senators, to whom I will come later, spoke about the booster programme. A request has been made to the Minister to have a debate on health before the Christmas recess. He will be in the Chamber next week to discuss matters related to scoliosis but that debate will be too short to expand into other issues. We will try to get a second debate with him. His office usually facilitates his coming to the House. I hope to have that debate before the Christmas recess.

Senator Kyne also raised the issue of rural housing. I fully agree with his remarks on the importance of the right to build on family land and how important that is to people in rural communities. I will certainly make that request to Deputy Peter Burke, the Minister of State responsible for local government, with regard to the guidelines on rural housing we are expecting. I may also request a further debate with the Minister on the national planning framework and how it impacts on county development plans.

Senator Boyhan thanked the staff for facilitating last night's late sitting. Other Members concurred with those remarks and I will also join in them. I thank the staff for facilitating the House in sitting until almost 1.30 a.m. last night to deal with really important legislation. It was a late sitting. The Senator raised the issue of the family-friendly forum. A report has been published in that regard. Members of this House sat on that forum, which was put together by the Ceann Comhairle. Recommendations have been made as to how we can make this House

and the other House more family-friendly. I hope those recommendations are acted upon in the near future.

The Senator also spoke about the compensation scheme for survivors of mother and baby homes that was announced yesterday by the Minister, Deputy O’Gorman. He also spoke about the Birth Information and Tracing Bill 2021, which is due before the House, and the contributions of Samantha Long, whom all of us in this House know and are very friendly with, on “Six One News”. I commend her on her comments and contribution. We have to take stock and listen to those who have been directly impacted by this. We believe the Bill will be initiated in the Seanad. We hope to have a debate on it in this House before Christmas. A separate debate has been scheduled with the Minister for Tuesday, 30 November, on the scheme that was announced. We will have full debates on both of these issues in the House before the end of the year. Senator Keogan and Senator McGreehan also raised the issue of the mother and baby homes. That debate is happening.

Senator Pauline O’Reilly spoke about the 90-minute fare for Dublin and asked why we are not extending that policy beyond Dublin city. That is a very pertinent question. The Senator put some striking statistics before the House such as the fact that only 53% of the country is connected by bus. Connecting Ireland, the new policy on bus connections for the country, will increase that figure to 70%, which is very welcome.

Senator Gavan spoke about an issue in University Hospital Limerick, as did Senators Conway and Maria Byrne. The situation is grave. I am familiar with it. It has been widely publicised. I concur with the comments of all the Senators on the difficulties facing staff and particularly the patients who are in that situation. I do not know what is going on. Money has been put into the hospital. I know that from the last term, although I was not in government at that time. There has been investment so something else must be going on there, although we do not know what that is. The Irish Nurses and Midwives Organisation is calling for a review and that could be welcome. I am not sure how having statements in this House as the first port of call would benefit the situation. I suggest that the Senators who have raised the issue seek a meeting with the Minister, Deputy Stephen Donnelly, as a group. They might also invite hospital management. They need to get around the table with management, the Minister and the representatives for that area. That might bear more fruit. When representatives for Mayo and I had a meeting with the Minister and the management of Mayo University Hospital, it was really useful. We got a lot out of it and got down to the nitty-gritty of the issues. Perhaps the Senators could do likewise but, if they are still requesting a debate, we will certainly put that request in. I just make that suggestion to the Senators who mentioned the matter this morning.

Senator Gavan also raised issues regarding the local employment services, as did Senator Moynihan. I am not fully up to speed on all of the local employment services across the country. There are different issues in different counties. However, I know the Attorney General advised in the last term that there had to be a tendering process. I accept that may not be the answer the Senators want to hear but that is what I have been informed of. There was an examination of whether the *status quo* could be maintained. I have been contacted by my local employment service so I know it is a really important issue for those working in the service, who do a fantastic job. Perhaps the Senators could initially table a Commencement matter to see if we could get a direct response on the matter. A further debate may then be required.

Senator Moynihan raised the issue of the local employment services and then spoke about the issue of the Polish-Belarusian border, which I raised yesterday, and the ongoing humanitar-

ian crisis there. I concur with the Senator's remarks. It is simply not okay for Poland to take the actions it is taking. I appreciate it is under pressure and it did not bring this situation upon itself but this is still a humanitarian crisis. There are people, human beings, at that border who need to be cared for and looked after. It is a European Union border and other member states need to step up and assist Poland as a friend and fellow member state in dealing with that situation. It must be a priority to look after the welfare of those in that situation and at that border. The Senator made a very good point.

Senator Black spoke about the live music and entertainment sector, as she has often done in this House. She spoke very passionately about the area. I have no doubt those who work in the sector are reeling after the imposition of restrictions and an early closing time yesterday. It is just not possible to run a nightclub that closes at 12 midnight. It is not practical. It is a really difficult situation for those who work in entertainment, including artists, singers and musicians. It is incumbent on the Minister for Social Protection to engage with that sector specifically and to see what supports are appropriate because it is just not that easy for those who work in it to get other employment.

I also take on board comments from the retail and hospitality sectors, which are really struggling to get staff. It is a matter of striking the right balance. Rightly or wrongly, representatives of these sectors have suggested that the pandemic unemployment payment is a factor making it difficult to get staff where there are vacancies. Another solution could be found but the Minister has to engage with the sector and find out how to help those working in it, who cannot simply get another job. They are artists who are working in the live entertainment sector. They are in a unique position and have been for a very long time. I appreciate how difficult that is.

Senator Paul Daly raised the issue of the vaccine programme, especially the booster vaccine and the clarity required in that regard. Senator Ward raised a similar issue. We requested a debate on health with the Minister, Deputy Stephen Donnelly, which will hopefully take place before Christmas. That issue about the vaccine programme, particularly booster vaccines, could be discussed with the Minister.

Senator Conway welcomed the appointment of Kieran Mulvey to the dispute relating to the Doolin Coast Guard unit. We all join with him in that and hope that the issue can be resolved expediently now. The Senator also raised the issue of Limerick hospital.

Senator Keogan, aside from raising the issue of mother and baby homes, spoke about the fostering situation. I was struck by what she said. I know she has worked in that area and helped many children over the years. I agree with her. I have some knowledge of that area from local issues. Not enough is being done. There should be a recruitment campaign to the wider public. I do not believe I have ever seen information on how to become a foster parent or what is involved. There should be a call put out to the public, as the Senator did this morning. I have not seen that done in the mainstream media or local spaces. There is a job for Tusla to do in reaching out to the public and having a new campaign around fostering in order to try to get more people into the system. The Senator is right. The numbers she highlighted, namely, 30 children dying in the past year alone, seven of them by suicide, represent an absolute failure on the part of the State to look after those children in their most vulnerable time. I have no doubt the Senator is correct in that the fact they do not have loving, stable homes is the primary reason that these children are in that desperate situation. It is a black mark against the State, and we have to do something about it. The figures speak for themselves.

Senator McGreehan spoke about and welcomed the mother and baby home scheme. She acknowledged the work done by the Minister, Deputy O’Gorman, in putting that scheme together. There are challenges being faced and we will wait for the debate on that to hear what the Minister has to say. We will get contributions from all Senators on that scheme and see how it is received in the days and weeks ahead.

Senator Ahearn raised the issue of transport and asked for a debate with the Minister for Transport, Deputy Eamon Ryan, on greenways and walkways. He spoke about a blueway and a greenway connection between Waterford and his area of Tipperary. It is an exciting project. Senator Seery Kearney also raised the issue of transport. A debate with the Minister is definitely required because there are many developments in transport, be that in rural transport, BusConnects, Connecting Ireland or the changing of routes. There is a lot happening and, I agree with the Senator, there has not been a proper public consultation because it just was not possible. We need to listen to communities because, at the end of the day, we are there to serve communities and not just foist a new system upon them that may not work for them.

Senator Crowe spoke about the need for supports for business following restrictions, which linked in with what Senator Black raised. Senator Crowe spoke, in particular, about the CRSS and the restart grants and the anomaly that is these are as easy to access. The Senators is looking for that matter to be resolved.

Senator Ardagh spoke about antigen testing, the need to extend it more broadly and to remove the cost barrier to antigen testing. She also spoke about today being World Prematurity Day, as did Senator Buttimer. We commend the staff working in the neonatal units and the parents of premature babies, and acknowledge their work today.

Senator Lombard spoke about the charity sector and the difficult period it has experienced in the past year and a half. He put out a call to people to support their local Society of St. Vincent de Paul and local charities at this difficult time.

Senator Buttimer asked for a specific debate on living with Covid. Again, we could tie that in with the debate with the Minister for Health that we hope to have before the end of the year.

Senator Craughwell spoke about the booster vaccine. He also spoke about the extensive vacancies within the Defence Forces. There are 700 non-commissioned officer, NCO, vacancies and many others in the officer ranks. According to his calculations, that amounts to a €40 million - what could be termed as a saving - lack of expenditure by the Department of Defence due to those positions not being filled. There are issues around a lack of NCOs and officers in the context of just running the organisation and discipline within it. When one sees reports such as that in yesterday’s edition of *The Irish Times*, one can see that there are definitely problems in the Defence Forces which need to be addressed.

Senator Maria Byrne spoke about the hospital in Limerick, which I have dealt with. Senator Ward spoke about the vaccine as well as the Winter Olympics in Beijing and requested a diplomatic boycott. The Minister of State, Deputy Jack Chambers, has already indicated that neither he nor officials from his Department will attend the Olympics and that he is awaiting a response from the Department of Foreign Affairs, which we expect to receive in the near future. I concur with the Senator’s remarks in that we cannot be seen to be endorsing what China is doing on human rights violations, a lack of freedom of speech and freedom of the press, and on its actions in respect of Taiwan.

Senator Seery Kearney spoke about public consultation not taking place, especially in the context of an issue that arose in Chapelizod which I am not personally aware of. I take on board what she said about the loss of connectivity for that area. It seems quite stark. Those involved seem to have got that wrong and need to go back to the drawing board on it.

Senator Cummins spoke about the company in Waterford, Tegus, that announced 100 jobs for Waterford. That is fantastic for Waterford city. I say “Well done” to the company and I wish the area and the people who will take up those jobs well. There have been more than 400 job announcements for the city. It is fantastic to see the regeneration and renewal of the city and surrounding areas. It is great for the south east.

Order of Business agreed to.

Sitting suspended at 12.45 p.m. and resumed at 1.14 p.m.

Report on Victim’s Testimony in cases of rape and sexual assault: Motion

An Cathaoirleach: I welcome the Chairman of the Oireachtas Joint Committee on Justice to the House and fáilte roimh an Cathaoirleach to the Seanad. This is one of the initiatives that this Seanad had undertaken for the renewal of the Seanad. A number of reports have suggested bringing in the Chairs of committees to the Seanad after they have published reports, examining the recommendations of those reports and seeing what action has been taken regarding those reports. All too often many Members here have served on committees where the reports are published and then there is perhaps a lack of action on the recommendations thereafter. When Senators, Deputies and, indeed, the Chairs of committees put the effort in, and witnesses and organisations come before committees, it is beholden on us all to follow up on the recommendations, on foot of those witnesses’ testimony and the efforts put in by everybody. The recommendations are often argued over by committee members. However, we are lucky that in this Parliament more often than not the majority of reports get unanimous approval from the committee members, and there is no or very rarely any division on it. This report is probably the most important report we have on the Order Paper at the moment as it relates to the issue of rape and sexual assault. As we know, all too often less than 10% of victims report incidents of sexual violence or rape to gardaí. As I am sure the Chair will outline, the number of convictions is extraordinarily low and many victims feel like they are retraumatised by the system that we currently have at this moment in time.

I welcome Deputy James Lawless to the House to outline the work that the committee put in, and obviously the testimony that came before the committee and the recommendations of the report. I note in his report that he has sent a copy to the Department and the Minister. The committee did so when it published the report. Perhaps we will hear the response the committee got to the recommendations and will hear what actions its members are aware of that have been implemented on foot of their recommendations.

Senator Lisa Chambers: I move:

That Seanad Éireann shall take note of the Report of the Joint Committee on Justice entitled ‘Report on Victim’s Testimony in cases of rape and sexual assault’, copies of which

were laid before Seanad Éireann on 11th June, 2021.”

I welcome Deputy Lawless who is the Chairman of the Oireachtas Joint Committee on Justice and thank him for giving of his time. I thank the Cathaoirleach for initiating this process within the Seanad and it is very timely. It is a good use of Seanad time because as the Cathaoirleach said, many excellent reports are published by Oireachtas committees that gather dust and their recommendations are never actioned or perhaps only some of them are. It is a good use of our time to follow up on those recommendations given the amount of excellent work that was put in by the committee Chair and members, and of course those who gave evidence to the committee that led to the compiling of this excellent report.

The figures are shocking whereby less than 10% of victims report instances of sexual assault or rape to the gardaí. In 2008, only 8% of reported rape cases resulted in a conviction and the percentage increased slightly to 11% in 2018. Let me be blunt and say that one would almost be unlucky to be convicted of rape in this country because the statistics are so shocking. The rates of reporting, prosecution and eventual conviction are so low so is it any wonder victims do not come forward? They probably feel that the chance of getting justice for what they have been through is extremely low. There is no doubt about it. Our system is broken. Something wrong is going on here and there is a reason the rate of reporting of these crimes is so low. I understand that it is the most serious crime yet it has one of the lowest level of reporting, which is something that must be addressed. We have to ask why reporting is so low and then we can probably say why the conviction rate is so low. The conviction rate is so low because victims are not coming forward to report the crimes. That is something we have to address. The committee’s report goes a long way towards addressing the underlying reasons victims choose not to come forward and go through the justice process.

The committee’s intention was to look into the reasons victims were not engaging with the justice system. In going through the justice process from their first engagement with the Garda to the courts, victims find it to be a very traumatic process, and they find themselves to be re-traumatised by going through that. That is something we must address. Victims are scared of the justice system when it comes to reporting sexual offences and going through the rape trial process. In most instances, the approach of the defence in those trials is to try to discredit the credibility of victims and to assassinate their character so that the jury will not believe what they are saying. That is not always the approach, but it is often the case in those types of trials, which is widely known by the public. That is why victims are very afraid to come forward and go through that. We need to address that.

A key area that victims are afraid of is that their previous sexual history will be brought before the courts and put out there in all its glory in every single detail. The victim is required to answer questions of his or her previous sexual history. I have a real problem with that and I think that should not be allowed but, unfortunately, that is permitted in those trials. One of the most high-profile cases recently was the Belfast rape trial. It was widely publicised on social media and in regular media and it is was everywhere. Every detail of that trial was all over the place. The victim was treated appallingly in that trial. For any woman who had experienced sexual assault or rape and was thinking of coming forward, could she be blamed for not wanting to, having seen what happened to victim in that case? I still stand in solidarity with her despite the verdict. I acknowledge there is a verdict and we accept that. However, the process itself and what she was put through was just appalling. That is something that we need to address. I do not have all the answers but what happened to that young woman was outrageous. It was disgraceful. It still makes my stomach turn to think of the process that she was put through. I

have no doubt that had a chilling effect on other victims who might have wanted to come forward or who may think about coming forward in the future. We all remember what happened in that trial and how she was treated. That is something that needs to be addressed.

I will touch upon a couple of the recommendations in the report, which are excellent and stand out. A key recommendation is to increase the number of judges to reduce delays in these trials coming through. There is a recommendation for specialist training for the Garda and for those in the justice system to help victims go through this process. We know the process is traumatic and is preventing victims from coming forward. A simple recommendation that can be implemented today is to ensure that the victim and the accused sit as far away from each other as possible. That might sound simple but coming face to face with your attacker is a traumatic experience for the victim that re-traumatises them. It is crucial to ensure that separate legal representation is there to support the victim particularly when they are being questioned and cross-examined about their previous sexual history. I have been clear on why that should not be allowed in a rape trial but it is there; giving victims separate legal representation to get through that particular process is crucial.

The report went beyond the justice process and focused on the relationship and sexuality education, RSE, curriculum and the need to educate our young people about consent. We have a big job there. A large number of young people do not know what consent is.

I commend the Chairman and committee members in both Houses on their work and I am glad to have the opportunity to discuss this issue in the House. We have a lot of work to do but this is a great starting point. If he has time, I ask the Chairman to touch upon the process of engaging with the witnesses and how he felt that went and to share any responses that have been received to date from the Minister and the Department on how they intend to action these important recommendations.

An Cathaoirleach: I will call Deputy Lawless, Chairman of the Joint Committee on Justice. I thank him for coming to the House to discuss this report. As Senator Chambers said, this is a very important topic. There are many cases that can be discussed, but I must warn Members not to mention people by name because we do not want to bring the House into disrepute. There is the issue of parliamentary privilege but we must balance those powers.

The subject of this report is a systems failure that has been going on for far too long where those who have been subject to the horrific crime of rape are not getting the justice that they deserve. We need to change the way our justice system work to make sure that they get the justice to which they are entitled.

Deputy James Lawless: I thank the Cathaoirleach for inviting me. I am delighted to be here on behalf of the committee to share a flavour of our report and give an update on this important report. I want to acknowledge the work of the Cathaoirleach, Senator Daly, in the innovation of bringing forward these types of sessions. This is something that the Seanad, as a strong second Chamber, can excel in. As someone who campaigned for the retention of this forum a number of years ago for exactly this purpose, I am delighted to see it being ventilated and used for significant probing of legislation, holding Oireachtas committees and the Government accountable and putting us on notice in these types of exercises. It is a worthwhile initiative and I commend the Cathaoirleach and the House on taking it on. I am delighted to be perhaps the first committee Chairman to come before the House in this regard.

The joint committee is answerable to the Oireachtas as opposed to the Government through the separation of powers. My duty is the Dáil and Seanad and, of course, to the people who are sovereign. While I am a member of a Government party, and very proudly so, I chair the committee in an impartial way and the committee does its work independent of any party persuasion. We do it as comprehensively and impartially as we can. I think that we work well together. I want to recognise Senators Gallagher, Ward, Ruane, Martin and McDowell who are members of the committee and I thank them for their contributions not just to this report but to all the many reports and exercises that we have performed.

The Joint Committee on Justice, as its name would imply, is law heavy. We have the greatest workload before us than any other committee in the Oireachtas. Up to Christmas, we had a boast that we processed more legislation than all the other committees put together. That it is a function of our productivity, and I thank the members for that, but also the nature of the work that comes before us. The one thing that we were very keen to do at the outset, was not allow ourselves to become enslaved by legislation and to become reactive, but that we would actually initiate our own reports. One in four of our meetings does that. They are part of what we call elective modules of which this was one. It may have been the first one that we took on since the committee was put in place because we felt the importance of the topic was such that it should be the first elective module. We took it on to study in that way. Other modules that we have considered include policing during Covid, and whether civil liberties have been balanced correctly and whether the right balance has been struck, and we considered GDPR and made some important recommendations on the Irish data protection regime, which impacts onto Europe. That is something that we might discuss here on another occasion. We considered the system of courts and court houses in Ireland and our next meeting will consider the engagement of minority communities with the justice system.

Today we are discussing the report on the testimony of victims in cases of rape and sexual assault and how those victims have often been re-traumatised and had to relive their ordeal by going before an adversarial court system. One reason we sought to prioritise this was the O'Malley report, an academic report published shortly before the committee was convened, which made findings on these cases. There was also the statistic, which my good friend and colleague, Senator Chambers mentioned, that only 10% of sexual assault or rape cases are currently reported and between 8% to 10% of those actually secure conviction. Therefore, only on average one in ten cases are reported to the Garda or prosecution authorities and of those one in ten, only one in ten is securing a conviction. Only one in 100 cases ends up in court with a conviction. There is obviously a significant difficulty with that if somebody is defiled in such a way but they do not see justice done at the end of the process. That said, it is a difficult issue because we also have canons of law dating back centuries, not just in this jurisdiction but internationally, which say that the presumption of innocence applies. That is a very important principle of the common law and the criminal law. Awful as it must be to be a victim of an assault or crime of this nature, it is also awful for somebody to be wrongly accused, put in the box and charged with this offence if that person was not in fact guilty and it was a case of mistaken identity. I often say to people that they could be put in the box although they know they did not do it because they were not there, or perhaps they were, but the facts were a little different from what had been alleged. Unfortunately, these things also happen. It is important that we have a system of checks and balances. That goes into some of the issues around testimony. There was some suggestion, for example, that victims would not have to give evidence. It is a principle of the law that people can challenge their accuser. Those principles are set in stone also for good reason, so there are difficulties around that.

That said, we had comprehensive engagement and some very strong submissions. We had representatives of the Rape Crisis Network Ireland, Men's Aid, One in Four, the Bar of Ireland and the Department of Justice before the committee and they made very strong representations and gave testimony, as they always do. One of the points that came up was the difficulty that arises when victims have to go back into a courtroom. People talk about retraumatising. Victims have already suffered an horrendous ordeal and then six, 12, 18, 24 or 36 months later, they have to re-enter a courtroom and may have to go toe to toe with and encounter their accuser if evidence is given live. They may have to do that a number of times if the case is listed, re-listed, adjourned and re-adjourned.

To my mind, the most important finding from the report, although it may be a less intuitive or obvious one, is that we clearly need more judges. This was a factor in a number of reports. We need more judges at every court level in this country, including the criminal courts system. It is difficult enough for victims to build themselves up and step into a courtroom. They may not sleep for a few nights in advance and may get a family member or friend to accompany them, only to be told on the steps of the court three hours later that the case has been put back for a month or six months. The reason for that is usually that a judge was not available and the list was too busy on the day. The committee, across the board, found a number of times that we need more judges in many areas. The *per capita* comparison across Europe and elsewhere suggests we are below where we need to be in that regard.

I was a little disappointed by the Government's response to our report in that regard. I look forward to hearing what the Minister will say later. I was disappointed by the remarks from the Government on judges' salaries when judicial appointments were discussed recently. The appointment of a judge means the appointment of a court, which will sit every day through the legal year. That judges happen to be well remunerated is a separate issue. It is unfortunate at times that the debate moved into that area.

The next recommendation we considered was that, in general, we take a victim-centred approach and consider a place for the victim. There is currently some level of representation for victims in a court scenario in circumstances where we have an advocate to assist. In certain specialist cases, such as the question of previous sexual history, the joint committee recommended that this representation be extended across the board so that there is a legal team in place for the accused. The person in the box who has been charged with the crime has a legal team and there is a legal team for the prosecution, that is, the Director of Public Prosecutions and the Chief State Solicitor, but victims find their own way. They may have a friendly garda or a family member to accompany them but there is no formal procedure in place to engage with them. Sometimes, if they are not in court, they may be waiting at the end of a phone or relying on a text or call from a friendly garda who may or may not get in touch to ask how everything went on the day and outline what will happen the following day. We have recommended that there be formal legal representation to guide victims through the process and, where necessary, to advocate for them in the courtroom. This representation should be on a par with the prosecution and the defence.

We touched on specialist training for legal teams and witnesses giving evidence. That has already been rolled out in part by the Bar Council and others and it needs to continue. One of the few pluses from Covid is the adoption of remote systems. There was already some provision for remote evidence to be taken in these types of cases and that has been accelerated because of Covid. Advances have been made in technology in the courts, but we need to double down on that. Many courtrooms still do not have proper facilities, audio recordings, video footage,

etc. This is an obvious thing to do in cases where persons do not want to be in the same room as persons who they allege defiled them. They can contribute by video link, take questions and the jury can still assess their evidence but they are not physically in the same room. That needs to be rolled out faster and better.

There is an argument for what we call familiarisation, where someone holds the person's hand on the way in and points out where the jury sits, where the dock is, how the system works and engages in those types of conversations.

Senator Chambers touched on the subject of sexual education in the classroom, RSE in the early days, its more recent incarnations and the topic of consent. I hope we can all agree that such examples are fundamentally needed in the education system so that people know what is right and wrong when they are going out. In this day and age, there is no excuse for any confusion over that, but it should be included in the curriculum.

We talked about rolling out the use of video. We had representatives of Men's Aid before the committee who highlighted that this is not a gender-specific issue. Traditionally, women have suffered more, but men are not immune either. We had some impassioned and moving testimony from Men's Aid, which was very useful. We were delighted to take that on board.

The statistics can be a little bit misleading in the sense that a case can be struck out or not go to trial. Different pleas can be made and different issues taken into consideration. The joint committee recommended that statistics be carefully collated so that it is apparent at the end of the year what exactly has happened, which cases have gone to trial and which have not and where this information sits in the wider set of figures so that we can make sense of the statistics.

I look forward to the debate. We have a set of recommendations to be put to the Government. Some are being actioned and some are not. I ask the Government to progress the remaining actions with the rapidity and urgency they deserve, in particular, and the adoption of video links across courtrooms, the further roll-out of specialist training and advocacy for victims in a courtroom, as well as for the prosecution and defence. Above all, and this applies not just to this report but across the board, we need more judges, *simpliciter*, so that people have their day in court on the day they expect to have it and their case is not held up, delayed or adjourned multiple times. Justice delayed is justice denied. That was probably our principal finding.

A Chathaoirligh, I again thank you for the invitation. I look forward to the debate. If possible, I will make some closing remarks and respond to any points or questions made by Senators. I look forward to hearing their views and thank them for hosting me.

An Cathaoirleach: I thank the Chairman for outlining the 14 recommendations in the joint committee's report and its overall work on legislation.

Senator Robbie Gallagher: I too welcome the Chairman of the Joint Committee on Justice to the House. Senator Ward and I have the pleasure of sitting on the committee chaired by Deputy Lawless. The manner in which he conducts his business and steers the committee is very impressive. His appetite for work is also hugely impressive. He gave some examples of it. I am delighted with the experience of serving with him.

I acknowledge the presence in the Visitors Gallery of Alan Guidon, the clerk of the committee. I am sure my colleagues will agree that we are very fortunate to have him as our clerk. He is very efficient and hugely helpful to members as they go about their business. He is very

welcome to the House.

Senator Chambers and Deputy Lawless mentioned the sad and depressing statistic that only 10% of victims come forward and report crimes to the Garda. I found that information heart-breaking, as I did the fact that, as Deputy Lawless noted, only 10% of cases are prosecuted.

Deputy Lawless outlined the process the joint committee went through. We invited a number of stakeholders to our hearings and listened to what they had to say. I found it very moving, and heartbreaking in many ways, to listen to the testimony of some of those who represented victims who have gone through the process.

A number of recommendations have been made in the report, which have been forwarded to the Department and the Minister. Some of them, as Senator Chambers noted, seem very simple, and we might legitimately ask why it has taken so long to shine a light on this subject and why so few women and men come forward in the first instance to report incidents. It is shocking that only 10% of cases relating to those who come forward result in a successful prosecution. That is harrowing. It is impossible for me to step into the shoes of someone who has been a victim, and the presentations made to the committee were as close as many of us will ever, I hope, come to that.

The recommendations are fairly simple. We discussed issues relating to judges and the length of time it can take a case to go through the courts. It is important we try to step inside the shoes of the victim in having to go through the process of giving evidence and making statements, and then getting a date for court. We can only imagine how traumatic it would be to have to step into a courtroom and be given a specific date and, lo and behold, a week or two before that date or even less, to be told the case is being postponed. That happens often and it must be a shocking experience to go through as a victim. Clearly, more judges are needed in order that we can expedite the process and these persons can try as best they can to get through the process and get their lives back on track once it has been completed.

Other simple measures the Chairman of the committee outlined relate to the use of ICT. You would imagine that would be very basic to implement. More evidence should be examined in regard to how it could be relayed via ICT. Many of my colleagues at the committee are well used to the courtroom, and in many cases it is a home from home for them. For those of us who do not normally enter a courthouse, however, it is a very intimidating atmosphere. In the case of trials for sexual assault or rape, we can only imagine how someone going through that process must feel. Even sitting in a courtroom and being close to the person who was responsible for them being there in the first instance is very difficult, and that too is something one would imagine would be a fairly basic principle. Even sitting outside the courtroom in waiting rooms, the victim could have to confront that individual, and I imagine that would be traumatic to have to go through.

I was delighted to be a part of the committee and to have gone through the process. I feel I know a little more about the process than I did at the outset and I was delighted to support all the recommendations, which are fairly basic, as I outlined. The key issue, which was acknowledged also by the Chairman of the committee, relates to the process of education regarding sexual behaviour and consent, something we have to expedite through our primary schools, at the appropriate age, and through secondary schools and third level. Many third level institutions have done great work in this regard and it is very important. Surprising though it may seem, there is much ignorance in respect of this issue, so education is the key in that regard.

I look forward to the Department and the Minister responding to the recommendations in the report. We have delayed this for much too long. It is far too serious an issue to drag our heels on. We owe it to the women and men who have been victims of these horrible crimes to make the experience of having to go through a court case as bearable as it can be under the circumstances. I echo the call of the Chairman of the committee for this report and its recommendations, which are all ones of common sense, to be implemented as soon as possible.

Senator Pauline O'Reilly: I am skipping other Senators' speaking slots because I am stepping in for the Cathaoirleach, who has to leave presently. I thank all the members of the committee, several of whom are here for this debate, for their work on this, in particular the Chairman. Apart from the detail of what needs to be done about conviction rates, where we can all recognise there is a problem, let us be clear that nobody should be raped or sexually assaulted. It should never get to the point where these crimes have to be brought to trial.

That is at the heart of this issue and let us not forget it. We can get bogged down in legalistic language and alienate people. We need to say strongly that the problem here is there is violence against women and those rates have not changed. We pat ourselves on a back as a society and say we have made so many improvements to people's well-being, but when it comes to violence against women, there has been no change. In fact, we do not even know the extent of it, so it could be even worse, and certainly during the pandemic it was worse. That is particularly true of rape and sexual assault of women, although I do not for a moment want to leave out the men and those of all genders who are raped and sexually assaulted. It is important to mention them. Nevertheless, having read the statement of the National Women's Council of Ireland in particular, I know this is about oppression and control of women, their sexuality and their bodies, for generations and decades, and that is at the heart of all this.

That is recognised in the report. Part of the reason for the under-reporting relates to shame about sexuality and coming forward. It is difficult to know what exactly is the reason for the under-reporting, but I believe the low conviction rates contribute to it. When I sat on the joint policing committee of Galway City Council, there was not even a statistic for how many people were coming forward with rape and sexual assault incidents. There were statistics for everything else, from bike crime to drug offences, yet that fundamental problem at the heart of our society, that poison and epidemic, was not reported. I am fortunate I was able to have it changed in the case of Galway City Council, but those statistics need to be provided throughout the country. We need to bring these issues to the surface and have a proper conversation about them if we are to deal with them in order that people will feel they can come forward.

The main issues the report seems to have identified relate to the delays in trials proceeding, the need for specialist training of front-line professionals and the need for improved court services and facilities, including judges. I will concentrate on the issue of relationships and sexuality education, RSE, which is at the heart of the problems within our society. One recommendation was to incorporate the teaching of consent within new RSE curriculums at primary and secondary and to roll out programmes of consent throughout tertiary education. Some of that is starting to happen but not quickly enough, and we have to ask ourselves why that is. It is not only about reducing the rates of rape and sexual assault but also about who sits on the juries and the kinds of rape myths and biases people bring in. I was the foreperson of a jury in one of these cases. Everybody brings their baggage in with them, and if they have had training in consent, they bring that in with them as well. We need a serious overall of the relationship and sexual education curriculum.

I welcome the confirmation last week by the Minister for Education that homophobic statements in school social, personal and health education, SPHE, materials have been removed by the Department of Education. I am not sure why they were there in the first place but it was confirmed last week that they have been removed. There is no place for this in our teaching. We must have an inclusive and progressive curriculum on RSE that is reflective of a modern Ireland and includes all sexual and gender identities to avoid excluding LGBTQI people. This must come outside of religious influence, which is a problem across our schools. We need strong oversight of external facilitators and it must be consistent across schools. Students need to be exposed to ideas of consent and inclusive sexuality and relationships education from an early age in order to root out these issues from society.

Another recommendation is to ensure separate legal representation to support victims of sexual assault. That is critical, quite apart from the other issue of having more judges. People must feel comfortable and supported through the process. I point to the programme for Government commitment to implement the findings of the O'Malley review of supports for vulnerable witnesses in sexual violence cases, particularly its recommendation on the need for intermediaries for vulnerable victims. The report recommends we introduce a registered intermediaries scheme similar to that in place in Northern Ireland. These intermediaries would be professionals who help people to communicate to the court, not only having legal representation but support in communicating.

A number of countries in common law jurisdictions have already successfully implemented such schemes. I know there is a pilot scheme under way here. I am interested to hear from the members of the committee if there is an update on that pilot. The Rape Crisis Network has advocated a flexible approach across the use of these schemes, for example, in cases where a vulnerable witness may be better served by an intermediary with no professional training but who is familiar with the witness's particular style of communication.

It is also important to recognise the difficulties for organisations that support those who are victims in finding funding. I am informed that it is difficult to shake a bucket for services that support people who have been raped on the streets of our local towns. That needs to be recognised and more resources need to be put in place to support these organisations.

I would like to publicly praise the work of a few organisations in Galway. The Galway Rape Crisis Centre provides counselling and support for those affected by sexual abuse and sexual violence in the county. I read through its annual report for 2020 and the amount of work its staff and volunteers do is incredible. They provide an important service, one for which, unfortunately, there is very high demand. One of the shocking statistics about crime of this kind is the number of abusers who are family members, friends or partners of the survivor.

I also mention two other organisations. COPE Galway is a charity that provides support services for people who are homeless, often women and children who are experiencing domestic abuse, and older persons. In 2020, it helped 603 people as part of its domestic abuse services. Domestic Violence Response is another organisation which offers counselling and support for victims of domestic violence.

My time is up. There is so much more to be said. I thank Deputy Lawless for the committee's work. Having this matter aired in this setting is an important step.

An Cathaoirleach: I ask the Senators who are due to attend meetings to keep their contri-

butions short. I call Senator Gavan.

Senator Paul Gavan: We are all under pressure. I will give way to Senator Ruane as she has to leave shortly. I will speak after that if that is all right.

An Cathaoirleach: That is fine.

Senator Lynn Ruane: I appreciate that. I will not use all the time available to me because, as a victim of sexual assault, I always struggle to speak about this topic.

It struck me that the report found that less than 10% of victims report incidents of sexual assault or rape. As the mother of two daughters, I would like to be able to encourage my daughters, if something was to ever happen to them, to hold the person responsible accountable. To be honest, I do not think I would do so. When I see how people are treated and how victims, primarily women, have their lives scrutinised as if they are on trial. If you report a crime, the person at fault does not have to defend himself. The woman has to defend herself, her history, who she is, her past sexual relationships and what she was wearing and doing. She is scrutinised. I do not know how anyone could stand over watching a loved one being scrutinised in that way when trying to hold somebody accountable for something that the person in question, not the loved one, did. We have so many campaigns saying who is at fault for rape and sexual violence but the State institutions, through the way in which they have operated for a long time, reinforce a view that is the opposite of the message of such campaigns because victims continue to be scrutinised in this way when they try to prosecute.

The committee has done good work but we have a long way to go. When we were drafting the report the story of Zoe, which is not her real name, hit the newspapers. Zoe was the youngest person ever to give an account of personal sexual assault. She was only a child. That case exposed huge wrongs in our system in relation to how we treat vulnerable witnesses, especially children who are the most vulnerable of all. My office drafted a report and, I hope, the Joint Committee on Justice will do a new piece of work in the new year on underage witnesses. That would add to the report before us.

Some parts of the report stand out. It contains many recommendations on infrastructure, including the need for information technology, IT, for video testimonies and the appointment of more judges. Infrastructure aside, there are aspects of the report that can move much more quickly, for instance, the impact assessments that should be made to prioritise a victim-centred approach to stop re-traumatisation. We must ensure the availability of specialist training for questioning of vulnerable people. This needs to be rolled out as soon as possible for members of the legal profession. The report suggests that this should be voluntary but to be effective, it must be mandatory, possibly at King's Inns.

We must also ensure the refurbishment of court premises to allow for everything that I said in relation to structural issues. We must ensure separate legal representation to support victims of sexual assault is provided throughout the entire trial process, as appropriate but particularly when questioned about their sexual history during cross-examination. It is important that comparable resources are made available on a par with the legal representation afforded to the prosecution and defence to ensure the balance between a victim's rights and the fair procedures to which a defendant is entitled. We must ensure the roll-out of a scheme for the training and accreditation of intermediaries progresses as quickly as possible and is monitored with a view to its implementation on a nationwide basis.

The joint committee also recommended that consent be incorporated within the new RSE curriculum at both primary and secondary level and that programmes of consent are rolled out at third level as a matter of urgency. This is extremely important. While we can have discussions about how wrong sexual assault and rape are and who is at fault, we must also accept what we need to do at the earliest possible stage in terms of how we treat our young people and address their understanding of consent and what they think it is or is not. We are also failing young men because they are now the product of the previous generation and the generations before that. If we want to get to a stage where no one experiences sexual assault, we must equip our young people to ensure they do not commit sexually assault. We need to accept that and it needs to begin at school age.

2 o'clock

The report goes on to recommend that we, “Assess the potential to compile these statistics by use of a singular body or database or through developing a system which would apply an individual identifying number to each case, to better track such cases as they progress through different State institutions including data from the Family Law Courts, if appropriate.”

I thank the committee for its report. I thank Senators for listening to the contents of the report. I hope we can move forward and look at those underage victims. I hope we can look at the Barnahus model that was being implemented in Galway. We need to consider how we can implement that on a much wider basis for vulnerable children who are also witnesses in their own sexual assault cases.

Senator Barry Ward: Cuirim fáilte roimh Chathaoirleach an choiste dlí agus cirt. I had the honour to be part of the committee that put together this report. We had a number of engagements with various witnesses from a variety of perspectives. We received an extraordinary perspective from those who represented victims, particularly of sexual assaults and rape. As has already been noted, we received evidence from Rape Crisis Network Ireland and Mens' Aid Ireland, among others. There were also written submissions. What came with that was the tremendously important perspective of those who have been victims, who have gone through the court system as victims and who had the experience of giving testimony or being in court. There is no doubt that is an unpleasant experience. In fact, it is often an unpleasant experience for witnesses who are not victims. Part of what this report does is to seek to address that and to deal with people's court experiences.

Some things have already been said in the course of this debate that I think are inaccurate. Reference was made to a trial outside this jurisdiction and the treatment that was given to a victim and a witness in that trial that was appalling, and I do not dispute that. However, it would not have happened in this jurisdiction. There are measures in place here, for example, relating to sexual history. It is exceptional in the context of rape trials for sexual histories to be opened. That does not mean it does not happen, but there is a specific legal basis on which it happens and it is unfortunate every time it happens because it does exactly what we have heard here, that is, it discourages victims from coming forward.

There has been much talk about the statistics around the number of victims who come forward, the number of cases that proceed to trial and the number of convictions that are obtained from those trials. Those figures are not only shocking, in and of themselves for the low rates they reflect, but they are also still estimates. The figures might actually be worse than those estimates that have been presented to the committee as part of this report. However, we must

also be conscious of the fact it does happen that people are be falsely accused. I am not saying that accounts for the numbers by any stretch of the imagination. It simply cannot, because they are incomparable to almost any other set of offences that exist in our law.

One of the things we must consider in the context of the law, as has been mentioned by other speakers, is the balancing of rights and the protection of people who are before a court and accused of crimes. There has been a progressive change in that direction not necessarily because of anything any government in this jurisdiction has done but because of the victims directive at European level, which forces the Director of Public Prosecutions, prosecutorial authorities and the Garda to take a much more victim-centred approach and to have much greater consideration for the perspective of the victim and the difficulty and trauma a victim has gone through. Even in recent years since that became law, progress has been made. It does not mean, by any stretch, that we are in a situation where real parity exists in a criminal trial when a person must face the persecutor who committed an offence against him or her, as other speakers have said.

Someone, perhaps the Chair of the committee, said it is impossible for those of us who, thankfully, have not been the victims of sexual crime to put ourselves in that position and truly understand the trauma involved in coming to court and, essentially, reliving that experience. The difficulty is in squaring that circle and trying to create a parity while also respecting the rules of our judicial and criminal justice system, which allow the rights of all parties to be explored by the court. That is an extremely difficult task and tight line to walk. This report brings forward four recommendations that I hope will bring us closer to where that line is and closer to that parity.

My fear is there will never be real parity. It will never be easy for a victim to go to court. There will always be difficulties but we can take steps to make it easier and to progress the system to a stage where people are not recommending to their children not to go the Garda when they have been sexually assaulted. That is perhaps at the very heart of this problem. The system is so dysfunctional in terms of its outcomes and the experiences of victims that parents are telling their children just to leave it alone because they would be better off. That is pervasive and it is enormously damaging to the system. More important, it is damaging to the idea that we are going to tackle this as a societal problem. I hope this report will move us away from that to a situation where people are willing to come forward and put themselves in a situation to deal with the criminal justice system.

In some of the recommendations, there is mention of parity of representation between victims, the prosecution and the defence. For a long time in our legal system, we said that victims do not have a place in the court because they are not rational beings and they are looking for retribution for whatever crime has been committed. A situation exists in other jurisdictions where the victims of crimes decide on what the penalty is. Nobody is suggesting we go there because those victims are obviously not in a position to approach that rationally in the way an independent judge might be.

What has changed within my lifetime as a lawyer who has been involved in these sorts of trials is there is now a much greater appreciation of the importance and centrality of the role of the victim in allowing the court to understand properly. Those changes include victim impact reports, for example, which come after the fact. Now, with the victims directive, in the context of the actual trial, there is an allowance for the victim to give proper, uninterrupted, untrammelled evidence. Of course that evidence is subject to challenge, as it must be, but the directive allows victims to have their say, for their voices to be heard and their experiences to be lit

before the court. That is tremendously important. To have that legal representation is another step forward.

The Department of Justice has taken steps forward by saying a senior counsel as well as a junior counsel should be assigned to represent a victim. I hear from colleagues that some of the Legal Aid Board offices have taken the view that means senior counsel only when, in fact, what we want is parity whereby a victim gets exactly the same strength of legal representation as any other party to the case, that is, both senior and junior counsel. That is important.

The report has recommended more judges, which is also important. As the Chair of the committee mentioned, there is a lack of progression in cases. The length of time it takes from the day you make the complaint to the Garda to the day you have your say in court is far too long. That also has a massive impact on victims. That is because of a lack of judges, courtrooms, registrars and court staff to staff those courts. All of those things must be increased if we are properly to deal with that issue. Courtrooms themselves have improved. In the Criminal Courts of Justice in Dublin, for example, there is infrastructure to separate accused persons in custody from victims. There is a separate stream for victims and a suite where they can go. That is progress but it has not happened everywhere in the country. The familiarisation of victims with the courtroom process and layout are tremendously important.

Consent training has also been mentioned and it is important. I have said that in this Chamber before. It is important in particular for young men, although I absolutely acknowledge that women are not the only victims of sexual assault and men are not the only perpetrators. For young men actually to understand the damage they can do and how not to overstep that line, how to be within the bounds of what is acceptable, is important. These are just some of the 14 recommendations in the report. We do not have time to go through them all, unfortunately, but I recommend the report. It takes steps along a balanced line at redressing the issues we have for victims in our courts and, I hope, will improve them, when implemented.

Senator Rónán Mullen: I compliment everybody involved with this report. Its recommendations are all reasonable and important. Many would say more is needed and there are areas where the report has not gone and perhaps it should have gone. This is an evolving process as we become more aware of the trauma those who report sexual violence suffer and we are all aware we must always work to ensure people are not traumatised again by the system that is supposed to do justice in the end to all parties. We must work hard against anything that causes people not to have recourse to the justice system when they have been assaulted.

As Senator Ward and others have said, we must balance key ideas in all of this and that is why the report is as capable as it is. We can say the integrity of the criminal justice process is contingent on the gathering of forensic evidence and on how that forensic evidence is gathered and preserved. We can say at the same time that it is only when victims are properly supported that they have the courage and resilience to endure the rigours of an adversarial criminal justice process. The care and support of victims, particularly vulnerable victims, should begin at the earliest opportunity in the aftermath of rape or sexual assault. In that context, it is unacceptable that there are only six specialist sexual assault treatment units in the State. Services in Limerick are provided on an *ad hoc* basis. Given that the victims of rape and sexual assault are frequently under 18 years of age, there needs to be significant investment in ensuring that services are more accessible and age appropriate. It is particularly important that services are available in large urban areas. There needs to be greater investment in suitably trained and qualified health professionals who can provide specialist and timely care to those who need assistance in the

aftermath of rape and sexual assault.

The HSE needs to consider how to raise public awareness of the available sexual assault treatment unit services. Consideration should be given to a sensitive and appropriate public information campaign so that victims are aware that services actually exist. Insofar as it is possible, given the constraints of the current public health emergency, increased financial and human resources need to be targeted and applied to the delivery of specialist health services for the victims of rape and sexual assault. The geographical anomalies in the absence of services in significant tracts of the State and in many large urban areas need to be given urgent consideration. Young victims of rape and sexual assault may not have the financial means or physical ability to seek services at a special treatment unit, particularly if attendance at same would involve a significant journey on public transport.

I want to draw attention to recent correspondence, which many of us have received, from a particularly courageous person, Councillor Deirdre Donnelly. In her experience of these issues she discovered that “the legal system is so unbelievably unsupportive of victims”. She is disappointed that, despite recommendations in the O’Malley report, a victim’s counselling records may be used as part of the accused defence. She asks whether it is right that a victim’s medical records should be available in sexual offence or rape trials. She compares that with the situation in other trials. She also gets down to practical issues, some of which are touched on by this report. These include, for example, in the context of the arrangements to be made for ingress and egress from a courtroom, the seating of a person who was reporting trauma, sexual abuse or violence and the accused person. She mentions that even at the stage of the investigation process, a “Do Not Disturb” sign should be on the door of a meeting room in a Garda station where a victim is making a complaint. That would seem to be fairly self-evident. Yet, that was not her experience.

The other issue, which I raised a number of years ago, is a need for some kind of track-my-crime process, whereby those who report crime would have a means of being kept properly informed of what is going on. I still do not think we are there. The moves were not made. I recall at the time the then Minister, Frances Fitzgerald, said it might be the way to go. However, the moves were not made that were trialed in other areas, for example, in various parts of Britain. Certainly, it was Councillor Donnelly’s experience that a long period passed where she had only occasional correspondence. In the end, she discovered from the Office of the Director of Public Prosecutions, DPP, that her case was not going to go to trial. There was, therefore, a lack of information and a lack of a sense of right to information, and there was the delay before a decision. There was, of course, a need to have somebody to explain why a decision has been made. This can be done while at the same time respecting the presumption of innocence and the rights of an accused person, which must be fully respected. However, it has to be possible to communicate with a person who is reporting a serious crime, particularly one as intimate and as difficult as a crime in the sexual domain. It has to be possible to find a way to keep those people briefed as to what is going on, without in some way confounding, obstructing or impacting on the fairness of the overall process. I acknowledge Councillor Donnelly’s courageous sharing of her experience, which we need to reflect on.

This is an area that is so fraught that when one has a contrarian point to make, one can feel almost nervous of doing so. I am in friendly disagreement with some of what Senator Pauline O’Reilly, who is now in the Chair, said. We need to have a deeper and broader debate on the consent issue. Consent training is important. It is important to have it at an early age. However, an excessive focus on consent to the exclusion of a wider reflection of what is going on in

our society is like having a black and white TV instead of a colour TV. We are only going to get part of the picture. It will only be partial in how it educates people about their responsibilities to each other. Let us remember what consent classes are. They seek to train people in what is acceptable and what is not acceptable in a context where the law already makes that clear. I worry that the unique focus on consent is a desire to create some kind of a secular morality in a context where the moral landscape has changed. I am fully in favour, by the way, of talking about these issues in RSE classes, but it would be wrong to suggest that somehow the role of faith and of faith schools are somehow a problem. We need a both-and approach.

If we had more of the gospel of “love your neighbour” and what that means, which is part of our great tradition in schools, there would be less of a need for consent classes. We can have both. We can talk to people about morality, particularly in the context of Christian schools. Only last night I saw a wonderful presentation by Coláiste an Spioraid Naoimh Presentation school in Cork, to mark Presentation Day. It did not touch on these fraught issues, but it was quite obvious from the way those students talk about their experience, that they are being educated within a mentality of loving your neighbour and not just looking out for yourself. We need to draw on the best of our tradition as well. I am worried about suggesting that there should be consent classes at primary school. I question that aspect of the report and I would like to see what people mean by it. Parents have a right to be the primary educators in these important issues. Schools will know that the children are at different stages of maturity. It is important that the focus is always on the “love your neighbour” dimension, on treating people with respect, and on respecting physical distance with other people’s bodies. There are ways of doing it. However, if it is an overly sexualised programme that has been advanced for a political purpose, then that no longer focuses on the future welfare of possible victims as the highest value. All I am saying is that we need to open up a discussion about that. There will be a bit of right and there will be a bit of learning on all sides, but I would be careful of hanging my hat on consent and saying that it is the only thing that we need. It is a thin Band-Aid to a problem. If there is a wider values problem in society, and I am touching on the abuse of alcohol and on the abuse of social mores where people think they can just use each other, none of those issues can be dealt with through consent. We need consent and much more if we are going to have a society where men and women respect each other’s rights and where there will be less violation of people’s rights in this most terrible of areas.

Senator Annie Hoey: I thank the committee Chairman for being present for this discussion. First, I will say for the record and for anybody who is listening to or watching this debate who has survived sexual assault, rape or any sort of violence, I believe you. I know that you were there. I know your pain. I believe you and you did nothing wrong. You survived and however you chose to handle the moments, hours, days, weeks and months after, you did their best. I stand with you. I know that I am not the only Member who feels the same.

I take time to make that declaration because I fear sometimes, in our haste to make substantive policy and legislative contributions on difficult topics, we can forget that at their core is people who have been through one of the single most traumatic and life altering experiences that one can go through. I welcome in the main the report of the justice committee on how we help survivors of sexual violence speak their truth and gain justice, because God knows we have a very poor reputation in that regard. It has to change. This report is welcome, and it needs to lead to urgent action.

I would like to make some points speaking directly to the recommendations. There are 14 main recommendations in the report and I will speak to four of them. The third recommen-

dation calls for the availability of specialist training and guidelines for practice regarding the question of vulnerable witnesses to be rolled out as soon as possible for members of the legal profession. While the intention is good, I agree with many of the witnesses to the committee that the availability is not good enough. Mandatory training for all staff in the legal profession would surely be the best solution, not just for victims of sexual violence, but for all people. I am keenly aware that there are many vulnerable people who will make their way through the court system. Seeing as this week we mark the first ever Adult Safeguarding Day in Ireland, I think this is a point worth noting.

Recommendation 7 seeks to: “Ensure that separate legal representation to support victims of sexual assault is provided throughout the entire trial process, as appropriate, but particularly when questioned about their sexual history during cross-examination.” This, coupled with training for barristers in how to safely cross-examine victims, is of paramount importance. In chapter 2 of the report, a victim is cited as saying:

I think overall I was probably on the stand for, give or take, four hours. I can’t tell you how horrific it is being cross-examined. To this day I can hear that barrister’s voice in my ear crystal clear to this day.

One of the truly grotesque aspects of the prosecution of sexual violence offences is the allowance, in certain circumstances, of a discussion of a victim’s sexual history. While I appreciate that the report points out that there is a high bar for that to be permitted, I posit that there should be no bar. A victim’s sexual history is not pertinent to a case, because sexual violence is not about sex, sexual preference or anything close to it; it is about power, control and abuse. I am sure we all remember the case which drew media attention a few years ago for the introduction of a victim’s underwear as part of the defence’s argument. That is simply about shaming and victim blaming, and it should have no place in a justice system that takes a victim-centred approach, which this report calls for.

Recommendation 9 seeks to, “Ensure the rollout of a scheme for the training and accreditation of intermediaries progresses as quickly as possible.” Has the Chair of the committee received an update from the Minister on that? The report was published in June, so I would hope there has been some progress on the issue since then. It is an essential part of the plan to make these proceedings more manageable for victims.

Recommendations 11 and 12 make two suggestions, which I think must be discussed together. Recommendation 11 states: “[...]consent must be incorporated within the new RSE curriculum at both primary and secondary and that programmes of consent are rolled out at third level as a matter of urgency”. I completely agree with this, having been involved in the rolling out of programmes of consent at third level. However, it is all well and good to suggest that we must roll out such programmes, but the resources and staffing must be made available. I spoke to some staff in higher education institutions who said that they wanted to get it right, but they did not have the time or the resources to do so. In recommendation 12, we see the committee report acknowledge: “[...]the prevalence of sexual violence within the LGBT+ community, in particular the high levels of sexual violence experienced by those who identify as being transgender or non-binary”. I very much welcome the inclusion of this acknowledgement in the report. However, I would point out that if we want to use school settings as a place to have those important early conversations about consent, and we know there is a high level of violence experienced by members of the LGBTQ+ community, we have surely to ask if it is right that for this and many other reasons it is acceptable that the majority of schools in Ireland

with a Catholic ethos refuse to teach sexual education in an inclusive way. All children, of all identities and orientations, whether they know it at that age or not, must know that their body is worthy of respect and care and that their consent matters. That is as true for gay, lesbian, bi, trans and intersex kids as it is for anyone else. The time has long since passed for the exclusion of LGBTQ+ people from sex, relationship and social education teachings in schools.

Perhaps the Acting Chairperson will have some patience with me, as what I am going to say next is deeply personal and is not easy to say out loud. We have spoken a lot about statistics and figures in here. Behind every statistic and figure is a person. I am just one of many people behind those statistics. I did what I was supposed to do; I went to the Garda station and I reported it. I sat in a room for hours with no food or water until I could go to a sexual assault treatment unit. I was literally scraped on the inside for evidence. To this very day, that was the most traumatic thing that has ever happened to my body and I will feel those scraping sensations for as long as I live. I gave my testimony in the station, but I knew that I was not going to be able to continue with the process. Even though I knew what had happened to me was wrong, I also knew that the case was going to go nowhere. I was already shattered by trying to piece together what happened just for that one testimony. I would not, and could not, do it again. I had no faith in either our legal system or how society would view me to even try to pursue it any further. I went home and I continued my life as best I could. I am not alone in the decision I made.

We need to do more than just push legislative change. We must challenge the societal belief that it is the victim's fault. We must accept that without a "Yes", it is a "No" - end of. I suggest that a bigger problem is a complete lack of faith in our legal system. Other people have spoken about that lack of faith. Senator Ruane said she did not know if she would encourage her daughters to go and report such crimes. I would agree with that, having been through the process. The bigger problem is the fact that society has ingrained into victims - into me and other people who have suffered - that we have done something to have caused our rape. This is a much bigger challenge facing us.

To conclude, I say to other people affected by this legislation, who have ever had to give testimony or have been unable to do so, that I believe you. I cannot guarantee that everyone you deal with in the future will believe you. I cannot guarantee that you will even get justice, and if anything, the statistics tell us that you have a 95% of not seeing your abuser convicted. I hope that this report results in real change. I hope that it gives victims confidence that they can give their testimony safely, with honesty and without fear of the incredible difficulty that they will have to go through. It is a long and difficult road that they have ahead of them. We in the Labour Party want to see this legislative, societal and cultural change. In the meantime, all I can say to victims is that I believe you. I am sorry that you have been let down by us all, but I believe you.

Acting Chairperson (Senator Pauline O'Reilly): I thank Senator Hoey and acknowledge the deeply personal nature of her story. I offer my support to the Senator, and I am sure the same will be said for all of our colleagues here. As the Senator said, unfortunately the story she shared is a very common one, but each story is individual and personal. I thank her. I think many people listening will identify with it. It is important to take things out of the purely legislative and overly convoluted way that we sometimes have of speaking. I thank the Senator again. I am here if she needs anything at all.

Senator Erin McGreehan: First, I thank Senator Hoey for sharing her story. I am sorry that this country failed her and thousands of women and men throughout the country. I am

deeply moved and humbled to be in the Chamber with her today. I thank her for her bravery. It seems condescending to thank her for her bravery. I am blown away. I thank her for sharing her story, because it will make a huge difference to people.

To follow on from that, I must say that this report is most important. This issue deeply impacts people. It affects their lives and our lives. It affects our families, brothers, sisters, daughters, mothers and colleagues. This country has failed women and victims. We see, time and again, that this country is not a country for victims. According to the report, only 10% of victims report incidents of rape. Are we surprised, given that the system makes criminals out of victims and ignores them? Are we surprised, given that when a measly 10% of victims show the bravery to go to our Garda stations to report a crime and take the stand, 95% of perpetrators get let off?

I wish to take the Chair of the committee up on one of his comments. In his contribution, he stated that “checks and balances” are required in all proceedings. The Office of the Director of Public Prosecutions, DPP, will look at the evidence and then decide whether to bring a case. Before the Chair and the committee talk about vexatious complaints, I want to see whether there is evidence of such complaints. Given that only 10% of assault victims report these crimes, which is very low, if any research is done on vexatious claims of rape and assault, I imagine it will show that the number of such claims is incredibly insignificant and small. I ask the Chair to roll back on that attitude. We hear of the difficulties and trauma that are experienced by people when they go through the legal system. They will not go through the legal system just for the sake of it and to bring someone down. That is not what people do. You are not going to make yourself into a criminal. You are not going to say you were raped or assaulted just to make someone look bad in a vexatious claim because it is clearly very hard to report a crime.

I will go into some of the recommendations. I very much support this and our having a debate in the House on the work of the committee, because I am not on that committee and was not present at those debates, so this is a very good opportunity. Ensuring there is separate legal representation for victims is important in looking after them every step along the way. We all know rape is a most heinous crime. It is on your deepest and most intimate person. We must change how the courts system looks at this and how we interact with the courts system. We must respect this crime is of the most intimate nature and look after the victim at every step along the way. We must ensure it is not adversarial because our courts are adversarial. We have grown up with a patriarchal, adversarial system and we need to row back on that. There are many recommendations for how people should be able to report crimes and give evidence in court proceedings. This needs to be looked at. We must look at the victim, at their person and at their trauma. At every step along the way a person should meet someone who is trained in trauma-informed care. People who work in the Garda station, the gardaí and the administrative staff in court all need to have trauma-informed training.

I wish to highlight another issue. My attitude to many things is that prevention is better than cure. We should be working on preventing crimes. The best way to prevent crime and mitigate this is to educate people on the dignity of a person and of a body and about consent. I would say consent is not a political statement as Senator Mullen has spoken about. It is about protecting yourself, protecting other people and educating people about their bodies and about what is right and wrong. “Yes” means “Yes” and “No” means “No”, and unless you hear a “Yes”, it is an automatic “No”. That is not about politics. That is not about religion. That is just about respect and understanding of people’s right to their own bodily integrity. Furthermore, on prevention being better than cure, if 95% of cases do not end in conviction, people are say-

ing to themselves they will get away with this. If you rape someone, you will more than likely get away with it in this country. I suggest 90% are probably not going to report it and people are probably going to get away with it. We need to crack down. We need to start saying “Yes” and speeding up our courts system. We need to get rid of those delays, because unless we start convicting people for the wrongs they are doing to victims, we are not going to see any change.

As a final point, the medical and counselling records have no place in a rape trial, nor does a person’s clothing. I am wearing a short skirt today. If I get raped tonight, is that integral to the case? Does that have any relation to my person at all? No, it does not. How I feel or how I interacted with my counsellor has no place in a court. I thank the Acting Chair and again thank Senator Hoey.

Senator Martin Conway: I totally agree with Senator McGreehan. I thank Senator Hoey very much. She is just amazing. There is no other word to describe it.

This report that has been commissioned by the Committee on Justice is very welcome. The recommendations should be implemented in full. Whatever legislation is required to implement them can be initiated in the Seanad. We will have no problem making time available urgently to implement these recommendations. I do not even think it needs to be done incrementally. The recommendations need to be implemented immediately in one go. To be quite frank about it, they are only a starting point. The report is a starting point. We are way behind when it comes to dealing with this issue. It is shocking to think 95% of sexual crimes essentially go unpunished.

I was on the justice committee for a number of years. The various organisations, including the Rape Crisis Centre, the Rape Crisis Network and so on appeared before us. They highlighted the issue of counselling notes and medical notes. They have no place in any trial. They certainly should not be scrutinised or tossed around by defence solicitors trying to undermine the credibility of the victim. This should have been dealt with. I do not buy into any legal argument that this is appropriate because there is none.

It is shocking that in our country a victim is not entitled to legal representation unless he or she is being cross-examined by the defendant’s legal team. That is alien. That is the type of thing that goes on in dictatorships. It is not what happens in a democracy like we have. It is simply wrong. It should not happen and should be addressed immediately. I do not even think it requires legislation. Maybe I am wrong. If it does, then let us get on with it, but there should be a directive from the Department of Justice that in a sexual abuse or violence case, the victim automatically gets legal representation. I do not think it is too much to ask. That should happen, really and truly.

There is an old saying that justice delayed is justice denied. That is very much the case when it comes to sexual abuse and violence cases. More judges are required. We need to front-load whatever judicial appointments are being made to this area to ensure there are not undue delays.

Overall, the justice committee does great work. When I was on the committee I found it to be a very good one. Obviously, that ethos is continuing but this report needs to be acted upon. It cannot be left on the shelf to gather dust. It cannot even be put up on the shelf but must be dealt with as a matter of absolute urgency.

Senator Sharon Keogan: I welcome Deputy Lawless to the House. I thank the committee for its work to date on this report. I thank Senator Hoey for her testimony. I apologise to her on behalf of each and every one of us as elected Members that she was not looked after and that

she did not get justice. Many of the 95% of women of who are being raped, sexually abused or sexually assaulted will not get justice, and that is absolutely scandalous. We should not stand by that today nor allow it to happen any day. It must not be the case they will get away with it. We must be stronger when it comes to prosecuting those who perpetrate these crimes on women. I thank Senator Hoey and Senator Ruane also who spoke earlier. As one can see from that testimony, trauma lives on. It never ever leaves you. Those moments of pain, together with those that follow afterwards, where the injustices have taken place and where those who you think will protect you but fail to do so, live on with you and hurt. Those scars are still visible.

There are 14 recommendations here and from those I would like to touch on four, with the leave of the House.

The rate of prosecutions and convictions of these crimes is much lower than that of other serious offences. There is a serious problem there and the recommendations look as if they will do good work in combating that. One of the main reasons for the level of underreporting is directly linked to the experience of victims throughout the justice process. Court systems are intrinsically adversarial. There is the conflict between rights and establishment of the truth via examination and cross-examination. Any way that this can be made less so, particularly for the victim of sexual assaults, should be readily and speedily pursued. This should lead to the minimisation of any re-traumatisation victims may experience during the trial process and as a result more victims would feel encouraged to come forward to report such crimes.

Another recommendation states that: “While the current law is quite comprehensive, it is spread among several statutes and consideration should be given to codifying all provisions into a single statute.” That is a good point and the codifying process through the Houses will allow an opportunity to implement some of the recommendations of the committee.

One is the experience of the cross-examination. Two is the delays in trials proceeding and three is the trial dates being postponed at the last minute, which can cause considerable distress to victims. The cross-examination process can be changed but how can delays and postponements be avoided? The recommendation on impact assessment may provide suggestions.

The appointment of additional judges may be necessary to help counter the inevitable delays in trial dates due to Covid-19 restrictions. Preliminary trial hearings have also been suggested.

Sometimes cross-examinations can criticise or refute the victim’s evidence and this can further re-traumatise the victims. This is true but how on earth is cross-examination supposed to work without criticising or refuting evidence?

The committee’s recommendation of specialised training for barristers on how to interact with vulnerable victims could be of benefit but could be less than desirable if it inhibited the ability of the barrister to defend the client appropriately.

Court refurbishment to add witness suites could be a good idea as I know for children witness suites are made available for them.

We should also look at what can be done now by way of staggered court entry times to avoid both parties encountering each other before the trial.

I welcome the report in favour of the consolidation of the legislation and the use of this opportunity to implement some of the recommendation of the committee.

A serious educational process must take place in the area of consent. We must also look at the area of online pornographic material and what that does to young men, how it affects men and their view of women and how they see women as sexualised objects. It is a serious issue in this country where young people and very young teenagers are accessing online pornographic material which represents a dehumanising of women. I acknowledge that this may also happen to men.

To all victims out there, we want you to come forward, we want you to be heard and we do believe you.

Acting Chairperson (Senator Pauline O'Reilly): I will allow Senator Conway back in for a moment. I short-changed the Senator somewhat on time as he was supposed to be sharing.

Senator Martin Conway: That is okay. I apologise to Deputy Lawless as I referred to him as the Minister and thought he was the Minister, but perhaps it is just a sign of the future that he will be the Minister.

Deputy James Lawless: No offence taken.

Senator Martin Conway: Sincere apologies.

Acting Chairperson (Senator Pauline O'Reilly): I call Senator Ollie Crowe.

Senator Ollie Crowe: Before I start, I acknowledge the sincere heartfelt contribution of Senator Hoey and her courage and conviction to come in and say it in this Chamber this afternoon. To her I say I believe you. I think all Members felt her pain here this afternoon. We are certainly here to support you and to stand with you.

I welcome the report and I commend the Committee on Justice for its work, in particular the Chairman of the committee, Deputy Lawless, for his time here this afternoon. In his contribution he outlined the situation and the facts. It was comprehensive and right and he referred to 1%, that is one in one 100, as I am not sure if certain Senators were listening to his contribution. He was clear when he stated that justice delayed is justice denied, which members of the Committee on Justice have also stated.

I find it hard to comprehend, not being a member of the Committee on Justice, that the conviction rate is as low as 1%. The 2018 report states that only 11% of the reported rape cases result in conviction. As I outlined by the Chairman, when one considers that the vast majority of rape and sexual assaults are not reported at all, it is clear that the reality is that a tiny percentage of the people who commit these offences, unfortunately, are prosecuted.

That needs to change and in order for it to change we need reports and discussions like this. We need action to be taken. I strongly support the call in the report to move to a more victim-centred approach. It is clear from evidence here this afternoon and previously that we need a justice system that is much more understanding and compassionate to victims. Currently, that is not the case. That needs to change and the time for talking is over. We need action and change.

In this context, it is unfortunately not possible for the trial system to be made easy for victims but we must ensure that every effort is made to take account of how difficult it is for them and to minimise any re-traumatisation of victims in how difficult it is for them and how they feel. The recommendations made are based on the evidence provided to the committee and, if implemented, I am confident that they will make a meaningful impact.

As to a number of the recommendations, I strongly support any measures which support the victim during the trial process, as other Members have. We know this process makes more victims reluctant to report their cases.

The recommendation for victims to have the resource of separate legal representation, with the defence and prosecution on a par, is a recommendation which could make a substantial difference for victims. There is currently an imbalance between the victim's right and fair procedure to which a defendant is entitled. This recommendation would go a long way towards addressing that imbalance.

Similarly, the recommendation to ensure that the victim and the accused are as far away from each other as possible in court, with staggered entry and exit times, and the recommendations around increasing the use of video technology can make a substantial impact. We need to encourage more victims to report the crime and anything that will put the victim in the centre and that supports them in that way is vital and is a way forward.

Finally, I urge the Minister, Deputy McEntee, and her Department to consider this report strongly and to implement the recommendations as soon as possible. We must change our approach and put the victim first. We cannot wait any longer and I strongly recommend that the Minister takes action now.

An Cathaoirleach: Glaoim ar an Seanadóir Ó Donnghaile. We will try to finish by 3 o'clock. I know that this is the Senator's contribution-----

Senator Niall Ó Donnghaile: My apologies, in the first instance-----

An Cathaoirleach: I wish to allow the Minister back in. My apologies as he is not the Minister yet.

Senator Niall Ó Donnghaile: The Deputy has been promoted a couple of times now.

Deputy James Lawless: A work in progress.

An Cathaoirleach: It is a work in progress.

Senator Niall Ó Donnghaile: Tuigim gur ábhar iontach tábhachtach é seo. Gabhaim mo leithscéal leis an Teach as a bheith as láthair don chuid is mó den phlé. Bhí mé ag taisteal ó Bhéal Feirste. Is é sin an fáth. Ba mhaith liom mo leithscéal a thabhairt fosta ar son an tSeanáóra Boylan, a bhí ag iarraidh a bheith páirteach sa díospóireacht seo. I apologise to the Cathaoirleach, the Chairman of the committee and colleagues for missing a large part of today's discussion. I was travelling from Belfast. My colleague, Senator Boylan, who had really wanted to be part of this discussion, has unfortunately been unable to attend. I will say my few words briefly, conscious that we need to wrap up.

I commend the Joint Committee on Justice. I understand totally, as a former member of the committee, the volume of work that goes through it. It is encouraging to see that it has put this important issue to the fore of its agenda and work programme. I commend the Chairman and colleagues on that. The report deals with a very sensitive, shocking and devastating area of life, which is very often hidden from view unless you are directly affected by it, either as a victim of sexual assault, as a witness or as a relative, loved one or friend of a person who has been attacked. The report is victim- and witness-friendly across a range of areas, including those at all levels who staff the justice system, from the gardaí to the judges and all in between. The report

applies the same sympathetic eye to the buildings, rooms and other facilities in which victims or witnesses are housed following their harrowing ordeals. It examines the criminal justice and courts system and how both respond to victims of rape and sexual assault, how better to understand the issues that need to be addressed and where the system can and should be improved. It is quite clear from the report's commentary that its authors were keen to ensure that the justice system is tailored in so many different ways, too many to mention in this short speech, to the human needs, emotional and psychological, of a person profoundly affected by rape or sexual assault and her or his family, relatives and friends.

To achieve its victim-friendly ethos and recommendations, the report readily acknowledges the help of stakeholders who presented:

...to the Committee the areas of reform they believed were most urgent regarding the current criminal justice process for vulnerable victims in cases of sexual assault and rape.

The purpose of this, the report makes clear, was to establish what areas of reform could be improved and strengthened in order to create a more supportive system, with the lowest levels of trauma for those involved in proceedings, police, solicitors, judges and court and police buildings. The report's recommendations are set in the context of the progress already made, which the report acknowledges. It gives examples of that progress, including anonymity, rights of the victim and the provisions and special measures for victims under the age of 18 or those with an intellectual disability. It describes the use of victim impact statements as "a landmark decision in recognition of a victim's rights" and suggests that a single statute should be introduced combining all the measures in this complex area.

The report further identifies issues of concern and suggests actions in the following areas: legislation to extend anonymity of victims of sexual assault who have a mental illness or disability; the appointment of extra judges and preliminary trial hearings to deal with delays which cause anxiety for victims and witnesses; specialist training and a code of conduct for members of the legal profession, especially in the area of cross-examination and questioning of a vulnerable witness; acute separation between the victim and the attacker at all times; special measures for victims of sexual assault, use of intermediaries, screens, video link, restrictions on questioning relating to prior sexual history, etc.; public awareness around consent, its meaning and the need to change attitudes to it; and information, support and resources for vulnerable victims before and after a trial.

The report, as the Chairman of the committee will be aware, makes 14 pertinent recommendations, and I hope the Minister for Justice will implement them all to the full in letter and in spirit. Again, I commend the report, its authors and those who contributed to it. I know from my own experience that many stakeholder groups and representative bodies look to the justice committee as a very authentic and effective voice and lobby. I know the Chairman and colleagues will take their role very seriously. I also know that Senators, whether members of the committee or not, will work as collaboratively and as positively as we can with the committee in seeing that the recommendations of this report are brought to bear.

An Cathaoirleach: I will shortly call the Chairman of the Joint Committee on Justice back in to respond to Members and talk about the next steps. I am aware that the O'Malley report was published with 54 recommendations. What this is about as a process is looking at recommendations made by committees. We have discussed such recommendations before and we have all worked on them, but this is about making sure that action is taken and, working with

the Chairs of the committees from here on, that they get an opportunity to revisit reports on behalf of committee members. I thank all Members of the Seanad who worked on the report and Alan Guidon, the clerk to the committee, who has worked so hard. We all know the amount of work that goes into not only publishing such reports but also bringing in the witnesses and making sure everything is done correctly. I thank Alan personally for his hard work on that because it is important that the hard work of the officials behind the scenes is recognised. They make sure that these reports happen, that witnesses get their opportunity to testify to parliamentary committees and that they work closely with the Chairman. I thank the Chairman, Deputy Lawless, for coming in and giving his observations and, I hope, his views on the next steps and on this new process we are undertaking in the Seanad in making sure the recommendations of reports by him and other Chairs of committees are talked about after the report is done. As the House will know, there are quite a number of reports on Seanad reform and we are discussing those as well. One of the key provisions of Seanad reform is having the recommendations of committee reports discussed in the Seanad.

Deputy James Lawless: I thank the Cathaoirleach again for his initiative. I thank the Seanad for taking this item of business. We had a smile and there was a bit of confusion about my role on one or two occasions, but I think that is because this is a novel concept. It is something I absolutely commend. It gives ventilation to these committee reports and, as one Member said earlier, ensures that they are not left on a shelf but, rather, ventilated here and then scrutinised and returned to after the fact to see that they have stacked up. I thank Alan Guidon, who is in the Public Gallery, as the clerk to the committee. I am very honoured to speak on behalf of the committee and to chair the committee because it is such a hard-working, industrious, productive and talented committee. It is rich in Seanad membership, as I said at the outset, so I thank all my colleagues in this Chamber for that. I thank in particular Alan, who deals with aplomb with the volume of work that comes before us and the many constituent priorities in my own head as well as in every other member's head. He manages to make it look easy. That is always the best compliment if someone can do that.

I will respond to some of the contributions Members made if that is in order and if I have a moment to do so. I will start with Senator Hoey. I thank her for sharing her very personal, difficult story. I listened intently to her contribution, which was very moving and must have been very difficult for her to make. I believe her, of course, and I thank her for what she said. I am so sorry that she had that experience. It brings home, as other Members have said, the proximity, unfortunately, of these issues to all of us, be it in our work lives, our family lives or our social circles. Unfortunately, that is happening across the country.

Senator Ruane spoke as a mother of two. I am a father of two daughters and can empathise with the Senator, who is a very valued member of the committee and who made many contributions to it. I do not want to live in a world where people do not feel comfortable coming forward for the same reason.

Senator Ward made a point which was well articulated as always. He said there is a concern - I think we all share it - that there is a chilling effect in respect of particular lines of questioning. They are rare and there are existing procedures to stop those lines of questioning. For example, it is rare that a victim is cross-examined on their sexual history or their undergarments. It does not happen in the vast majority of trials, but when it does happen it is amplified into the media and everybody reads about it and is horrified and shocked, and that has a chilling effect on people coming forward. How do we manage that? From a statutory basis, there are rules and procedures in the common law whereby a judge will admonish the person and say, "No, you are

not going there.” Perhaps that needs to be put in statute and front-loaded. That is something we considered in our report.

Senators Mullen and Gallagher and, I think, another Member mentioned Councillor Deirdre Donnelly, who was documented in many of these findings. She was in touch with me recently as well regarding the report in the context of counselling records. I think a few other Members touched on the possibility of people’s medical accounts and records being used in a trial. I was surprised to hear that. In the course of this report and in my own professional practice - I qualified as a barrister - I have never come across that. It is something we need to look at to see whether it can be done. I would have thought such evidence was privileged, inadmissible or both.

3 o'clock

It is something that I do not think should be possible. I will follow up on the matter on behalf of the Senators who raised it, as well as Councillor Deirdre Donnelly, who brought it to our attention.

Senator Pauline O’Reilly referred to RSE and consent. I totally agree with her. A very interesting point was made in respect of juries. Trials of this nature are on indictment and, in the age-old tradition, before a jury of one’s peers. As our peers become more aware of these issues and consent training is rolled out and each generation comes through, they will be more knowledgeable, understanding and informed, so the people making that decision in the jury box will actually be recipients of that. That is a really profound point that carries through. It is certainly a point I will take away from this debate and it is yet another argument to support the roll-out of that training.

I thank Senator McGreehan for her comments. She made several very interesting and solid observations. She suggested that the protections that surround a trial process may somehow be linked or aligned with a suggestion that a complaint may be vexatious or frivolous. If that suggestion was made, it was not made at our committee. It did not feature in any of our discussions and it is certainly not a view I share. However, while recognising the validity and imperative of every single victim who comes forward - this may be where confusion arises and it is what makes the report so difficult - we must also stand on the Magna Carta, the bill of rights, the American declaration, the European Convention on Human Rights, the Constitution and, most recently, the European victims directive, which put in place the foundations of criminal trials and which mean that you cannot be automatically guilty when you walk into the room; there must be a protection and a defence available to those who are wrongly accused, which, unfortunately, does happen. Sadly, we have seen travesties of justice in this jurisdiction and many others across many areas and offences. That is something we should never stop trying to avoid because it is a pitfall of the justice system. That point may have been misinterpreted in the context of the comments made by Senator McGreehan.

Senator Conway spoke about leaving the report on a shelf. That is exactly what we do not want to do and it is why we are here today. I again thank the Cathaoirleach for facilitating this debate. It is so important that these reports are ventilated and given an opportunity. I am humbled and honoured to be the first committee Chairman to come before the Seanad. I commend the House on facilitating that. It has been extremely worthwhile. This has been a really useful debate. It helps to give the report legs and move it on to the next stage. It will certainly prompt a wider debate. I wish the House and the Cathaoirleach well in their future debates on

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this issue. I am sure that the Chairmen of other committees will come before the Seanad and that other reports will be scrutinised in the same way. That is exactly what we need to do and I thank the House and the Cathaoirleach for facilitating it.

An Cathaoirleach: I thank the Members who contributed to the debate. As the Chairman of the Joint Committee on Justice outlined, this is the first debate in the Seanad on the recommendations of a committee report. Such debates will generally take place approximately six months after the report is published in order that we can see which recommendations have been put in place and which remain outstanding.

Question put and agreed to.

Sitting suspended at 3.04 p.m. and resumed at 3.11 p.m.

Protocol on Ireland and Northern Ireland: Statements

An Cathaoirleach: I welcome the Minister to the House for this important debate and thank him for all the work he is doing and the support he is getting for Ireland, not only at an EU level but also in the United States of America and across the globe, to protect the Good Friday Agreement, which is a key reason for the Northern Ireland protocol.

Minister for Foreign Affairs (Deputy Simon Coveney): I am delighted to be back once again in the Seanad to participate in this timely discussion on the Protocol on Ireland and Northern Ireland. The ongoing work of this Chamber on Brexit issues, particularly the efforts of the Seanad Special Select Committee on the Withdrawal of the UK from the EU, underlines the continued importance of this issue for communities across the country.

Northern Ireland did not seek Brexit and did not vote for Brexit. It is a policy whose problems were all too foreseeable. Week by week and month by month, they become increasingly clear to us all. The particular form of Brexit chosen by the British Government created new trade barriers. Leaving the Single Market and the customs union and prioritising the pursuit of regulatory divergence have inevitably created burdens for businesses and traders. That choice brings new checks and controls on goods. It has led to significant supply chain challenges, resulting in needless friction, delays and, in some cases, shortages.

Thankfully, the protocol, agreed by the EU and the UK, is there to mitigate those negative effects as much as possible. It clearly and explicitly protects the Good Friday Agreement and the gains of the peace process. It prevents a hard border on this island. It protects and supports an all-island economy that continues to flourish, building on years of sustained growth, and maintains the necessary conditions for continued North-South co-operation. It also protects the European Single Market and Ireland's place in it, equal to the other 26 member states. We see regular polling data, including recently from Queen's University Belfast and the University of Liverpool, telling us that most people in the North see the protocol as, on balance, a good thing for Northern Ireland. They consider it an appropriate means of seeking to mitigate the harsh realities of Brexit. They see that it provides a unique set of economic opportunities that can and should be seized on.

It is clear from my regular engagements that the Northern Ireland business community

shares that positive focus. Business leaders in the North, from the Confederation of British Industry to Manufacturing Northern Ireland to the chambers of commerce to others, are clear that the protocol creates opportunities for jobs and growth. Invest Northern Ireland is experiencing historically high levels of foreign direct investment interest. The Dairy Council for Northern Ireland has been emphatic: without the protocol, the effects on the dairy sector, North and South, would have been devastating. During the course of this year, we have seen a series of jobs and investment announcements clearly predicated on Northern Ireland's free, open and seamless access to the massive European Single Market for goods and to the UK internal market.

We all know that legal uncertainty and political instability can be hammer blows for economic growth and investment. That is why it is particularly disappointing that the British Government might consider further actions that would stoke needless uncertainty. Proposals to effectively dismantle the protocol, to renegotiate its basis or to remove Northern Ireland from the European Single Market by putting the jurisdiction of the Court of Justice at issue needlessly undermine efforts to create jobs and investment opportunities in Northern Ireland.

We have always recognised that the disruptions of Brexit would be very difficult to manage and contain. The Irish Government has devoted great efforts and resources to doing so, North and South. We continue to engage with business and community leaders across Northern Ireland on the protocol and responding to the challenges of Brexit. We do so in good faith, seeking working and sustainable solutions. We do so in close partnership with the European Union, which has steadfastly supported the Good Friday Agreement and the peace process with substantial funding over many years and a genuine commitment to have a sustained peace and reconciliation in Northern Ireland.

Vice-President Šefčovič, as the Commission's lead on EU-UK relations, has been a committed ally of the island of Ireland, North and South. I wish to acknowledge his engagement with the Oireachtas this week in coming before the Seanad Special Select Committee on the Withdrawal of the UK from the EU. I met with Vice-President Šefčovič yesterday. It is very clear that he remains fully committed to finding creative, credible and durable solutions to the genuine concerns raised with him by people and businesses in Northern Ireland. The EU's proposals can ensure that Northern Ireland's medicines supplies are fully secured. They can ease further the flow of goods between Britain and Northern Ireland, cutting hugely the sanitary and phytosanitary, SPS, and customs formalities faced by businesses. They can also provide new opportunities for Northern Irish voices to be heard and listened to on how the protocol is to be implemented in the future. The European Union's bona fides as a good faith actor are clear and are motivated by the desire to sustain peace and prosperity in Northern Ireland. To help to secure this goal, the British Government too must step up and engage credibly with the EU proposals, seeking genuine agreement and resolution in the ongoing talks.

I welcome that the EU and UK teams continue to talk this week, today and tomorrow, and that Vice President Šefčovič and Lord Frost will meet again on Friday. Our focus remains on those ongoing EU-UK talks. We should give them every chance to succeed. We need to see the focus of engagement within those talks not on ideological ends but on the practical needs of people and businesses in Northern Ireland. We need to develop trust and a positive working relationship. It is difficult to sustain such a relationship when one party holds out persistent threats to destabilise its own recently negotiated agreements. As the Taoiseach said recently, it would be irresponsible, unwise and reckless for the UK to invoke Article 16. Not only would this further mire the EU-UK relationship; it would carry serious negative implications for the bilateral relationship between our two Governments. The protocol creates genuine and unique

potential for Northern Ireland, offering unrivalled potential through its free and open dual market access. In recent days Northern Ireland's business community has made clear that invoking Article 16 would produce unnecessary uncertainty and instability for traders, and they do not want that.

The people of Northern Ireland are clear: they want a society and an economy that provides good jobs, stability and opportunity. They want a political establishment working on their needs and focused on their interests. These are not unreasonable expectations and they are not undeliverable. I believe that the remaining issues can be resolved in the context of the implementation of the protocol. However, to do so we need to get a much more positive, much more stable and much more trusting EU-UK relationship. We have some way to go to get there but I can assure this House that the Government will not stop doing all it can to help to develop, support and sustain such a relationship in the interests of all of the people on this island. I look forward to listening to Members' own thoughts and questions. If there are specific queries or questions, I will try to address them directly when I come back in again.

Senator Lisa Chambers: I welcome the Minister to the Chamber. It is a timely debate while this issue continues to move on and change all of the time. The Minister has very correctly pointed to the engagement we have recently had at the Seanad Brexit committee with Commission Vice-President Maroš Šefčovič on Monday of this week. It was a very interesting debate and exchange of views between members of our committee and with the Commissioner. Commission Vice-President Šefčovič was very diplomatic in his answers to us, and he very openly and honestly answered questions from committee members. There was a very clear message from the EU that it does expect to be treated with respect from the UK, and that it expects to see genuine solutions coming to the table.

It is worth reminding those who might be listening to this debate that the protocol on Ireland and Northern Ireland was a result of a number of years of negotiations. It was the only option left on the table when everything else had been explored. It was the only option that allowed us to ensure no hard border on the island of Ireland to maintain peace of this island, and to ensure that we could mitigate against the worst possible impact of Brexit, in full acknowledgement that the people of Northern Ireland did not vote for Brexit and that we here in Ireland did not vote for Brexit or ask for Brexit. It is a British policy and we are now dealing with the fallout from that. It was the best we could do in very difficult and challenging circumstances. It is also worth pointing out that the protocol on Ireland and Northern Ireland contained within the withdrawal agreement was negotiated and signed off by the British Government. The British Prime Minister said that it was a great deal and he won an election on the back of that. That seems to have been forgotten.

It is disappointing, to put it mildly, how they have approached these negotiations and how they have conducted themselves through these negotiations, and in particular Lord Frost, who I think at times has treated Maroš Šefčovič and his team, and us here in Ireland, with a degree of disrespect. It is fair for us here in Ireland, and other member states, to expect that when one signs an agreement in good faith with eyes wide open, having talked about it for months and years at that point, that everybody knew what they were signing up to. To then turn around and say that somehow there was an imbalance in the negotiations and that there was not fairness at the heart of the heart of the negotiations, I do not accept that. I utterly reject this assertion put forward by some in the British Parliament, the British Government and the British media. That is not the case. They are tinkering around the edges of what is fact and what is fiction. The fact remains that everybody knew what they were signing when they signed that agreement and

now they are seeking to renege on that. The constant threat of Article 16 is destabilising and it damages trust between Ireland and the UK. It damages trust between the UK and other member states. It makes it very difficult to find a resolution and a solution to the issues that are there.

It was said at the Brexit committee on Monday, and I reiterate it in this House, our appreciation and gratitude to Commission Vice-President Maroš Šefčovič for the work he has undertaken, and particularly in the past months in his engagements in Northern Ireland. He has gone above and beyond with his team to engage with business owners, the public and politicians right across the island on this issue. It is fair to say that he has a deep and genuine understanding of the issues on this island and how important the protocol is to ensure that peace is protected and that we protect the Good Friday Agreement. Mr. Šefčovič has taken the time to really get under the covers and understand what are the issues here, including the position papers that he published and the solutions he brought to the table with his team, having consulted widely with the people in Northern Ireland and with the business community.

Mr. Šefčovič said on Monday that they have removed 80% of all checks. That is the practical implications of how the protocol is working on the ground. I do not believe that it has been properly acknowledged by those negotiating on the UK side how significant those changes were with regard to the operation of the protocol, and how much the team had taken on board the concerns of the people living in Northern Ireland. Essentially, the proposals were rejected before they were published at all, which is not the way I would approach a negotiation or how I would conduct my business working with anybody. We got past that and they were published, but they were still not taken with the degree of seriousness one would expect the UK to have taken. There are constant threats of triggering Article 16, knowing that this is supposed to be a safeguard. It is not supposed to be used as a stick to beat with which to beat the other side. It is a safeguard if there are genuine economic, societal and environmental disruptions that are likely to persist. That is the wording of the protocol and that is what it is there for. Equally, they tend to gloss over with their own citizens that the EU would also have an opportunity to rebalance that by taking action too. We are skirting around the edges of discussing the potential for a trade war, which would be disastrous for both islands and for the European Union. Nobody wants to go there.

I take note of what the Commissioner said on Monday, and the tone that Lord Frost is striking today in Northern Ireland. There does appear to be a degree of pulling back somewhat from that cliff edge, and a bit more of a constructive approach to these negotiations in the last couple of days. That is a positive thing but there is no doubt that damage has been done by that constant threat to pull the plug and to walk away and leave the table. I would urge the British Government to think long-term about the impact that their conduct is having on their relationship with their nearest neighbour and with the European Union. We are all trying to resolve this. This does not discount or take away from the fact that they had a vote. They had their referendum and we accept and respect the result. We must all get around the table now to resolve this.

Throughout the work of our Brexit committee, time and again we have been told about the opportunities and the silver lining that is the protocol for Northern Ireland, which are the opportunities this can present for Northern Ireland. I understand that Lord Frost rejected this argument today in Northern Ireland. It does present an opportunity for Northern Ireland and it does represent the best of both worlds. Access to both markets is an opportunity if it can be seized upon. It is not just me saying this. The Economic and Social Research Institute came before our committee on two occasions to reiterate that point and to make the point very strongly that if they can give certainty to the protocol, it could be fantastic for Northern Ireland. At the end of

the day, we should want to get some benefit from this disastrous number of years with regard to our relationship with UK and the Brexit process, so that we can take some positive and actually make it work for the people of Northern Ireland and for the island of Ireland.

An Cathaoirleach: I thank Senator Chambers for her work on the Seanad Special Select Committee on the Withdrawal of the United Kingdom from the European Union, and for highlighting the issues and opportunities that are presented for Northern Ireland in the protocol, which is often lost in the debate in Northern Ireland.

Senator Niall Ó Donnghaile: On Senator Chambers's last comments, I also remember the days when the current and one of the former leaders of the DUP also talked about the positive potential of the protocol and how it offered the best of both worlds.

I thank the Minister for being with us today for these statements. I have consistently called for statements in the past weeks, while appreciating fully the sensitivities of a live negotiation, and the discussions and engagements that the Minister and his European colleagues will be having with their British Government counterparts. At no point did I seek to inject further heat or noise into these exchanges. Rather, I wanted to try to begin to inject some facts. I believe that the platform of the Seanad might be an important place to do that. I feel very passionately and strongly about this issue, as do colleagues across the Chamber. I also feel passionately about ensuring that some of those truths were amplified and told and given the space they deserved. This is a platform that the vast majority of the community in the North and beyond, and the vast majority of business, community, voluntary, trade union, and all kinds of sectors want, to cut through some of what has been said, which unfortunately has taken hold and prevailed over the past weeks and months.

On Brexit, the attitude of the British Government and the DUP to the protocol and Article 16, are the politics of the battering ram and the politics of self-interest, of confrontation and humiliation, the politics of division and demoralisation, the politics of despair and hopelessness, the politics of the big lie, and the narrow and reactionary politics of the past. As the Minister is aware, and as we have seen recently over the past few months, the politics of the veiled threat can become a real threat when violence and instability is brought to the streets. I want to take this opportunity again today to condemn this violence and thank all of those on the ground seeking to resolve it. The Good Friday Agreement is the politics of accommodation, compromise, respect, power-sharing and hope for a better future. Brexit threatens the Good Friday Agreement, its all-Ireland power-sharing institutions, the new accommodation between nationalists and unionists on this island, the better understanding between the peoples of Ireland and Britain and the mutual recognition and support between the Irish and British Government. Above all else, Brexit risks peace. As we have seen from comments by the British Government's Brexit negotiator, Lord Frost, in the House of Lords, peace in Ireland is now a commodity to be traded in the negotiations with the EU. Lord Frost said peace could be at risk if the EU decided to retaliate in a disproportionate weight to the threats to trigger Article 16. It is important to reiterate today that peace is neither a commodity to be bartered nor collateral damage to the self-interest of Boris Johnson and the Tory party.

The actions of the British Government and the DUP are flagrantly undemocratic. They ignore the fact that in 2016 the people of the North voted to remain in the EU and that the majority of the political parties, business organisations and people in the North are opposed to Brexit, and that the Irish Government and all of the parties in the Oireachtas are also opposed to Brexit. The big lie is that the protocol is damaging the North's economy but business and trade union

organisations say the opposite. They recognise that the North's economy is well positioned with access to the EU Single Market and the British market and to the foreign direct investment that helps economic growth, sustains jobs and creates stability and certainty for businesses and workers. This is precisely the message I heard from almost 200 business organisations represented at a Sinn Féin breakfast in Belfast this morning. The majority of people, political parties in Ireland and the Government view Brexit, not the protocol, as the problem.

The protocol is an imperfect solution to the problems created by the British Government and its Brexit. It was negotiated, as Senator Chambers said, and agreed between the British Government and the EU. It is designed to protect the Good Friday Agreement, avoid a hard border and protect the all-island economy. The protocol, the withdrawal agreement and the trade and co-operation agreement were all negotiated between the EU and British Government. If the British Government unilaterally triggers Article 16 it risks the overall Brexit deal. The British Government is acting in bad faith. It is breaching trust and acting irresponsibly. In the past, it has flouted international law. As the Minister and other colleagues have said, it should step back from the brink. I am sure this is a message Lord Frost heard loud and clear at his meetings in Belfast this morning.

In contrast to the behaviour of the British Government and the DUP, we have the welcome support of the US and EU capitals. President Joe Biden, Nancy Pelosi and Richard Neal have made it clear that any interference with the Good Friday Agreement would result in no trade deal between the US and British Government. Recently, a bipartisan motion of support for the agreement was passed by the US Senate Committee on Foreign Relations. The Good Friday Agreement and the protocol must be protected from the British Government and the DUP. This weekend, the people at the sharpest end of Brexit, namely, those who live on either side of the Border will protest in support of the protocol and to demand no hard border in Ireland. The protesters will gather at Flurrybridge, Carrickcarnan, Belcoo, Blacklion, Mayobridge, Aughnacloy, Lifford Bridge, Bridgend and Derry. Their message to Boris Johnson is to back off. This is a message the House, the Irish Government and all those opposed to Brexit must continue to send to the reckless Brexiteers.

Senator Mark Wall: I welcome the Minister to the House. As a Member of the Seanad Special Select Committee on the Withdrawal of the United Kingdom from the European Union I have heard at first hand the issues that businesses, communities and individuals have already faced since the UK took it upon itself to leave the EU. The fall-out from the withdrawal is still being felt on a day-to-day basis throughout the island as days and weeks are added to the delivery of parts and ingredients from many industries and services here. I had the experience of a three-week delay for a car part. I was told that continuing delays for such associated parts is due to the withdrawal of the UK. Against this backdrop, it would seem the UK Government wants to engage in a full trade war by potentially triggering Article 16. It seems to want to threaten the very hard-earned peace on this island, as well as using the protocol to change the demands, agreements and confidences it has entered into, as has been said by other Members.

The committee met Vice-President Šeřčovič on Monday. I am sure like other Members of the House and everybody else listening in, I was very encouraged by the obvious change in language from the Commissioner and the upbeat nature of his contribution. The Commissioner told the committee that all issues under discussion could be solved and that the EU legislative proposal is ready. He stated he could put it on the table this week but that he wanted to do so in a joint approach with the UK. The worry for us all is that the Commissioner went on to say that sometimes he has the feeling that when we come up with a solution to one problem, other

problems are put on the table.

At the heart of all of this debate of course must be the EU's continued support for Ireland and our part in the Union. Once again, it was heartening that on Monday we were informed by the Commissioner that the most important currency in dealing with the UK is the unity of the EU. He stated he was very glad he had unwavering EU support for a constructive approach. I am sure it was also encouraging for the Minister to hear the Commissioner state the EU is preparing for all scenarios and that whatever the outcome, the EU will be ready. The Commissioner stated that despite the sometimes very tense atmosphere, he continues to engage, that his A, B, C and D scenarios would be positive and he hoped this attitude will also prevail in London.

In the committee's discussion with business owners in Northern Ireland, they outlined their support for the current proposals and their defence of the existing arrangements. It was also encouraging to hear the Commissioner state this was also his experience of speaking to businesses in the North and that he wanted to work with the UK on amplifying these opportunities and to reduce the problems Brexit has brought to Northern Ireland. The Commissioner encouraged all Irish politicians to continue to reach out to colleagues in the EU. It is very important to put on the record my thanks and, I am sure, the collective thanks for the Minister's efforts on such an important issue for this country. It is important in such debates to thank politicians from all sides in the United States, including President Biden, for their continued support of the protocol and what it means to this country.

I welcome the support of the British Labour Party on this very important matter. The shadow Northern Ireland Secretary, Louise Haigh, MP, made comments during a recent speech in Belfast and she repeated them at the Labour Party conference in Dublin at the weekend. Ms Haigh said invoking Article 16 would not end the dispute or uncertainty but would prolong and deepen them. She went on to say the British Labour Party had repeatedly stated it opposes the Government using the mechanism and accused the Conservatives of sowing division and undermining stability in Northern Ireland. She stated, "With tension rising in Northern Ireland and a cost of living crisis across the rest of the UK the last thing that is needed is more poisonously instability and the prospect of a damaging trade dispute with our nearest trading partners." She also stated:

People and businesses are pragmatic - they want solutions, not a stand-off. So the Government must not ventriloquise for people and for communities who they have shown little understanding of.

There can be no doubt this is crucial for the future of the island from an economic and social point of view. There can be no diminishing of the protocol. It must receive the unconditional support of the EU, as outlined by the Commissioner on Monday. As the Minister recently said, our job is to be positive and optimistic and to try to create windows of opportunity when they are there. Clearly there is one there now. I wish the Minister well in all of his endeavours. He will have the full support of the Labour Party in that.

Senator Frances Black: The Minister is very welcome to the House. I commend him and the Department on the work they have done on this issue. I also commend Senator Chambers on the work she has done on Brexit. It has been phenomenal. Her dedication has been brilliant.

I welcome this opportunity to contribute to the discussion on the protocol. No doubt about it, the starting point must remain Brexit. No one should ever forget the North was removed

from the European Union against its will. The people do not want Brexit. It was imposed upon them. Their collective voice was clear. Evidence suggests that most understand why the protocol is required and agree it is needed. A legally guaranteed special arrangement was always required. Common membership of the EU was an underpinning assumption of the peace process. We are now in uncharted territory as a result of Brexit and, may I also say, the increasingly reckless actions of the British Government, which is playing games with the future of people of this island once again. The protocol is there to protect the Good Friday Agreement, to ensure no hard border emerges on this island and to support ongoing North-South co-operation. The protocol is about mitigating the damage of Brexit and the preservation of the precious peace on this island. It must be defended and upheld. The British Government must implement what it has agreed in good faith. It is heartening to see how many in the international community agree with this.

The protocol offers well-recognised opportunities for the North. These should be promoted and developed. I almost feel as if I am copying the Minister in saying this. Businesses and communities know this and they want to make good use of these opportunities. I believe the protocol offers protection for the many Northern Ireland businesses trading primarily across the island of Ireland and-or with the EU, as the *status quo* position is largely retained into the future with the absence of border checks, customs declarations or tariffs. While there have undoubtedly been problems and challenges, particularly for the Northern Ireland businesses that trade primarily with Great Britain and some Northern Ireland consumers, we have also seen many businesses building new opportunities. It has been brilliant. There are potential investors interested in coming to Northern Ireland to benefit from the unique dual access to the UK and EU markets if located in Northern Ireland, but they are waiting for the protocol to bed down and for the remaining problems to be resolved.

The protocol also contains an important human rights and equality guarantee. I believe this has been neglected. Civil society organisations know its value, as do the human rights and equality commissions on this island. They correctly want to make use of these protections. We must hear more about this valuable aspect of the protocol. We still do not hear enough about the many opportunities the protocol delivers for the North.

Let us be clear, and let us send a strong message. Problems that have arisen are the direct result of decisions made by the British Government and choices that are made in London. The British Government continues to put narrow Brexiteer ideology above the interests of all the people of the North. It selected the dangerous path and it must face the consequences of its actions. This must be called out and we must name it for what it is. The British Government does not care. Its approach remains the primary cause of our current difficulties. The attempt to destabilise the North for its own strategic interests undermines the agreement. It has abandoned even the pretence of adherence to its obligations.

The Minister will not be surprised to hear me say that we must also remember that there is another way forward on this island. The people of the North have a way back to the EU through the Good Friday Agreement. I proudly chair the civil society organisation, Ireland's Future. We are determined to promote a responsible and focused conversation about constitutional change on this island. The people of the island want to have that conversation. The North has a guaranteed automatic EU re-entry option. To ignore it is unwise and ill-advised.

Senator Niall Ó Donnghaile: Hear, hear.

Senator Frances Black: The Irish Government has an obligation to plan and prepare for the Border poll that is promised in the Good Friday Agreement. The Government has the necessary resources to undertake the research on what a new Ireland, a new Ireland that is a warm house for all, would look like in areas such as health, education and housing. It is legitimate to promote the idea of reunification of the island - it should not be seen as negative to use that phrase - and to have a clear vision of what the new Ireland would look like-----

Senator Niall Ó Donnghaile: Hear, hear.

Senator Frances Black: -----so that when people are asked to vote, they will do so with as much knowledge as possible. Let us plan for a better future for everybody on this island.

We must defend the protocol, we must embrace the many opportunities it provides and we must prepare for a better future together on this island within the European Union. I would love to see the establishment of a cross-party Oireachtas committee for planning on preparing for the future. It would be brilliant. Last week, Ireland's Future held a very good event in the Mansion House. It was attended by Deputies Jim O'Callaghan, Neale Richmond and Mary Lou McDonald, who were all in agreement on this issue. It was so powerful to see Members of the Oireachtas sitting together and discussing what a new Ireland would look like with an all-inclusive warm house for all.

Senator Niall Ó Donnghaile: Well said.

Senator Joe O'Reilly: I welcome the Minister and salute and thank him for his painstaking and very competent work on the question of Brexit - first, in winning the support of our European partners for the Irish position and its solidarity right through the process and, second, in dealing with the minutiae throughout the protocol. The Minister will observe today that this entire House is mandating him, supporting him or echoing the call to him to continue to work steadfastly to make the protocol work and to arrive at consensus there, while maintaining international agreements.

I also salute my colleague, Senator Chambers. I have the privilege of being a member of the Seanad Special Committee on the Withdrawal of the United Kingdom from the European Union with her and a number of the other speakers today and she leads that committee with extraordinary competence and commitment. That is a very important committee, certainly for the region from which I come.

Senator Mark Wall: Hear, hear.

Senator Niall Ó Donnghaile: Hear, hear.

Senator Joe O'Reilly: The protocol is an international agreement and that must be the starting point. It was negotiated between the EU and the UK. It is not something we negotiated, but an international treaty between the EU and the UK. It must be seen as such. As Senator Ó Donnghaile said, it stands alongside the EU-UK Trade and Cooperation Agreement in that regard. They are inter-changeable and connected.

What is interesting, and the Minister and colleagues in the House are very aware of this, is that some of the political people in Northern Ireland are so out of sync with and unconnected to the reality of what ordinary people, business people, the trade associations and the commercial sector in Northern Ireland think. They want to work the protocol and to see the great opportu-

nity, which I will mention briefly momentarily. First, the ordinary people of Northern Ireland voted not to accept Brexit. Having voted against Brexit, they now want to work the protocol. One can only say that there is a cynical exploitation and that the people of Northern Ireland are almost like pawns in a game that they are not part of and do not wish to be part of. They want to work the protocol. The alternative to the protocol was a hard border and the obvious threat that would be to peace, the Good Friday Agreement and the welfare of the island. It does not require further elaboration. No Member of the House is unaware of that. Suggestions that perhaps technological solutions were possible are nonsense. Ultimately, it was going to lead to violence and trouble there. That must be remembered.

The protocol is a great opportunity for Northern Ireland in that it gives it the capacity to trade efficiently with the UK and similarly to have its status, membership and trading capacity here between the North and the South and into the EU. There has been a great expansion of North-South trade and that is a very important development. It is an exciting development on a number of fronts and it is great. It is a by-product of all this.

We should recognise that Commission Vice-President Maroš Šefčovič made very generous and workable proposals. If I understand them correctly, and I presume the Minister mentioned this earlier and will perhaps mention it again in summarising, they remove about 80% of the potential difficulties of the protocol in terms of checks, customs checks and trading difficulties. There is a real effort on the EU's side in that regard. I hope that the UK will refrain from the nuclear option, as it were, of Article 16, and I believe it will. Our major appeal here is that we all be sensible and calm and that we negotiate. I know that is what the Minister will do, but I wish to repeat that it is desire of this House, my desire, the desire of the Brexit select committee and the desire of all rational people that an accommodation be found, that there be negotiation and reasoned argument and that we sit down together to make things work to the benefit of the people in Northern Ireland. We must stop short of any grandstanding or anything that would lead to trade wars and so forth.

The protocol is in the best interests of all the people of Northern Ireland, the economy of Northern Ireland, the all-island economy and, ultimately, of the UK and the EU. First, if there is a message I wish to give to the Minister, it is that we endorse it. It is a consistent theme in all of the contributions made today that we support the protocol. It is an international agreement but we do want to support negotiation, we do want a reasoned outcome, we do not want confrontation and we do want the best interests of the people of Northern Ireland to be the ultimate arbiter of how we go about this. The best interests of Northern Ireland certainly lie with the Šefčovič proposals and with further modifications to ensure we have smooth trade North, South, east and west. We must avoid anything that would contribute to polarisation or flashpoints. All of that is a consistent theme and I welcome this important debate.

It is great there is consensus, unanimity and clarity in the House. It is a reasoned approach that we must continue ultimately for the welfare of ordinary people in Northern Ireland. We want to ensure their incomes, livelihoods, way of life, and supply of goods and quality of life remain intact. We also must ensure there is a respect for the fact they did not, in the first instance, vote for Brexit and voted against it, and that there is a respect for the fact the great majority of people there want to work the protocol. Ultimately, those people should be the arbiters of our direction. I favour a negotiated, peaceful and reasoned approach, trying to arrive at a consensus and us offering an olive branch where we can.

Senator Niall Blaney: I, too, thank the Minister for coming to the House again with a fresh

update on the Brexit negotiations and the protocol. It is fair to say we must thank the US Administration for its steady and supportive hand throughout this process. As I have said in this House before, the Minister has built up a number of contacts over the years and been a steady hand throughout this process. Our interests are pretty well protected from an EU perspective. His experience and expertise have shone through.

Last Wednesday, a cross-committee meeting took place with the House of Lords. I found it interesting to hear their views because sometimes one feels perplexed that parties, like the Labour Party in the UK, have not been stronger with the Johnson Administration on Brexit and the protocol. It felt like a breath of fresh air to listen to Lord Peter Hain, former Secretary of State for Northern Ireland, and how strong he was in opposing what the UK Administration is currently doing and how it has undermined its position from the point of view of a future trading situation with the EU and the US, which Lord Hain mentioned. It is pretty much a case of the UK Government cutting off its nose to spite its face.

On Thursday, we travelled to Belfast with colleagues in this House as part of a delegation from the Committee on the Implementation of the Good Friday Agreement. We were there two days and had numerous meetings. We had meetings with the unionist parties and it was interesting to hear their insight into Article 16. They had a general belief that implementing Article 16 would not necessarily be serious or as bad as we were inclined to think it would be. I found it fascinating that this was their position. It seemed as if they have been fed the line that it is a simple part of the protocol and, from that perspective, not something to worry about as it was just another negotiating position. They displayed no real insight into the real damage Article 16 will do. I am interested in hearing the views of the Minister on that.

The unionist parties also expressed an interesting solution for medicines. They felt that resolving issues regarding the importation of medicines into the UK will not be as easily resolved as the EU now proposes. Again, I would like to hear the Minister's views on that.

We met two professors about a study done in Queen's University Belfast on the implementation of the protocol. They conducted a vast poll of 2,500 participants on that implementation. I found it interesting to hear the breakdown of the study and see how support for the protocol came down pretty much strongly on sectarian lines. That situation would lead you to believe there is a very poor understanding of the implementation of the protocol, how it will be implemented and the effects that it will have within Northern Ireland. Possibly, the Irish Government has a job of work to do on that.

The Minister mentioned in his speech there were opportunities for Northern Ireland to be heard and help implement the protocol. Is there an opportunity for us to look at some mechanism whereby representation within Northern Ireland can be brought into being, because currently the North is part of the EU trade-wise but it does not have any say? We have difficulties in getting a unionist voice as far as Dublin, but I think it would be worthwhile looking at creating some sort of oversight role for members of a committee of members from Stormont and the Oireachtas, which could perhaps be Stormont-based for once, with some UK input as well. From a number of perspectives, it could be an interesting idea to look at.

We had a meeting with the Ballymurphy and Springhill families. Their solicitor, Mr. Pádraig Ó Muirigh, made the point that the families would not have got as far as they have with inquests had it not been for the independence of the Judiciary. There is a fear that if such independence is eroded by the UK that seeks to water down the input of the European Court of

Justice, then the implications for the families and for many other things is something we need to look out for and protect. I would like the Minister to take this matter on board.

Senator Martin Conway: I welcome the Minister to the House, particularly as he has an extremely busy schedule at the moment. We appreciate him giving of his time to come here to discuss this important and evolving issue that will affect this country for generations to come.

As the Cathaoirleach of the Seanad Special Select Committee on the Withdrawal of the United Kingdom from the EU said earlier, we had a very useful engagement with the European Commission Vice-President Šefčovič on Monday and it was interesting just to engage with him. I asked him whether the European Commission had developed a strategy if Northern Ireland triggers Article 16 because we must be ready for all eventualities. I am interested in hearing the observations of the Minister on the readiness of Europe if Article 16 is triggered. Obviously we all hope Article 16 is not triggered. We all stand in solidarity with the efforts the Minister, his officials and, indeed, the European Commission are putting in to make sure this does not happen.

I very much welcome the mood change on the part the United Kingdom in recent weeks, especially from Mr. Frost because certainly the utterances were very pointed, provocative and unhelpful. I hope we are moving into somewhat calmer waters, which is what are needed if a deal is going to be delivered, because the consequences are fairly striking. Yesterday, I spoke to an ophthalmologist who operates in Temple Street children's hospital.

4 o'clock

She specialises in prosthetic eyes for children. No operator in this country makes these types of plastic eyes. There are some arrangements with the UK National Health Service in Belfast, but many of these eyes are delivered from a private operator in Wales. What happens is Temple Street hospital purchases the prosthetic eyes and would normally receive delivery in two or three days, but a child in Limerick has been waiting for one of these eyes since 21 October. The item has been caught up in customs since that date. There are consequences, therefore, for where we find ourselves and they impact greatly on people's lives in a range of areas.

Colleagues have spoken about trade and various other aspects, but I am interested in the Minister's reflections on the area of medicine and medical care, one issue we should be able to resolve. I hope solutions can be found for the team at Temple Street hospital, who find themselves in very difficult circumstances, not least when they must try to explain to the parents of a small child that there is nothing the hospital can do because the item has been held up in customs. These are real-life scenarios and I acknowledge the Minister is fully aware of them. The effort he is making reflects how concerned he is and how much he knows about the consequences there will be if this does not work out the way all of us want it to. I imagine most people in the UK want that as well but there seem to be difficulties at leadership level, which is regrettable. I hope that will sort itself out.

Senator Erin McGreehan: The Minister is welcome. His presence in the House is timely and important. As a resident of County Louth and a Border community, I am always anxious about talks relating to Northern Ireland and the safety and security of those of us who live near the Border. We are always conscious of the reckless and manipulative manner in which the actions of the British Government always end up affecting us on the Border and across the island.

On Saturday next, I will stand on the Border, in solidarity with all citizens of this island and

the business communities, calling for the security of this island and the protection of its status within the EU. We will protest at the Border, in Carrickcarnan, County Louth. The protest has been organised by Border Communities Against Brexit. It is important we stand together in solidarity, of all parties, businesses and backgrounds, to say we will not stand for this and that we need to move on from this. We have been talking about the Northern Ireland protocol for more than 12 months. We thought it was done when it was, originally, welcomed by all parties including the British Government, which had been involved in negotiating it. Nobody forced its hand to sign this; there were no threats from the EU as to what would happen if it did not sign up. It won an election on the back of Brexit being done and being oven ready. It is incredible how wrong we all were.

It is worth noting the citizens of Northern Ireland support the protocol and are willing its success. The disingenuous and disturbing manner in which the UK Government is acting is not surprising, although it never surprises me. It is opportunistic and always tries to take advantage for its own political gain of that nationalistic view growing within the UK. It is taking advantage also of the Northern unionist parties, which, in many ways, are going through a crisis of identity themselves. Perhaps one of the greatest ironies of the Brexit for which the Democratic Unionist Party, DUP, campaigned so strongly is that it could be the sword on which it might fall. That party welcomed the protocol and now, with a severe degree of inflexibility, it says the protocol is fundamentally wrong.

It is beyond belief we are still discussing Brexit and the protocol. I wish we could just move on. We are almost beginning to doubt the British Government really wants Brexit, given it is protesting so much. We had an excellent engagement with Commissioner Šefčovič on Monday last. He is very positive and it is heart-warming and encouraging to see his commitment to this island, to upholding EU law and to looking after citizens throughout this island. His fear was that no matter what the EU brings to the table, the British Government will bring something else, and that there is a continuous shifting of the goalposts. We must reiterate it will be reckless of the UK Government to invoke Article 16. We have to move on together. I restate my support to the Minister in respect of his endeavours in Europe. He has the support of the entire island and the business communities repeatedly speak about the benefits of the protocol. Earlier today, the president of the Derry chamber of commerce stated:

Reports that the UK Government are preparing to trigger Article 16 are damaging and will do little to allay the concerns of everyday traders who want to make the Protocol work. As negotiations continue over the future direction of GB-NI trading arrangements, Lord Frost must reflect upon the significant damage that this unnecessary step would have upon the North West and beyond.

Businesses, the island and the EU are behind the protocol. The DUP and the UK Government need to get behind it as well.

Senator Barry Ward: Cuirim fáilte roimh an Aire agus an díospóireacht seo. I acknowledge the work he has done on this. It has consumed his Ministry and, indeed, this country and our neighbouring country for a long time. It is in that context that the behaviour we have seen in recent times has been extraordinary. In the week after we lost Austin Currie, it is appropriate to think back to the leadership demonstrated by people such as him and others in the context of Northern Ireland, and how that contrasts with the behaviour of the British Government. I have

pointed out previously during debates with the Minister how extraordinary it is to see a country that once prided itself as a world power and respected principles such as honour turn itself into one that simply cannot be trusted.

Earlier this week, we had the honour of speaking to Commissioner Šeřčovič at a meeting of the Seanad Special Select Committee on the Withdrawal of the UK from the EU. We are lucky to have him dealing with this issue because, of all the people involved, he has made especially great efforts to acquaint himself with the issues and to familiarise himself with the intricacies of this debate and how important it is to both sides of the Border. He told us how he felt the tone of the British approach had changed, which is encouraging. I asked him whether, assuming we reach a resolution both sides can live with, we can trust that resolution to hold. I asked that in the context of us having got to that point and where it seems the British Government has no respect for the deals it has done or regard for the fact it has signed on the dotted line and made a commitment, and is willing to walk away from that.

I compared the British Government to a child with a football who says he is taking his football and going home, so the other kids cannot play, without realising he has to play football to survive. There is an extraordinary contradiction whereby the British Government believes it can hold this sword of Damocles over Ireland and Europe in respect of invoking Article 16, as though it will somehow damage us more than the UK. It will undoubtedly damage us, and it will undoubtedly damage Northern Ireland, but the British Government does not seem to realise it will cause Britain untold difficulties, just as, when it first supported Brexit, it did not anticipate all the problems it would cause. Notwithstanding the fact it is looking down the barrel of the fact it cannot distribute goods around the island of Britain, get fuel into cars or manage matters the way they are at the moment, it professes none of this is due to Brexit but rather that it is all just coincidental that it happens to be happening at the same time it is fiddling with international relations and playing puck with agreements it has signed up to.

I do not envy the Minister's position but I will ask him the same question I asked the Commissioner. I assume we will get to the point where another signature is made and where the British sit down and agree to whatever conditions. I am confident we will get there, particularly in light of what the Commissioner said on Tuesday and in light of the work that is being done in this area. Can we have faith that this will hold and that we will not be in the exact same position in whatever number of months or years? How can this country have faith that our international partners in London and in the Conservative Party will stand by the agreement they make? They have not stood by those agreements in the past. If past performance is a guarantee of future performance, how can we in any way be sure that the deal will stand? How can we have confidence that we will then have a foundation on which to move into the future of proper, functional, all-island trade between us and our neighbouring country? How can we have faith in that?

Senator Paul Gavan: The Minister is welcome. We live in extraordinary times. Who would have thought that a man such as John Major would describe his party leader as acting to break his word, break treaties and break the law? That was a huge and ringing condemnation of his party and government. It is important to understand why the British Government is acting the way it is. It is clear that it is trying to hold its electoral coalition together, in England in particular, by constantly painting the EU as this bogeyman and monster that is threatening Britain and its newfound "freedom". Unfortunately, it is clear that Boris Johnson is prepared to use the North as collateral damage and he has been doing so for years. It waxes and wains, agreements are made and broken and the issue is constantly wound up whenever there is a prospect

of coming to an agreement. That is done purely for domestic reasons. I respectfully disagree with Senator Ward as my recollection is that the British generally have not acted with honour in history, certainly not in this country.

Senator Barry Ward: I said they prided themselves on doing so; I did not say they did.

Senator Paul Gavan: Perhaps they prided themselves on it but perhaps they did so mistakenly. As the Minister will be aware, the British Government has a long history of not being totally honest and of not honouring the words it would have previously agreed to. Brexit was a prime example of a cart before the horse scenario and the then UK Government promised the sun, moon and stars but was unable to even deliver a sunny day. In 2016, the people of Wales and England voted to leave the EU while on the same day the people of Scotland and the North voted to stay. A clear majority of 55.7% in the Six Counties voted to remain in the EU. Why? They did so because they knew their best interests would be served if they were to remain in the Union and remain part of the Single Market. It has been troubling to see threats around Article 16 but it is clear, as a number of Members have mentioned, that business in the North recognises that it is not in its interests for this uncertainty to drag on. It is interesting to see the contrast between that narrative and the narrative of the DUP leadership, for example. The DUP leadership is more and more out of touch with the reality of what business needs to thrive and prosper. We all need to ensure we give civil society voices their say on this issue. If we listen to what they are saying, they are clear that they recognise that the protocol is necessary, that it has to be made to work and that this uncertainty does nobody any good. More importantly, businesses in the Six Counties are saying that there are opportunities in this for them that they need to grasp and work with. It is important that we listen to those voices and rally around them because I am sure that this will be revved up again in a few weeks.

Senator Rónán Mullen: I will exercise the old Seanad privilege of saying things that people might not necessarily want to hear. I see myself as a cultural nationalist and I want to add my voice to those paying tribute to the late Austin Currie for all the good work and good things he did.

When we have these discussions we should be aware of groupthink. Dealing with the British authorities is particularly challenging at this time and there are some things that cannot be defended, but we sometimes slip back into an old anti-Britishness in the way we have these discussions as well. Listening to what is going on, there is too much emphasis on the personalities of the people involved in the Northern Ireland protocol and perhaps there is not enough meaningful discussion on the issues that are causing concern. It is a mistake to fall into continuing and persistent criticism of the British Government and I do not see what useful purpose that will serve. It is pretty much a unanimous view within unionism that the Northern Irish protocol in its current format compromises its position. We cannot get away from that but that is how unionists see things. There is no good in us in the South telling them that they ought to see things the way we see them. I do not see a future in such an approach to the problem.

We should be open to considering things that we rarely consider here. Do they have a point about the Court of Justice of the European Union, ECJ, on some level? I get the argument that it has to be supreme but to some degree I also get the argument that is being made by the Poles and others that there is competence creep and that sometimes the court interferes too much. The British Government has seized on this and it questions the efficacy and practicality of the court remaining the ultimate arbiter of important matters. We have had successive citizens' assemblies picking apart the integrity and fabric of the Constitution, but I cannot recall any similar

consultation process being invoked in respect of the ECJ. The question of triggering Article 16 on the grounds of “serious economic, societal or environmental difficulties” should provoke a much broader discussion on how the ECJ works because it is common knowledge that the best way to promote delay and the resolution of any legal dispute in the Irish courts is to raise an issue of EU law and have a legal question referred to Luxembourg because one is tactically assured of a considerable delay and considerable expense.

For the purposes of our diplomacy, let us at least attempt to see things from the other side because when this consistent view is being expressed in unionism about the protocol, we are in a difficult situation in how we make our arguments down here.

Senator Malcolm Byrne: I thank the Minister for attending and I thank him and his officials for all their work. I thank Senator Chambers for her work as chair of the Seanad Special Select Committee on the Withdrawal of the UK from the EU. I agreed with most of Senator Gavan’s points, although I observe that the Conservative Party is not the only party that has tried to paint the EU as some kind of bogeyman in recent years on this island. At times we might have taken some of the benefits of the EU for granted and Brexit has shown that. It is important that we look at selling the EU, that we stress why the Single Market is so important and that we talk about freedom of movement and the benefits of the EU to Ireland, particularly in the context of us approaching celebrating 50 years of membership.

We can go a number of ways from here and there is the question of building trust because the fear is, as colleagues have said, that we will get over this issue and in six months there will be another issue. The difficulty is, as the Minister will be aware, is that there is no opportunity to meet on the margins of meetings between Irish and UK Ministers and that there is not the same level of interaction between parliamentarians and Ministers as there would have been in the past on a broader range of issues. We have to look at how we can develop those ministerial links to a greater extent to build trust and parliamentary links. Crucially, we also have to build links between civic society. Much of the focus in the shared island unit has been on capital projects but we also have to look at how we can get our citizens working together closely.

Commissioner Šefčovič warned that we would see serious consequences if Article 16 was triggered. If we end up in a trade war, which I sincerely hope we do not, we know we have the Brexit Adjustment Reserve fund in place for businesses that have been affected by Brexit. I would like some assurances that if we end up in a trade war, the Government and the EU will step in to provide as many supports as possible for those companies and sectors that may be affected by tariffs.

Senator Maria Byrne: I welcome the Minister to the House and I thank him for being here to discuss this important issue. I compliment him and his team for their extensive work over a lengthy time in terms of the negotiations and discussions on Brexit. The Minister is correct that Northern Ireland did not seek or vote for Brexit. That is very clear. The protocol was the only option post years of discussions and negotiations. Lord Frost has submitted proposals to change the Northern Ireland protocol. We must trust that businesses are being honest.

The protocol was signed and agreed in trust and honesty, but we still find ourselves in this position. This is not a fickle matter. The people on the island of Ireland know well the importance of protecting the protocol and upholding the Good Friday Agreement. I tuned into the discussion on Monday. It was very interesting to hear Commissioner Šefčovič say that the message from the EU has been clear and consistent throughout, that is, it wants to find practical

solutions. Similar to Senator Chambers, I believe there must be a relationship built on respect. The UK cannot threaten to revoke Article 16.

We must consider the voices of those in Northern Ireland. The triggering of Article 16 raises serious issues for the cross-Border economy. Post Covid business across Ireland need greater support and not further obstacles enforced on them. The triggering of Article 16 would have detrimental implications on all Irish Governments. All of us will remember the Troubles. It took years to get to the Good Friday Agreement. We cannot allow for the dissolution of the Northern Ireland protocol. We must do everything in our power to protect it.

I thank the Minister for the work he has done to date. I know that he is so committed to this, he will be working hard into the future in regard to it.

Minister for Foreign Affairs (Deputy Simon Coveney): I thank all Senators for their contributions which, in some cases, were questions. I will try to move through those questions as best I can.

I will deal first with Senator Mullen's comments. He rightly asked questions that some might, perhaps, think are unpalatable and so on. I will try to answer some of the issues. As the person representing him and the Irish Government, I have tried to be very careful never to allow my language slip into a language that is seen as anti-British. It is against everything I stand for, to be honest. In many ways, my own story and upbringing is one of hundreds of thousands of examples of British influence on Ireland and *vice versa* in terms of my own family story, education and so on. I am not anti-British. At the same time, I have a responsibility to protect our country, to ensure that a negotiation that took years to conclude is respected and that efforts to effectively unwind and undermine previous agreements, which were essentially designed to protect a peace process in Ireland, are responded to with honesty.

It was a very difficult thing to do to find agreement on how one deals with the so-called Irish question when it comes to Brexit. A majority of people across the United Kingdom as a whole, including Northern Ireland, voted to leave the European Union. We did not like that result, but we have respected it. That does not mean that there are not many people in Northern Ireland, a majority of whom did not vote for Brexit, that have their everyday lives impacted by a stability that has been in place since the Good Friday Agreement and institutions that are associated with it. A large part of that stability has been an all-Ireland economy where relationships are built through trade and an absence of barriers, borders and checkpoints. We have fought hard to ensure that that legitimate political and social concern has been fully understood across the EU and we have built a solidarity around that message. The former UK Prime Minister, Theresa May, understood that only too well and she tried to design a solution for the so-called question dealing with Northern Ireland and the Republic of Ireland in a way that could protect a peace process, prevent Border infrastructure and at the same time ensure that trade between Great Britain and Northern Ireland could continue as well.

To raise the issue now and say that we have to understand the unionists' perspective with the protocol and the problems that they have with it, these are issues that have been discussed for years. The compromise, which was rejected by some in unionism, was the backstop which did not create any difference of treatment between Northern Ireland and the rest of the United Kingdom. It was rejected and replaced by the protocol, which was a concept that emanated out of London, not Brussels, in terms of a Boris Johnson prime ministry, to be fair to him, looking to solve the Irish question, but different from his predecessor, Theresa May. That solution

proposed that Northern Ireland effectively have a special solution applied to it recognising its unique status within the United Kingdom but also very connected to the rest of the island of Ireland from a trade perspective and the need to prevent those barriers and borders developing. It is not fair to now say that the protocol is not a legitimate way of dealing with this because there is a perspective that is uncomfortable with it. That perspective was there and many on the other side of the debate, the nationalist side, also had to make significant compromises. They are Irish people who have been taken out of the European Union and they have had to accept that.

Senator Niall Ó Donnghaile: Correct.

Deputy Simon Coveney: They have accepted that, but they also want to maintain connection with the rest of the island of Ireland. They want an absence of borders and the protections of a free trading environment in and out of the European Union, as well as with the rest of the United Kingdom. This was a compromise where all sides had to sacrifice something. To see it through only one perspective because there is disruption linked to the protocol, there would be a lot more disruption without it. The disruption emanates primarily from the kind of Brexit that the British Government chose to pursue. The protocol was the effort to manage that disruption and to limit it as much as we possibly could on the island of Ireland by effectively extending the EU Single Market for goods to Northern Ireland outside of the EU. The price of that was some limited checks on goods coming from Great Britain into Northern Ireland. Even though that is a UK market, it is also goods potentially coming into the EU Single Market. That is what we are trying to manage now in a way that, through maximum flexibility, we can limit to the greatest extent possible that checks burden on goods coming from Great Britain into Northern Ireland. What Vice-President Šefčovič is saying is that for goods that are going to be on retail sale in Northern Ireland, we can reduce the SPS checks, which is the majority of checks on food. For example, for supermarkets, supply chains and so on we can reduce the checks burden by 80%. That is a huge change from where we were at the start of the year. It would need a formal change to the implementation plan that was signed also by the British Government on 17 December when Michael Gove was negotiating on behalf of the EU and an implementation plan was agreed. The British Government has not only agreed to the protocol, it has also agreed to a full implementation plan for the protocol which, we hope, will be amended and changed to reflect new concerns that have emerged since the protocol has been partially implemented. It should not be forgotten that a great deal of the protocol has not been implemented because of grace periods that have been unilaterally extended by the British Government.

There is a context here that we have to understand. Every day I think about this issue I try to put myself in the shoes of a unionist to understand that perspective. It is a perspective that I can understand causes concern but there are also concerns on the other side of the argument that perhaps have not been as vocal or as focused upon because we have heard one perspective, effectively, from the British Government in the context of Northern Ireland, certainly in recent times. The focus now must be on the window of opportunity that is there. We must speak less about the triggering of Article 16 and more about which are the issues we are trying to resolve for unionists, nationalists, business people and those who consider themselves as neither so that we try to dedramatise and reduce, to the greatest extent possible, the friction and disruption that is linked to this arrangement that has been put into international law to try to manage the disruption of Brexit. I think we can do that. We can deal with the very emotive issue of medicine supplies into Northern Ireland. That is a very important issue and it is something the EU wants to prioritise and get done early. The EU is willing to change EU law to provide the legal certainty that the British Government and many in Northern Ireland may need. We should explore with

both teams what percentage of checks we can set aside on goods that are staying in Northern Ireland and how we can maximise that number. The EU is up for that discussion, whether it is 80% or more, if it can be done credibly and protect the integrity of the Single Market. The same applies to customs checks.

We must not forget that from the perspective of the Irish Government, while Northern Ireland and its stability is, of course, the primary concern, this is about more than just Northern Ireland. It is also about Ireland's place in the EU Single Market. If we allow a situation where important elements of the protocol are set aside, at some point the question will be raised as to whether there is a gaping hole that is, effectively, unguarded, without any form of checks, data sharing or anything, in the EU Single Market through Northern Ireland. If it is the case that a hole exists between Ireland and Northern Ireland, where stands Ireland's status within the EU Single Market? That is why this is an all-island concern. It is a Northern Ireland concern in terms of political tension but it is also a concern for us in terms of our economic model and so on because Ireland's place in the Single Market cannot be called into question on the basis of decisions of the British Government. That is not acceptable to me, particularly when two British Prime Ministers have put agreements in place with the EU to ensure that Ireland's place in the Single Market remains guaranteed and that no Border infrastructure on the island of Ireland would be seen as acceptable. Those are the two benchmarks we must overcome for the people of Ireland and businesses here.

On top of that, we must find a way to implement a protocol in a way that I hope unionists will be able to accept in the future. The implementation of the protocol must not undermine their Britishness and must reduce, to the maximum extent possible, the number of checks and trade disruption on goods coming one way, from east to west, Great Britain to Northern Ireland. As I say, having spoken to Vice-President Šefčovič this week, his team is focused on trying to move that conversation forward in a way that is constructive, helpful and open. I hope that Lord Frost's team will be doing the same today and tomorrow so that when Lord Frost and Vice-President Šefčovič meet on Friday, we can see at least some measurable advance in terms of the relationship towards finding solutions. I totally agree that we must be careful not to slide back into any kind of groupthink that is, in some ways, anti-British because that is not helpful. However, at the same time, we must articulate the truth about how we got here and why. We must also insist that international agreements matter, particularly when our core interests are at stake and if they are undermined, with consideration of both the peace process and our economic model.

In primarily answering Senator Mullen, I hope I have answered many other questions as well. As I say, I think that for now, the less talk about the triggering of Article 16 and its consequences, the better. That will be the case for the next couple of weeks. That is not to say that the EU is not prepared and continuing to prepare for that outcome, should it happen, because it is. It will be a robust response should Article 16 be triggered, particularly if large elements of the protocol were to be set aside. The focus should be on negotiation, partnership and trying to find a middle ground in terms of how the protocol is implemented and that all sides in Northern Ireland can at least live with and move forward on the basis of that implementation.

An Cathaoirleach: I thank the Minister for his work on this important issue. I also thank our colleagues in the European Union and the Irish MEPs, who have been strong on this issue, working with their colleagues across the European Parliament. I also thank our friends in America. Congressman Richard Neal was mentioned earlier. I also thank President Biden and Speaker of the House of Representatives, Nancy Pelosi, for their support for Ireland's position

on this important topic.

Criminal Justice (Public Order) (Amendment) Bill 2019: Committee Stage

SECTION 1

Question proposed: “That section 1 stand part of the Bill.”

Senator Robbie Gallagher: I wish to give some background on the Bill for the benefit of Members were not present in 2019 when I brought it to Second Stage. The then Minister for Justice and Equality, Deputy Flanagan, was in attendance, as the Acting Chairman is aware, having also been present for that debate. The Minister of State, Deputy James Browne, is very welcome to the House. I thank the Members present for their attendance.

In the context of assaults on emergency workers, it is useful to make reference to the Health and Safety Authority, which back in 2007 categorised violence in terms of verbal abuse, threats and physical abuse. It gave examples of verbal abuse, which includes abusive or offensive language, personally derogatory remarks, profanity or obscene comments. In the context of threats, it referred to warnings of intent to injure, harassment, physical intimidation and threats with a weapon. As regards physical assaults, these can include slapping, pinching, punching, shoving, spitting, kicking and use of a weapon. I make those remarks by way of lead-in to the body of the Bill and the proposal to introduce stronger sentencing in respect of assaults on emergency workers.

Yesterday, the Taoiseach spoke on the need to protect public health as a priority. The Bill is about our responsibility to protect those who protect us, such as nurses, doctors, paramedics, fire brigade personnel, gardaí and all others involved on the front line when we, the public, need them. The consequences of violence against emergency personnel and healthcare workers can be very serious and can result in death or life-threatening injuries, reduced work interest, job dissatisfaction, decreased retention, more leave days, more sick leave days, impaired work functioning, depression, post-traumatic stress disorder and increased practice of defensive medicine. Workplace violence is also associated with higher incidence of burnout, lower patient safety and more adverse events.

Last year, there were 8,667 assaults on health staff. That is shocking. Of that number, 4,166, or 48%, of the victims were nurses and midwives, according to freedom of information figures quoted in the past week. Some 6,900 of the assaults involved direct physical attack, while 60 were sexual assaults and 1,707 were verbal. Aggression and violence against healthcare staff has become a national and international problem in recent years. These assaults can be violent and the incidence of physical and verbal abuse is also quite high.

The figures represent a significant increase on the number reported in 2019, which stood at 1,098 and was, in turn, higher than the 948 reported in 2018. The reasons given for this significant increase include the issue of hospital overcrowding due to Covid, short staffing and long waits for patients creating tension and frustration within the walls of hospitals. The Covid-19 pandemic has exacerbated the frustrations people are experiencing. However, these reasons are not excuses.

In October, an Irish nurses group called for more protection for its workforce. The issue of assaults against medical and emergency personnel is not a new one but, unfortunately, aggression and violence against personnel such as nurses has been a national and international problem in recent years. It is particularly concerning that general nurses tend to be the ones singled out for these assaults, some of which have been very serious. These nurses lose time as a result of the assaults as they have to get their injuries looked after. Shockingly, knives have been used and, in one case, even a gun was used. These incidents can be very violent. A lot of this is physical abuse but the incidence of verbal abuse is quite high as well and no one should underestimate the effect verbal abuse has on individuals.

The abuse extends to the National Ambulance Service. According to information released under the Freedom of Information Act, as of February 2020, 114 assaults on ambulance staff had been reported in the previous two years. The figures show there were 114 assaults against ambulance staff in 2018 and 2019. It has been claimed that many of these assaults go unreported. Of the assaults reported, 70 were physical, 43 were verbal and one was of a sexual nature. According to the National Ambulance Service, a survey conducted several years ago found that 68% of its staff stated they had been assaulted in the previous two years. The staff of the National Ambulance Service are trained in the management of violence and aggression.

The staff of the fire and emergency services, including the fire brigade, are also suffering assaults. They have been seeking urgent steps to offer better protection to front-line workers who are increasingly the target of violent assaults. As of September 2018, Dublin City Council figures revealed that 102 cases of assault were reported by the service's front-line firefighters and paramedics in the five years between 2013 and the end of 2017. They, too, claim that assaults are more commonplace than reported or suggested. It is said these incidents have become so regular they are only reported when physical contact is made or an injury occurs. Some crew members have actually come to see it as an occupational hazard, but this is surely unacceptable and should not be tolerated. Front-line emergency staff deserve better, and the Bill intends to ensure they receive better protection.

There are numerous example of assaults on emergency personnel each year. In July 2018, two fire brigade paramedics were assaulted in Dublin city in two separate incidents. One of the paramedics lost two front teeth when he was punched in face, while his colleague had blood spat in his face. In October 2019, rocks were thrown at a fire engine in the south of the city. However, the issue is not confined to cities. In November 2020, crews from the Tipperary fire and rescue service came under attack from a group of youths who threw rocks and bottles, causing substantial damage and a safety threat to the crew.

Gardaí also have to endure ongoing physical attacks. Between 2016 and 2019, there was a 19% increase in assaults on members of An Garda Síochána. There has been a steady increase in reports of gardaí being assaulted while working since 2016, when 704 assaults were recorded. These assaults range from obstruction to minor assault and assault causing harm. I will give some examples. In May 2021, gardaí and ambulance personnel came under attack as they attempted to treat a 14-year-old boy who rang the ambulance service seeking help as he was injured. When the ambulance came to assist him in his moment of need, it was attacked by a mob. The ambulance crew contacted the Garda to come to its assistance and when gardaí arrived on the scene, they were also subjected to stone throwing and assault.

The Bill also relates to emergency vehicles being rammed. Unfortunately, this is a new development which has crept in and is becoming more prevalent. Unfortunately, I have several

examples. In January 2020, two gardaí were injured in County Leitrim when the occupants of a stolen four-by-four vehicle attempted to ram the Garda car off the road. Both members ended up in hospital. In January 2021, a garda was taken to hospital for treatment of non-life threatening injuries after an incident in Donegal. A garda was brought to hospital after a patrol car was rammed in County Kilkenny on 26 May last year. In October 2020, a man deliberately tried to knock down a garda before ramming two garda patrol cars in the course of a high-speed pursuit. He was subsequently jailed for that incident. In west Cork, a garda was dragged 100 ft by a car during a drug search. The garda, a woman, sustained serious leg injuries among other injuries. These incidents highlight the increased dangers gardaí face in the line of duty.

More than 5,500 gardaí have been injured in the line of duty since 2005. The vast majority of these injuries, according to the GRA, are caused maliciously. The injuries sustained by gardaí include internal injuries, broken bones and cuts needing multiple stitches. Gardai have been shot at, had their cars rammed, have been dragged along roads by cars and have been assaulted with a variety of weapons. These incidents have occurred in both urban and rural settings throughout the country. Some have resulted in life-threatening and life-changing injuries. The GRA has repeatedly called for stronger legislation to deal with people who assault gardaí and members of all the emergency services as they go about their duties.

Unfortunately, trends indicate that this problem is not confined to this country. In France, 75 firefighters were attacked for each 140,000 interventions by region in 2017. In Italy in 2020, 50% of nurses were verbally assaulted in the workplace, 11% experienced physical violence, while 50% of physicians were verbally assaulted and 4% were physically assaulted. There was a similar story in Spain where nurses and emergency workers are constantly abused.

In India, the Government made violence against emergency service workers an offence punishable by up to seven years' imprisonment following various episodes of violence and harassment against workers. In Australia, the minimum sentence for anyone convicted of assaulting an emergency worker is seven years, with a maximum sentence of 15 years for more serious assaults. In the UK, legislation provided for sentences of six months but a minimum sentence of two years was introduced in the past six months for anyone convicted of assaulting an emergency worker.

All workers have a right to be safe on their job and healthcare workers are no exception. An attack on the emergency services is an attack on us all. As legislators, we are duty-bound to protect those who protect us.

In 2018, the then Minister for Justice and Equality, Deputy Charlie Flanagan, indicated that there were some legal issues with the Bill as initiated, particularly as regards mandatory sentences. However, the Minister then supported the idea and the Bill passed all Stages in this House with the support of all Members present. I was grateful to all Senators for that.

The offences created under this legislation are assault on an emergency worker and ramming an emergency vehicle. It also provides that those convicted of such offences would not be entitled to parole and would have to serve their full sentence. The Minister advised that the best way to address the issues the Attorney General raised with the Bill at the time would be to provide for a presumptive minimum sentence and a presumptive maximum sentence, similar to legislation in place in the Firearms Act and Misuse of Drugs Act. We have taken those steps based on the Minister's remarks in June 2019.

The Bill essentially addresses offences on indictment. There is a view that there is ample legislation in place to deal with summary offences. The Non-Fatal Offences Against the Person Act 1997 deals with most offences, whereas this Bill deals with serious offences.

We owe a debt of gratitude to all our emergency workers who go out day and night to protect us. When we are in need, whether that is of medical attention or when we or our property is in danger, we turn to our emergency service workers to help us out. When we call they always listen because they are always there. We do not need reminding of that but Covid-19 has shown us the lengths to which our emergency services, particularly healthcare workers, have gone to protect us. We are duty-bound to do all we can to protect those who protect us.

As I said, an attack on an emergency service worker is an attack on all. It saddened me to hear on RTÉ's "This Week" programme last Sunday, Ms Phil Ní Sheaghda of the Irish Nurses and Midwives Organisation speak of a colleague, a community nurse, who was called out on a house call after the lady of the house suffered injuries to her leg. It became clear that the injuries were inflicted by the husband who was quite aggressive when the nurse arrived. When the nurse said she would address the needs of the woman, the gentleman reached for a poker and held it over her head and threatened to hit her with it. In another example, a nurse was threatened with a knife and in another, a nurse was even threatened with a gun. This has gone too far, as highlighted by the fact that these offences are increasing rather than decreasing year on year. It is up to the Oireachtas to send a clear message that our emergency workers are there to be protected.

5 o'clock

They help and benefit us all, especially in our moment of need. We are letting them down by not putting out a strong message to the public that assaults on emergency workers will not be tolerated. That matter needs to be addressed.

I know there are different circumstances in every case. Whenever an individual comes before a court, special circumstances will relate to the case and I have no doubt that judges take these into account when sentencing. That said, our job, as legislators, is to set out what we feel should be the minimum and maximum sentences for offences, while at all times allowing the courts the flexibility to adjudicate and deliver whatever sentence they see fit based on the evidence presented, as is only right. However, it is imperative that we grasp the nettle and send a message out that we are here to protect our emergency workers. The law of the land needs to speak very clearly as to what anyone who strays over that line without good reason, if there every could be such a reason, can expect.

Senator Barry Ward: Cuirim fáilte ar ais arís roimh an Aire Stáit. Aontaím leis an mBille seo go ginearálta agus cuirim fáilte roimhe. Ag an am céanna, bhí mé ag éisteacht leis an Seánadóir Gallagher, a ndéanaim comhghairdeas leis ar ábhar an Bhille, nuair a bhí sé ag labhairt faoin bhfadhb atá ann agus faoi na figiúirí. Chuir sé sin an-ínní orm. Aontaím leis maidir leis an bhfadhb atá ann agus maidir leis an méid atá le déanamh againn. Aontaím freisin leis an iarAire, an Teachta Flanagan, áfach. Dúirt sé go bhfuil fadhbanna ann le híos-phíonbhreitheanna éigeantacha a chur in áit. Aontaím go bhfuil sé sin an-deacair ar fad agus go ndéanfadh sé deacrachtaí dúinn mar Oireachtas.

I congratulate Senator Gallagher on the Bill. There is definitely a place for a very strong statement from the Oireachtas in respect of this kind of behaviour. To be perfectly honest, I have

severe misgivings about the notion of minimum mandatory sentences in general, particularly in light of the fact that in the past seven days we discussed the Criminal Justice (Amendment) Bill 2021, which dealt with the Ellis decision from the Supreme Court. That decision specifically criticised decisions of the Oireachtas to put in place mandatory minimum sentences in relation to second offences. In that regard, I do not want there to be any confusion about my view of the subject of the Bill or the notion that we should in any way tolerate, endorse or condone the kind of behaviour Senator Gallagher has outlined in considerable detail. The notion that anybody going about his or her duty as an emergency worker and doing nothing but good for society and helping the people who need to be helped could come under attack, whether physical or verbal and whether resulting in physical, visible injury or not, is abhorrent. I did not think we saw as much of this here as is seen in other areas of the island. It is something I associate with more divided communities than I would with this jurisdiction. However, from the figures the Senator has outlined, it is obvious that there is a problem.

Given that this is Committee Stage, I look forward to looking at this Bill with a more focused eye and at how it might be amended to address some of the issues I am raising. The context in which an assault on an emergency worker is carried out is clearly an aggravating factor in any subsequent sentencing. It is therefore entirely appropriate for the Oireachtas to make it clear that this is a specific aggravating factor in the case of ambulance workers, members of the fire brigade responding to an emergency, members of An Garda Síochána or - and this is something I had not thought about - nurses, doctors and orderlies in hospitals. These are people who reach out to help people. If such people are being made the victims of assault or other abuse, it is absolutely appropriate that we, as a legislature, make a very clear statement that this should be an aggravating factor in sentencing and that, when a person comes before a court and is convicted of an offence in which there is a factual matrix that involves that kind of behaviour towards an emergency services worker, the tariff of sentence that person is facing should be increased.

In broad terms, I have a difficulty with the notion that we should set that figure for the court and direct that a judge must adhere to a particular minimum tariff. Every situation and every case is different. That is in no way an attempt to tolerate that behaviour but, broadly, I have a difficulty with the application of broad brushstrokes involving mandatory sentences. However, I congratulate Senator Gallagher on bringing forward this Bill as regards its subject matter and what it is hoped to achieve. I hope we can work on it to make it a little bit more flexible.

Senator Lisa Chambers: I thank my colleague, Senator Gallagher, for bringing this Bill to the House. I know he has been working on it for a number of years and that it has been amended and improved a number of times.

I will speak to the section. Throughout the past year and a half of the pandemic, we have found a new appreciation for and understanding of the invaluable work our front-line workers do and how much we rely on them. Where would we have been for the last year and a half were it not for our front-line health workers, those working in the ambulance corps, paramedics, nurses, doctors and An Garda Síochána? They can be attacked by somebody simply for doing their job. They are a distinct group and need to be recognised as such.

We have learned a lot more about the work those individuals do. We have become hyper-focused on our front-line staff over the last year and a half. That has been a good thing. It is one of the good things we will take away from this pandemic whenever we get to the far side of it. We now appreciate just how important those workers are. That probably prompts some reflection when we think of the high salaries we pay to people working in other sectors and how

valuable they are when compared with front-line workers, who are the most valuable workers in the country. Gardaí keep us safe and nurses, doctors and paramedics look after us in our time of need. When you are on your deathbed or are injured or sick, they are the ones who are there to care for you. We would not have a functioning country or society without those front-line health workers.

It is very timely that the Bill has now been brought to the Seanad for debate. While we already have public order offences and many mechanisms under the justice system and different laws to protect people, it is important to single out front-line healthcare workers, and front-line workers more generally, as a distinct group in the context of what attacks on them mean to our society. Such attacks must be treated differently. It is not that the injury would be any different if the victim were not a front-line worker, but we are saying to society and to those individuals who might be thinking of carrying out such a crime or who may have already done so that not only is it wrong, but that it has been placed in a special category, which is why the penalties should be more severe. We must send a strong message that those who commit this type of crime will pay a significant penalty for that because we take it very seriously.

I have friends working as paramedics and in the ambulance corps. I also have a friend who works in patient transfer. One of the interesting aspects of this Bill is that it would make it a criminal offence to ram an emergency vehicle. That is not something we often talk about but attacking such a vehicle when it is being used to assist people in their time of need is an offence of a different level. Over the past year and a half, we have been talking a lot about our front-line workers and how we value them. We do value those front-line workers, but there has been a lot of talk and not a whole lot of action in terms of making changes to how we deal with them and show them, in a very meaningful way, that we value them. We have had conversations regarding a pandemic bonus or a bank holiday. I see that President Higgins is talking about a signed document and a visit to Dáil Éireann. Those are all nice things, but would it not send out a fantastic message from the Oireachtas to actually amend legislation to put them into a distinct and special category so that, if anybody chooses and decides to attack them, that person will be dealt with differently and every more seriously and that a greater penalty will be attached to the assault? That would be a strong message to send to our front-line workers and that is what we are trying to say to them today.

I take on board what Senator Ward said about the sentencing aspect. Judges will be in a position to deal with that themselves. We give sentencing guidelines in all other areas of law as well so this would not be very different from that. It is, on balance, probably the right balance to strike.

I also think of our gardaí. I have been talking to some of them over the past year and a half and have had conversations about how they have found it, particularly given the restrictions they have had to police. These were, and still are, exceptional and extraordinary circumstances. We have asked a lot of our front-line workers this past year and a half and we continue to do so. There was a lot of responsibility and additional work placed on our front-line workers and on gardaí when they were policing the streets and roads to try to implement and work within those new laws and restrictions. It was a very difficult time for them. For the most part, thankfully, the gardaí I have spoken to have said they found the public very good to deal with, even though the public were frustrated and scared at times as it had been a difficult period. However, they also said there were difficult moments and difficult individuals they had to deal with on the roads, on certain premises, or in and around people's homes who made their job very difficult. The Garda had to deal with certain attacks. We heard about instances where individuals spat in

the faces of gardaí early in the pandemic when we were all at the height of our fear about the spread of Covid-19.

That is the level of assault that comes upon front-line workers when they are doing their jobs and are there to protect the rest of us. The past year and a half has just added weight to Senator Gallagher's argument that these are a distinct and separate group of individuals in our society upon whom we rely and who are extremely valued. Every day of the week they are putting their lives on the line to care for all of us, mind all of us, and ensure our country and society continue to function. We owe it to them to have a look at the legislation in this area to see if it is sufficient and up to scratch.

Justice legislation can be slow to change. I am not saying that is a good or bad thing. When making changes to a law that could potentially impact on somebody's liberty or result in significant fines, you have to be cautious and consider all the possible consequences of those changes. That is what this debate is about. It is about looking at this legislation and deciding whether it is the right move and is sending the right message, but also whether it balances the rights of our citizens. This is the second term in which Senator Gallagher has introduced this legislation. He considered in detail the comments of the previous Minister for Justice. I gather there was broad support for the initiative but some changes were recommended and I believe all of that has been taken on board now. Working with the legal advisers here in the Oireachtas, the Bill has been drafted to a very high standard, taking into consideration all the consequences of enacting this legislation.

This is not being proposed lightly. There is a high degree of awareness about what is being proposed as regards sentencing and what it would mean for justice legislation. As I said, we owe it to our front-line workers to update our laws to reflect that this is a different and more serious offence and something we have to take seriously. There are a number of elements to the Bill that could be considered further and debated further and there will be a chance further on in the legislative process to make further changes. We all accept that the intention behind the Bill is solid and good. Most people would agree with identifying front-line workers as being separate from ordinary citizens as they daily put themselves in the face of danger to protect all of us, and that they should therefore be treated as a separate and distinct group of people. This legislation would allow us to improve, modernise and update our laws to reflect that, which is a good thing. There will be opportunities to hear from other Members of the House, other political parties, the Minister and the Department as to whether they wish to make additions or updates to any other elements of the Bill, so that at the end of the legislative process we have the best Bill we possibly can. It is important to send that message that we are intent on updating our laws. This is something we-----

Acting Chairperson (Senator Gerry Horkan): We have reached the time of 5.15 p.m. so I must ask the Senator to report progress.

Senator Lisa Chambers: I so do.

Progress reported; Committee to sit again.

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

Residential Tenancies (Amendment) (No. 2) Bill 2021: Order for Second Stage

Bill entitled an Act to provide for the conversion of certain residential tenancies to residential tenancies of unlimited duration; to make provision in relation to the setting of rents in rent pressure zones; to make provision in relation to the payment of fees in respect of the registration of certain tenancies; for those purposes to amend the Residential Tenancies Act 2004; and to provide for matters connected therewith.

An Leas-Chathaoirleach: I welcome the Minister, Deputy Darragh O'Brien, an alumnus of the Seanad. We are delighted to welcome him back as a star alumnus. It is good to have him back.

Senator John Cummins: I move: "That Second Stage be taken today."

Question put and agreed to.

Residential Tenancies (Amendment) (No. 2) 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 thank the Leas-Chathaoirleach for his kind welcome. It is like I never left.

I am grateful to Senators for facilitating the debate on this urgent rental legislation. I also wish to record my thanks to the Chief Whip and to the members of the Oireachtas Joint Committee on Housing, Local Government and Heritage for enabling this Bill to be read a Second Time here in Seanad Éireann.

I am asking Senators to pass the Residential Tenancies (Amendment) (No. 2) Bill 2021 and to enable its early enactment to facilitate the transition to providing residential tenancy protections on the basis that any new tenancy that commences six months or more from the passing of this Bill shall continue as a Part 4 tenancy for an unlimited duration unless terminated within the first six months of its commencement. It would amend the current prohibition on any rent increase in a rent pressure zone, RPZ, from exceeding general inflation, as recorded by the harmonised index of consumer prices, HICP, to insert a new condition that the rent last set cannot inflate by more than 2% per annum on a *pro rata* basis. That is the ceiling, so the rate will be set by the HICP or 2%, whichever is less. It would also introduce a temporary fee waiver in the immediate aftermath of the rolling out of the requirement for annual registration of tenancies with the Residential Tenancies Board, RTB, for certain tenancies registered.

I am particularly keen to enact and bring into operation the new rent increase cap in RPZs without delay. The most recent HICP inflation data for Ireland indicate an inflation rate of 5.1% for October 2021. The November data are due to be published in mid-December and the fast-rising inflationary trend requires fast counteraction by the Government with the Oireachtas. Once enacted, as I have said, the Bill will stop rent inflation beyond 2% per annum. The short-term inflation we are seeing is not just a phenomenon in Ireland. We only have to look to our colleagues in Europe and in the OECD to see a significant spike in inflation.

It is not lost on me that I am back in the Seanad for the sixth time as Minister asking the House to introduce further changes in tenancy legislation. Most recently, the Residential Tenancies (No. 2) Act 2021 introduced measures in July 2021 to better protect tenants with affordability challenges by extending the operation of rent pressure zones until the end of 2024 and prohibiting any increase to general inflation. The link with the HICP is correct and safeguards continued investment in the sector by existing and new landlords to deliver the much-needed supply of high-quality rental accommodation while, most important, protecting against a significant increase in rental inflation in the coming years.

When I introduced these measures in July, I was very clear about the need to monitor inflation. At that time, HICP inflation averaged 0.73% per annum over the previous three years. I needed to revise the RPZ rent control relatively quickly in July, as Senators remember the matter concerning 8% rollover increases, and the measure was accepted in both the Dáil and Seanad. I said at the time we were watching inflation and if we needed to introduce further protection, we would do so.

The quarterly economic commentary from the Economic and Social Research Institute, ESRI, for autumn 2021 outlines that despite the ongoing effects of the Covid-19 pandemic, both domestic and foreign sources of growth have contributed to the Irish economy's robust performance in 2021. As public health measures are eased considerably, the ESRI anticipates a return to more normal economic activity by the end of the year. The ESRI has cautioned that any sustained easing of inflation could be compromised by a continuation of global price pressures for energy products in particular, as well as a faster than expected recovery in the domestic economy. That is why these measures are so important.

Section 3 of the proposed Bill aims to address the rent affordability challenges building on foot of the inflation I mentioned by introducing a cap on rent increases in RPZs of 2% to operate in conjunction with the current restriction based on HICP inflation. As a responsible Minister and one who wants to see the supply of rental accommodation increase where appropriate, I intend to only implement legally and economically sound policy proposals to the Statute Book. We have to be aware and very careful that any measures we bring into this market, from which we have seen an exodus of 23,000 or so tenancies, most of whom are "mom and pop" landlords, are proportionate and will not have an unintended or, indeed, obvious consequence of losing more supply. That is why the Government has also focused on bringing forward cost rental. As I mentioned during last night's debate, we now have a national scheme for cost rental and our first tenancies are in place. We need to ramp that up to improve rental affordability.

I will go very quickly through the sections. Sections 1 and 8 contain standard provisions dealing with definitions, the Title and the collective citation of the Bill.

Section 2 provides a consequential technical amendment to section 6 of the principal Act, which relates to the service of notices.

Section 3 amends section 19 of the principal Act in the context of setting rent subject to the maximum permissible rent increase. This section, if passed, will amend the current prohibition on any rent increase on an RPZ from exceeding general inflation to insert a new condition that the rent last set cannot increase by more than 2% per annum *pro rata*. This will mean that rents may only increase by HICP inflation, or 2%, whichever is lower. This new cap on rent increases in the RPZs is considered necessary; I have explained it is because of growing inflation. The operation of the new 2% cap will be subject to review every 12 months - it is appropriate this is

done by any Minister - with a written report to be provided and laid before the Oireachtas after a further three months. This amendment also provides for the deletion of the Minister's power to prescribe an index other than HICP. It is 2% or HICP, whichever is lower.

Section 4 provides technical referencing amendments to sections 3 and 22 and Schedule 2 of the principal Act.

Section 5 proposes to amend Part 4 of the principal Act, which deals with security of tenure, to provide for enhanced tenancy protections on the basis that after six months a Part 4 tenancy is established for an unlimited duration, which is very important, and is not subject to expiry after a six-year term or at the discretion of the landlord. This was a commitment under Housing for All - a New Housing Plan for Ireland, and is being addressed in accordance with work we are doing with the Attorney General and taking into account the rights of the tenant and property owner. The provision will apply in respect of tenancies commencing six or more months after the passing of this Bill. The intention is to enhance security of tenure for tenants and simplify operation of the 2004 Act. In addition, where any existing six-year Part 4 tenancy is renewed, rather than commencing a further Part 4 tenancy, the tenancy will automatically become one of unlimited duration. That is very important for existing Part 4 tenancies.

Existing tenants may also seek the consent of their landlord to have their current tenancy treated as a tenancy of indefinite duration. However, the landlord cannot be compelled to grant her or his consent. Where consent is not granted, the existing protections of the Act will apply. The aim is just transition to tenancies of unlimited duration, while also respecting property rights, thereby reducing the potential for any legal challenge to this legislation.

Section 6 amends section 64B of the principal Act to provide that the duration of tenancy under any tenancy of unlimited duration, and under any preceding Part 4 tenancy or further Part 4 tenancy, would be treated as one tenancy in calculating any termination notice period given.

Section 7 amends section 134 of the principal Act to provide that, subject to conditions, where a landlord applies to register a further Part 4 tenancy before the commencement date for the requirement for annual registration and the tenancy still exists on that date, no annual registration fee shall apply in respect of that further Part 4 tenancy only. Any new tenancy of unlimited duration that commences after that will be liable to annual registration fees. The intention is to commence section 7 of this Bill at the same time as the commencement, in quarter 1 2022, of the requirement under sections 22 and 23 of the Residential Tenancies (Amendment) Act 2019 for annual registration. That potential waiver of registration fees would apply from quarter 1.

We have all shown how we can work together to quickly suppress the spread of Covid-19. In that spirit, and in providing further significant protections and certainty for renters, I again ask for Senators' co-operation on this Bill, which will make a real and significant difference in a very short space of time. I, therefore, commend the Bill to the House.

Senator John Cummins: I again welcome the Minister to the House and I acknowledge the commencement of this very important legislation in the Seanad. It is a commitment he made and I am sure all Senators will join me in thanking him for living up to his word in that respect. Everyone, across the parties, acknowledges the need for the speedy passage of this legislation. In fact, that is the reason the Joint Committee on Housing, Local Government and Heritage approved the pre-legislative scrutiny waiver. In that spirit, I am sure all of us will put

our shoulders to the wheel to ensure this legislation gets safe passage through both Houses in speedy fashion.

This legislation seeks to place a cap of 2% on rent increases in rent pressure zones. I am sure the Minister will be the first to acknowledge that it is never good to continually change rules in this space as it brings uncertainty into play for tenants and landlords. However, when we introduced legislation prior to the summer recess to link rents to the harmonised index of consumer prices, it was stated that he would keep it under review and, if necessary, further action would be taken, which is exactly what we are doing this evening. As the Minister rightly pointed out, inflation was running at 0.75% over the past three years and is now running at 5.1%. The Bill before us will limit rent increases to the harmonised index of consumer prices, or 2%, whichever is less. As we know, the reason inflation is running considerably higher now is a result of rising energy costs, not only in Europe but worldwide. That is having a distorting effect on the HICP.

We will hear many calls from the Opposition on Committee and Report Stages today and next week for a rent freeze, which sounds great in theory but, as I said previously, every action has an equal and opposite reaction. We do not have to look too far away to see the impact of such a move. The left-wing Berlin state government introduced a five-year rent freeze to much fanfare in 2020, proclaiming it would resolve everything. However, 12 months later, supply had reduced by 50% on average and Germany's supreme court ruled the measure unconstitutional, meaning those who benefited from lower rents have potential back bills to pay to landlords. It is easy to propose measures that are undoubtedly popular when in opposition but in government everything has to be weighed up. From speaking to those involved in the rental sector, from estate agents to landlords and those seeking a rental property, it is clear that the very last thing we need in an already constrained market is a further reduction in the number of properties available for rent.

This Government wants lower rents. That is why we are rolling out a cost-rental model for the first time in the history of this State. Based on the Vienna model, it will compete with the private rental sector and individuals and families will have secure long-term tenancies of at least 25% below market rents. In our Housing for All plan, 18,000 units have been earmarked for delivery by 2030. I believe there is major potential to significantly increase that figure. As the model is proven over the course of the next 12 months, I expect that will be the case. Everyone acknowledges that supply is key for housing. We have to acknowledge where we have come from. Output has increased from 4,500 units a year in 2013 to 20,584 units in 2020, despite Covid-19 shutdowns. The rolling 12-month average of house commencements to the end of September now stands at more than 30,000, which is a very good indication that supply is ramping up and starting to come on stream for those who need social and affordable housing and private houses. I know that everybody in the sector is committed to assisting us in meeting our targets of an average of 33,000 units per year up to 2030.

Sections 5 and 6 of the Bill provide for an amendment to Part 4 of the principal Act to allow for tenancies of unlimited duration. At present, as the Minister said, tenants enter a Part 4 tenancy after six months and this can be ended at the end of six years by the landlord without a valid reason such as the property being sold, it being required for use by a family member or that extensive refurbishment needs to be carried out, an anomaly in the system that this legislation is now closing. While the average private tenancy only lasts for 3.79 years, it is no longer appropriate that a tenancy can be validly ended after six years without due reason to validly terminate. I welcome this change in the Bill.

Section 7 proposes to amend section 134 of the principal Act to provide that where a landlord applies to register a further Part 4 tenancy up until the day before the requirement for annual registration under sections 22 and 23 of the Residential Tenancies Act 2019, which we expect to come into play in quarter 1 of next year, no annual registration fee shall apply in respect of that further Part 4 tenancy. The annual charge will then come into play at the end of the further Part 4 tenancy when a new tenancy of indefinite duration commences.

When the Bill was first drafted, it was intended to apply this section only to the approved housing body, AHB, sector. However, following engagement by me and others, it was agreed to extend this to all landlords, which is appropriate. It would not be fair to allow just the AHB sector to benefit from this waiver while a small landlord with one, two or three properties or even an accidental landlord would be levied for six years and then have an annual charge commencing at the start of next year. I acknowledge the work of the Minister's officials in taking on board that change and in reducing the commencement period of the other section of the Bill to six months.

This is very important legislation. I thank the Minister for bringing it before the Seanad expeditiously. I wish the Minister every success in his role. We are here to support him in that at every turn.

Senator Róisín Garvey: Cuirim fáilte roimh an Aire go dtí an Teach. I do not envy him his job as Minister for Housing, Local Government and Heritage.

Deputy Darragh O'Brien: It is great.

Senator Róisín Garvey: He is still here anyway, which is good. I welcome the Bill, which makes good on the programme for Government promise. We committed to legislating for tenancies of indefinite tenure and giving tenants greater legal security. I was a tenant for many years and I did not realise the latent fear I lived with until I finally got my own home. I remember being afraid to put a screw in the wall and hang shelves because I thought I might need to move and I would get into trouble. That is something many renters need to live with. I managed to scrimp and save and build my own house using direct labour a few years ago. It made a big difference to me and I feel very lucky in that.

Looking at the Bill reminds me of the lack of fixity of tenure, which I know the Bill will address in some ways. There are a few things we may need to look at. A tenant of less than six months is only required to be given 28 days' notice to move out. Twenty-eight days goes by very quickly, especially for somebody trying to find somewhere to live today. It is very stressful and I remember a few times having to pack up all my belongings. As a single mother, it was my son and me. I remember I managed to break my foot. While on crutches I had to pack up all my belongings as well as packing up all my son's stuff. It was so traumatic. I did not realise how depressed I was at the time. I was deeply depressed about it. We had only been given four weeks which was not long enough. It is a big trauma whenever someone moves home. Even for someone in a tenancy less than six months, the 28 days is not long enough and we should push for it to be longer.

We have done some good stuff. It is good to see a 19% reduction in the number of individuals in emergency accommodation. I know it is very hard to find houses for individuals who really need one-bedroom flats and we do not have many of those. We mainly have houses of two or three bedrooms and it is hard to put a single individual in a two or three-bedroom house. It

is good that that has been reduced. Of course, the recorded numbers do not include the hidden homeless or people who double up with friends or family. My son should be living in Galway, but he is commuting a couple of days a week and doing the rest online because he could not find anywhere to rent in Galway. Let us not pretend we do not have major issues there, but they were handed to the Minister on a broken plate I suppose.

The Peter McVerry Trust states that the recent increase is largely due to the slowdown in construction following the Covid restrictions. The sector expects the numbers to reduce in the coming months, which is positive. Last week, I called on tradespeople from Ireland who had emigrated to return as their country needs them now more than ever and I reiterate that call tonight. It is not all about building new homes. I know we are bringing in legislation on empty and derelict buildings which will help with this. We need a many-pronged attack to deal with this housing crisis.

Landlords should not be allowed to kick out a tenant just because they want to sell a house. If they are selling a house to rent it, could the current renter not stay in the house? Is that not less hassle for the landlord also? Often landlords when selling a house tell the tenant to leave and then they rent it to somebody else. That tenant could have been left alone and continued renting after the sale. Some work remains to be done on that aspect.

Airbnb faces some restrictions in Dublin. I live in a very popular spot in north Clare. I looked up the details online and found two places to rent but 79 different Airbnb properties. I do not mind people using Airbnb to let out a room or two in their home. However, it is wrong to have entire houses and apartments on Airbnb when people are crying out for somewhere to live. We will need to look at that on a national basis. Letting out entire properties on Airbnb is not just a Dublin issue. While it takes a long time to build a house, having existing housing stock tied up on Airbnb is not helping us deal with the housing crisis. It is brilliant for tourists to have a place to stay, but unfortunately homelessness is a bigger issue. I would like the Minister to look at the Airbnb aspect. Properties being tied up on Airbnb reduces the number of houses available for rent. The laws of supply and demand mean it increases the price of rent and we have all seen the rent increases this year.

An idea that has been used in other places is for a landlord, who needs to ask somebody to leave, to contact the Residential Tenancies Board so that the process of trying to get the tenant a new place starts well in advance of the date on which that person must move out. That has worked well in Senator Cummins's county, Waterford. A variation of this idea has been used to great effect where there are integrated homeless services on Parnell Street in the city. It is operated by Waterford City and County Council along with the HSE, South East Simon Community and Focus Ireland. Clare County Council also has two homeless service providers with offices in the county buildings. We need to see that kind of joined-up thinking rolled out across the country.

At 5 o'clock on Sunday, I saw a man in a sleeping bag on the street. I did not know what to do, where to go or who to call about it. If I did not know, there is no way the person in the sleeping bag knew what to do. We need this joined-up thinking on homeless services and intervention. We need a plan such that if a tenant is asked to leave, the RTB is informed with preventative measures in place.

I welcome the Bill overall. It is good that it was in the programme for Government. We want to improve the security of tenure for tenants through legislating for tenancies of indefinite

duration, increasing RTB inspections and enforcements, and examining incentives for long-term leasing.

There are all kinds of landlords. In the last four places that my son rented in Galway the landlords insisted on cash only. He had to pay cash. In the case of one landlord, she was going to five houses in a row. She came into the house every week and collected cash. That is not fair either. Some things remain to be done here. Students do not want to lose a house and they are afraid to say anything. There is still an issue with landlords collecting cash and tenants being unable to get a receipt.

There are a few issues there and while the Minister will not solve them all in this Bill, it represents progress in the right direction and I thank him for his work on it.

6 o'clock

An Leas-Chathaoirleach: I call Senator Moynihan.

Senator Rebecca Moynihan: I thank the Leas-Chathaoirleach. I thank the Minister for coming in-----

An Leas-Chathaoirleach: I am sorry, Senator, but in the interests of fairness and rotation, and if colleagues will co-operate, I will call Senator Murphy after Senator Moynihan has spoken.

Senator Rebecca Moynihan: Okay.

An Leas-Chathaoirleach: Colleagues are reasonable about these matters.

Senator Rebecca Moynihan: I thank the Minister for coming into the House again. As he said, he has probably been in here as often as most Senators while initiating this legislation. I broadly welcome the move by the Minister to cap rent increases at 2%. It is an especially welcome response in the context of the rate of inflation having hit 5.1% in October, which was the highest recorded since 2007. When he brought in the measure to link increases to the consumer price index, CPI, the Minister said he would come back into the House if inflation rose and became an issue. I am glad to see he kept his word in that regard.

In the context of the current rental crisis, however, I do not think this is enough. We need a rent freeze similar to the one we had for two years in 2015, which was constitutional and implemented by the then Minister, Deputy Kelly. The RTB and Daft.ie recently released reports showing that rent inflation has increased to more than 7% nationally, with particularly worrying trends outside of urban areas. According to the RTB report, rents were up 17.3% in Leitrim, 15.5% in Kilkenny and 16.1% in Clare. Meanwhile, the report from Daft.ie showed that rents were up 21.4% in Leitrim, 20.4% in Roscommon and 20.1% in Mayo. Different methodologies were used, but the trends are clear: we are in a period of high rental cost inflation. Nowhere in the country has rent not at least doubled since it bottomed out in 2013.

This brings me to my next point regarding the change being made by the Minister. While this move and linking it to the CPI is a good long-term intervention, we also need short-term action because rents are getting so out of control. We must declare the whole country an RPZ. We must also have a rent freeze, similar to what we had in 2015, for three years. While I accept what Senator Cummins said regarding the possibility of unintended consequences resulting from rent freezes, that is not necessarily true in respect of a short-term rent freeze. It is only the

case over a longer time.

Equally, we must properly resource the RTB to take proactive enforcement measures in this regard. Indeed, sanctions were only imposed on 29 landlords last year for contravening rent pressure zones. It is clear from the figures being reported that there is non-compliance with the rent inflation caps. This is caused by the lack of balance between renters and landlords. The problem is partially with supply, but security of tenure is also a factor. The move in respect of tenancies of indefinite duration is again welcome, but it is not good enough.

Families are continuing to enter homelessness every month and primarily from the private rental sector. Last month, some 2,344 children were living in emergency accommodation. This week, we mark UN World Children's Day on 20 November and we must take action to address homeless children and families. Legislation introduced by former Deputy Jan O'Sullivan in the previous Dáil sought to ensure that the best interest of the child was among the issues to be considered by local authorities when responding to homeless families. At the time, all parties, including that of the Minister, agreed to do so. The legislation, however, has fallen off the agenda. The Labour Party intends to push this legislation again since the eviction ban has been ended. While we are still in the middle of a pandemic and restrictions are fluid and, potentially, may be reimposed, the sole cause of the increase in childhood and family homelessness is the ending of the eviction ban and the private rental sector and security of tenancies returning to normal.

The Minister and his Government colleagues talk about how they have introduced a cost rental scheme. Only 2,000 such units have been completed, however, of a proposed 18,000. I have heard worrying reports of signs that the progress that we were hoping for is not enough. On the site at the Oscar Traynor Road, there seems to be a desire to deliver cost-rental housing by buying it back at the market price from a private developer who built it on State land. Those units will be sold at market price to an AHB. Investors cannot deliver affordable rents in cost-rental developments. Only State intervention by organisations such as the Land Development Agency, LDA - the Labour Party constructively engaged with the relevant legislation regarding its establishment when it came through this House - can and will do that. That is what should be used to achieve the desired outcome in the context of this site. In a local context, concerning my area of Inchicore, I met with residents last week who are concerned about cost rental in the St. Michael's Estate project. The design team there is working away without any indication of what the cost and the rents will be, what the size of the European Investment Bank loan will be, who will own and operate the scheme and how long it will remain cost rental.

In the context of a market with unprecedented scarcity, I am also reiterating the Labour Party's call for the Government to increase renters' rights and put some power back in their hands. Specifically, I am referring to security of tenancy. As part of this, the Government should also ask that the build-to-rent standard be reviewed, including the provision of balconies and facilities for more long-term living within rental accommodation. Building poor-quality housing does not allow for people to live there in the long term and we must empower renters to make them feel like their house is a home.

We must tackle the affordability crisis and change how we think about renting in this country. We will be voting in favour of this Bill on Second Stage, but it does not go far enough. We will seek to amend it, including with proposals to insert provisions for a rent freeze and the declaring of the whole country as an RPZ in light of the reports from the RTB and Daft.ie. I hope the Minister will choose to take real action and that he will co-operate with the Opposition on

measures to try to address this crisis of inflation in rental costs by accepting these amendments. I ask that because we have been working constructively with the Government on several Bills that have come through the House on this issue.

An Leas-Chathaoirleach: I thank Senator Moynihan. I also thank our colleagues, Senators Warfield and Black, for co-operating as I revert to the list. I call Senator Murphy now. My wife is from Roscommon, and she would be very upset if I did not call the Senator early on.

Senator Eugene Murphy: I knew the Leas-Chathaoirleach was a good decent, Cavan man as well. I express my appreciation to him and to my colleagues for allowing me to contribute now. I was due to be the second speaker on this issue, but, unfortunately, our lead contributor has been held up because something unavoidable happened. I was at another briefing over in Buswells Hotel, and I could not get away from it before now.

I welcome the Minister again. I really appreciate, as do all the Members, that the Minister is always here-----

Deputy Darragh O'Brien: I feel like I am always here.

Senator Eugene Murphy: -----to listen to the debates and that he wants to be part and parcel of this process.

Regarding the new situation concerning rents, the cap at 4% was replaced on 6 July 2021 when the rent increase in the RPZs was prohibited from exceeding general inflation as recorded in the HICP. The aim was to bring about far lower rent increases for the estimated 74% of all tenancies in the RPZs. The HICP average rate of increase was 0.73% over the three years to July 2021. Given the continuing rise in inflation, however, a rent increase cap of 2% per year will apply under the provisions of this Bill when the HICP inflation rate is higher. Going back to July, the Minister was very clear regarding the need to monitor inflation carefully. We now have a little difficulty with inflation and we must keep an eye on it. It is worth pointing out that while in July the rate of HICP inflation had averaged 0.73% per annum over the previous three years, it has now risen to 1.6% over the year ending in June 2021.

Given the continuing rise in the HICP inflation rate, the Minister has moved quickly to engage with the Attorney General and to secure the Government's approval to introduce a 2% cap on rent increases in RPZs. This measure respects constitutionality, protects the property rights of landlords and aims to safeguard continued investment in the sector by existing and new landlords to deliver the requisite supply of high-quality rental accommodation. We acknowledge that we have difficulties and problems. The Minister has been in his Department for just over a year and is working day and night with his officials to improve significantly the overall situation in housing. I know this from his engagement with us at parliamentary party meetings.

The Government investment of €4 billion is significant. I can safely say that in a fairly short space of time we will move to a situation where there will be some easing of the difficulties that people have. I admit that will not happen overnight or in the next couple of days, but we must all move to try to protect renters in the best way possible. This whole issue goes back to supply and demand. In this regard, I have no doubt that the new drive by the Government to commit to building more houses, as clearly laid out in the plan, will come to terms with this problem, even allowing for the difficulties caused by the impact of Covid-19 and everything else. As I said, it would be great if it could be solved overnight but it cannot. However, I see in the shorter term many improvements.

We should also acknowledge in all of this that we have a world problem here. It is not only an Irish problem; it is a problem in Europe, the UK, Northern Ireland and the USA. It is sad to see people having difficulty with their housing and with their rent and we all get representations. Housing is not only an issue in Ireland. A housing crisis exists in many parts of the world.

I accept fully, and take the Minister's commitment as sincere, that he is trying to improve the situation for renters, and he is making strides in that regard. We have tenants *in situ* in our first cost-rental homes availing of rents that are up to 50% below the open market rate. Applications for other schemes have recently closed and given the volume of applications, we now know that we need to significantly scale-up cost rental in Ireland. Housing for All clearly sets us on a path to achieving 18,000 cost-rental homes between now and 2030. That is an ambitious target but I do not doubt the Government's commitment, the Minister's commitment and his officials' commitment.

Most private tenancies in Ireland are fixed-term or periodic tenancies. The Residential Tenancies Act 2004 gave tenants the right to stay in rented accommodation for up to four years following an initial six-month period. The right is known as the security of tenure or a Part 4 tenancy. The Planning and Development (Housing) and Residential Tenancies Act 2016 then extended the duration of a Part 4 tenancy from four to six years for all tenancies created from 24 December 2016.

Section 5, which somebody might have already referred to, proposes to amend the principal Act to provide for enhanced tenancy protections on the basis that after six months' duration a Part 4 tenancy is established for an unlimited duration and not subject to expiry at the end of a six-year term, should the landlord exercise his or her right to terminate the tenancy as currently provided under section 34(b) of the principal Act. The provision will apply prospectively in respect of new tenancies commencing six or more months after the passing of this Bill. As existing Part 4 and future Part 4 tenancies expire over time or are renewed, it will involve the creation of a new tenancy of unlimited duration in respect of any such dwelling, should it remain in the rental sector.

Under Housing for All, an average of 2,000 cost-rental units are planned every year to 2030. More than 1,500 cost-rental homes are to be delivered in 2022 and rents are aimed at a minimum of 25% below open market rate and providing long-term security of tenure. The first cost-rental tenancies are in place, I understand, in Balbriggan, County Dublin where some tenants are availing of the rents at 50% of market rate. There were recent developments in Leixlip, County Kildare in that regard as well. Rents for tenants in the scheme are expected to be at least 40% below the market rent. I specifically mention those two areas because that is proof that this is working and will work. That is why we have to go with this. That is why we have to ensure that renters do not feel threatened and know that they will not be looking over their shoulder from one six-month period to the next because that is no life for anybody or any family to live.

The Residential Tenancies Board will be allocated €11 million in 2022 - we should not forget that as well - and €10 million was allocated to local authorities to carry out rental inspections. All over this and Housing for All, there is a genuine commitment to tackle this whole area. Of course, renting is quite a big part of it. Moving ahead with this legislation, I am confident that it will further clear the pathways and make it more secure for the tenants. That is what I and most fair-minded people would welcome.

Senator Fintan Warfield: I welcome the Minister again.

Sobering statistics today from the CSO show that rent as a proportion of total disposable income is highest for tenants living in and around Dublin with 36% of tenants living in Dublin city spending more than 35% of their disposable income on rent in 2019. This is evidence, if we need it, that we must put one month's rent back in the pocket of every renter in the State through a refundable tax credit up to the value of €1,500. That would give renters a break. Then, to stop any future rent increases, we would ban rent increases for three years and maintain rents at the current level for existing tenants and at the RTB rent index level for any future tenancies that are determined by the size, the type and the location of the dwelling.

There is nothing to oppose in this Bill; there is nothing to write home about either. We certainly should not call anything it so-called "tenancies of indefinite duration". While it reads well in the programme for Government, as mentioned by Senator Garvey, it certainly does not provide for tenancies of indefinite duration and it is deeply disingenuous to call it that. Renters can still be evicted if the property is sold. That is not tenancies of indefinite duration. We treat commercial retail units better than we do workers and families who rent. I often read, "Tenancy not affected" on the sign above the commercial unit for sale at the end of the street over the shop.

Other section 34 grounds allow for eviction on the basis of a family member moving in. In the view of Sinn Féin, this is not a good enough reason to evict a person, a worker or a family. It is not a good enough reason to evict a tenant. This combined with the sale of property accounts for 70% of evictions. Renters will not be impressed when they realise that these so-called "tenancies of indefinite duration" give them zero protection. "But I thought your man introduced tenancies of indefinite duration", they will say. "Sorry, it does not cover you", they will be told, as the property is being sold or the landlord's son is moving in.

This Bill caps rent increases in RPZs as well. A 2% cap on rent increases will have limited impact on runaway rents. We think RPZs should be scrapped and a State-wide ban should be implemented on rent increases. The latest data from the RTB shows that in every county the 4% rental cap was breached. This is because legislation has way too many loopholes and the RTB lacks sufficient resources to chase and sanction landlords who breach the rent caps. The RPZ legislation also leaves tenants outside them at the mercy of the market and facing unsustainable rent hikes of up to 50%.

Ultimately, it is dishonest to say that this is tenancies of indefinite duration. The legislation is bland and it benefits nobody. We need to do better for the one-in-four people who rent in Dublin and the one-in-five people who rent across the State. This Bill gives the impression that the Government does not understand renters. Just like the 2% cap on rent increases, there are too many loopholes. It is too difficult to police. We need a total ban on rent increases across the State. That is the only way to stop rents rising further. We need genuine tenancies of indefinite duration that protect tenants even if the property is sold and even if a family member of the landlord needs to move in.

Senator Frances Black: Cuirim fáilte roimh an Aire. I broadly welcome the Bill and commend the Minister on the efforts that he and his Department are making to promote the development of a more sustainable housing system in Ireland. I am aware that much positive work has been done but we have a great deal more to do. I look forward to engaging constructively with the Minister and his Department to ensure that we achieve a housing system that is more fair, equitable and sustainable. I eagerly await the day when the word "housing" will not be followed immediately by the word "crisis" in this Chamber, as has been the case. We have a

significant challenge on our hands in responding to and resolving this crisis. This Bill will go only so far in doing so.

I welcome many of the provisions of the Bill but do so while maintaining that we should, and could, be doing more to alleviate the unprecedented pressures on renters and the rental market. Capping rent increases at 2% per annum in RPZs or at the rate of general inflation, depending on which is lower, is better than the existing alternative. I am concerned, however, that it will not result in any material reduction in the cost of rent around the country. It still permits landlords to increase rents year on year and will continue to see rents rise. Rents are too expensive to begin with, so our focus ought to be on what we can do to put an immediate end to spiralling rents while we implement strategies that will see the cost of rental accommodation reduced.

Many colleagues in this House have called for a rent freeze as a possible short-term or medium-term solution. I want to add my voice to the call. While the Government has advised of its concern regarding the constitutionality of implementing a rent freeze, a precedent exists in the form of the implementation of a 24-month rental review period by the Government in 2015, which amounted to a *de facto* rent freeze. What is preventing us from reintroducing longer rent review periods to stifle the exorbitant rents we are seeing across the country?

The establishment of RPZs in 2016 was a welcome development. In the years since, we have seen many local authority and local electoral areas across the country designated as RPZs, but I note that none has been designated since September of last year. This is surprising considering the impact the pandemic has had on the delivery of new rental accommodation and the strain it has placed on units in both urban and rural areas. If it is the case that local areas are not fulfilling the criteria to be designated as RPZs, it is worthwhile revisiting the criteria with a view to including more electoral areas as RPZs.

We must also pause to query the efficacy of RPZs themselves. A recent *Daft.ie* report advised that rents were 6.8% higher nationally in quarter 3 of 2021 than in the same quarter last year. Additionally, we are aware that landlords regularly avail of several loopholes to circumvent the RPZ designation, with many landlords terminating tenancies on section 34 grounds and then re-letting their properties for rents greater than the RPZ would permit. Despite the Minister having acknowledged this is an issue, only 29 sanctions were issued by the RTB to landlords who breached the RPZ regulations in 2020. The housing charity, Threshold, recently published the results of a study it undertook that found that fewer than half of tenancy terminations by landlords were valid under the regulations. Has the Minister considered, or can he commit to considering, directing more resources to the RTB to ensure greater oversight of properties within RPZs and landlords who disregard the regulations?

I welcome the Bill's provision for tenancies of unlimited duration, as committed to by the Government in Housing for All. I am aware that many housing bodies and charities have been calling for this provision for some time. I hope this part of the Bill will provide some security for renters. However, the reality is that in circumstances in which we continue to provide significant scope for landlords to end tenancies, security of tenure will continue to evade renters across the country. The provision, therefore, is a welcome development, but I am of the view that we should be doing more to provide much-needed security for renters.

I want to speak about the supply of rental accommodation nationally. *Daft.ie* recently reported that the number of available units to rent in Dublin was the lowest ever recorded in quar-

ter 3 of 2021, while the number of rental units available outside Dublin and other Irish cities has halved over the past 12 months. While the provisions in this Bill are better than those they intend to replace, they are not going to affect the predominant contributor to sky-high rents and the rental accommodation crisis, which is the lack of supply of accommodation.

I am aware that the Minister and Department have set targets for the completion of housing units in Housing for All, but we really need to begin to see concrete action on the development of housing of all types and tenures. If we do not increase the supply of housing units, we will never have a housing system that is fair, of appropriate quality or affordable. There is an entire generation of young people in Ireland who do not know of anything other than a housing market in crisis. That is sad but we must retain our focus on what we can do to ensure this crisis is not replicated for future generations. We must not allow for the targets in Housing for All to be missed. However, we must also ensure that we continue to plan ambitiously in housing for the sake of our children, grandchildren and generations to follow. I look forward to working constructively with the Minister and his Department to ensure that we make much-needed progress in this area once and for all.

Senator Jerry Buttimer: I welcome the Minister to the House for the sixth time in his tenure as Minister. This is an important issue. There are two points on which I want to begin. As a Government and collectively, we are trying to create a model of housing that is sustainable, affordable and available to everybody. Senator Warfield, whom I admire and respect, says the Government does not get it, but we do understand. There is a need for all of us to understand that this is not a political issue; it is an issue on which we are all working to achieve an outcome that is positive for everybody. The fundamental point remains the same: it is about increasing supply and tackling affordability. That is what the Government is about. I welcomed the publication of Housing for All and the action points in it, which are matched with funding. In tandem, there is an obligation on local authorities to deliver.

The Land Development Agency has the potential to unlock a large amount of housing across our country, particularly in the city of Cork, where I live. There are several sites, including at St. Kevin's, Boherboy Road and the docklands, that can be used. These projects should be expedited as a matter of urgency. I hope we will see fast-tracking by all involved.

Thirty-three units per year, making rent more affordable and making rental accommodation more secure are the aspirations of the Bill. The cap of 2% is one that we all support. As the Minister said, we are developing a new rental model, called cost rental. We should support this but we never hear about that from some. There is a genuine need for us to ask who the people renting are and who the landlords and property owners are.

The Central Statistics Office did some important work that we should consider. Affordable housing is critical. It is important that we increase supply. It is also important that we support the Minister for Further and Higher Education, Research, Innovation and Science, Deputy Harris, in his apprenticeship plan to increase the number of apprentices so we can help in tackling the skilled workforce crisis in our construction sector. A startling figure in the CSO's report *The Rental Sector in Ireland 2021* is that 50.5% of landlords receive an income of less than €10,000.

Housing for All gives new protections and makes affordable rental accommodation and other forms of accommodation more accessible. It is a model that we should support. I thank the Minister for being here. The Bill is important and we should support it. I thank the Minister for the work he is doing.

Minister for Housing, Local Government and Heritage (Deputy Darragh O'Brien): I thank all the Senators — Senators Buttimer, Black, Warfield, Murphy, Moynihan, Garvey and Cummins — for their contributions. It is very much appreciated that they took the time to put their views across. In case I forget, I inform the House now that I intend to introduce some technical amendments to section 5 on Committee Stage in the interests of clarity.

I greatly appreciate Senator Black's constructive contribution and those of Senator Moynihan and others. The Bill is not a silver bullet and, as they highlighted, there are other steps we need to take. This is the sixth item of tenancy legislation I have brought forward. We need to improve security of tenure for tenants, which the Bill will do, and reduce the cost of rent, which I fundamentally believe can be done properly only by increasing supply.

One important part of increasing supply relates to the cost-rental model. With Senator Buttimer, I had the pleasure of visiting Lancaster Gate in Cork, where there is a really impressive development that will result in significant volumes of cost-rental homes. Throughout the country, there is real potential to secure State-backed rents at well below the market rate. Rents have been too high for some time. The issue has been exacerbated by a shrinkage of supply post Covid, with large quantities of savings and competition for properties. It is not a phenomenon just in this country but throughout Europe, including in what were previously stable markets such as those in the Netherlands and Germany. In the North, year-on-year inflation in rents stands at 13.1%, and there are none of the kinds of protections I am introducing with regard to caps.

I welcome the support from across the House for what we are doing. The significant move towards tenancies of indefinite duration and the change in regard to Part 4 tenancies are really important. We might park the politics for a moment. Any measure we take in the rental market has to be calibrated and has to take into account the individual mom-and-pop landlords who own these properties. We cannot tread on their rights either. Any legislation is potentially open to challenge. Worse than that, we could continue to see a flight of decent landlords from the market, and there are decent landlords in the market.

I remind Senators - I am sure they know this - that 98% of tenancies are fine and only 2% of tenancies end up in dispute. Even so, they are an important 2%, and we need to ensure the Residential Tenancies Board, RTB, is resourced to deal with that and that local authorities are resourced to carry out inspections. We have doubled the funding into the RTB for 2022 and it has a great deal of important work to do. Senator Black mentioned Threshold. It is running the Own Your Rights campaign, funded by my Department working in conjunction with Threshold, John-Mark McCafferty and his team. People need to know their rights and we need to improve them. The legislation is important in the sense of setting a cap on rent increases but it is not a target. Landlords do not have to increase rents and many do not, which I welcome. We had to address in the summer, with everyone's support, the issue of 8% increases due to the roll-over of 4% plus 4%. That had, unfortunately, become a target.

To those who call for a blanket rent freeze, I say we need a little honesty in that space. I do not say this in any disrespectful way, but I ask those who seek a freeze whether they have carried out any research on the consequences of a blanket rent freeze or of a continuation of a blanket eviction ban, in the context both of that being challenged and of the flight of properties and reducing supply, making circumstances even worse. Senator Cummins gave the example of one city that is always held up as one of the exemplars of rental in Europe, namely, Berlin, and what has happened there. I am not accusing anyone who has contributed to this debate but there are some who will simply throw out proposals such as freezing rents and banning evic-

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tions and say they will sort the issue out, but they will not. We need to increase supply and have a sustainable rental market where people's rights are protected, which is what I want.

Fundamentally, we want to increase supply across the board with, as Senator Black referenced, mixed tenures. That is what Housing for All is about, with 300,000 new homes, public and private, that is, both social, affordable and cost rental as well as private homes. There are people who want to buy homes and there are some who want just to rent. We have an opportunity to provide cost rental at scale for working people who do not want to buy and who want to secure tenures, and they will get that. There will be thousands of them over the coming years and it has started already. That shows what is possible.

Furthermore, we need to utilise our own lands through the LDA, which was referenced by Senator Moynihan, and ensure we break ground on the land we own ourselves, which we are going to do next year. We have passed and amended the Land Development Agency Act. The agency is now funded to the tune of €3.5 billion and can get on and build, something I want to happen. Some parties do not, however, and that is fine as a political position some have, whereby they just want an agency that manages land and farms it out to the local authorities. I do not think the local authorities can resolve the housing crisis on their own. The public sector cannot resolve the housing crisis on its own. We need every part of both public and private working together, focused on a plan, which is now Housing for All.

I thank all Senators for their contributions. As I said during the debate last night, we will examine any amendments they wish to table. Nevertheless, this is urgent legislation, as they know, because we need to pass it to ensure we can provide that certainty of the cap of 2% or the HICP inflation rate, whichever is the lower. We need to make great strides on securing tenancies further through the changes we are making to Part 4. I thank the Leas-Chathaoirleach and all my colleagues in Seanad Éireann for the constructive way in which they have engaged in the debate on this important legislation, which needs to be passed as expeditiously as possible.

An Leas-Chathaoirleach: I thank the Minister, not least for recognising the quality of the contributions, with specific answers to questions raised.

Question put and agreed to.

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

Senator John Cummins: On Tuesday next.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Committee Stage ordered for Tuesday, 23 November 2021.

An Leas-Chathaoirleach: When is it proposed to sit again?

Senator John Cummins: Tomorrow at 10.30 a.m.

The Seanad adjourned at 6.38 p.m. until 10.30 a.m. on Thursday, 18 November 2021.