



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**SEANAD ÉIREANN**

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

*Insert Date Here*

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## SEANAD ÉIREANN

*Dé Máirt, 7 Nollaig 2021*

*Tuesday, 7 December 2021*

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

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*Machnamh agus Paidir.  
Reflection and Prayer.*

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

**An Cathaoirleach:** I have received notice from Senators Micheál Carrigy and Eugene Murphy that, on the motion for the Commencement of the House today, they propose to raise the following matter:

The need for the Minister for the Environment, Climate and Communications to provide an update on the provision of funding for community projects in Lanesborough, County Longford, as recommended by Mr. Kieran Mulvey, Just Transition Commissioner.

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

The need for the Minister for the Environment, Climate and Communications to make a statement on how the investor provision of the Energy Charter Treaty will impact on the recently announced new fossil fuel powered stations to address energy security.

I have also received notice from Senators Malcolm Byrne and John Cummins of the following matter:

The need for the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media to provide supports for the entertainment industry to compensate for the recently announced capacity limits at venues.

I have received notice from Senator Róisín Garvey of the following matter:

The need for the Minister for Housing, Local Government and Heritage to make a statement on the progress of integration of all national water services into Irish Water.

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

The need for the Minister for Health to make a statement on the provision of funding for the expansion of Westdoc services in Galway.

I have received notice from Senator Fiona O'Loughlin of the following matter:

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The need for the Minister for Justice to make a statement on the Garda resourcing in south Kildare.

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

The need for the Minister for Education to provide an update on the status of the school building project for Gaelscoil Choláiste Mhuire, 4 Cearnóg Pharnell, Baile Átha Cliath 1.

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

The need for the Minister for Health to make a statement on the timeline for the appointment of a design team for the west wing clinical care unit of the Rotunda Hospital, Parnell Square, Dublin.

Of the matters raised by Senators suitable for discussion, I have selected Senators Carrigy and Murphy, who will share time; Boylan; Byrne and Cummins, who will also share time; and Garvey. They will be taken now. I regret that I had to rule out of order the matter raised by Senator Fiona O'Loughlin on the grounds that the Minister has no official responsibility in the matter. The other Senators may give notice on another day of the matters that they wish to raise.

## **Nithe i dtosach suíonna - Commencement Matters**

### **Climate Change Policy**

**Senator Micheál Carrigy:** I have spoken many times in this Chamber since being elected regarding how seriously Longford in particular has been affected by the closures of operations at Mountdillon and Lough Ree power stations in Lanesborough. This has had a significant affect on families who worked there and the local businesses. As I have said previously, the shortfall in rates has been made up and I am glad that we recently got a commitment that there will be a process in this regard from 2023 onwards.

A fund was made available in 2020 to support communities' transition to a low-carbon economy. The fund is a key pillar of the Government's plan for the midlands region. The focus is on retraining workers and generating sustainable employment in the green enterprise throughout the region. The objective of the fund is to facilitate innovative projects that contribute to the economic, social and environmental sustainability of the region. It supports projects that take a whole-of-midlands strategic approach and complement each other. I welcome the supports heretofore and the need for a just transition in the midlands. Some €108 million was allocated for the bog rehabilitation scheme. This is extremely welcome in my area because following the closure of both power plants, there is a great opportunity for us to turn these places into an asset such as the mid-Shannon wilderness park, a 20,000-acre national park that will be a fantastic tourism asset.

Other projects have been funded, including Lough Ree and Lanesborough food hub, which was immediately repurposed with funding from Enterprise Ireland, following Bord na Móna pulling out of the project, Lough Ree Access For All, Lough Ree Distillery, and the Yard Hub, just to name a few. This funding is crucial as it will support communities in the midlands that have been impacted by the just transition and make this region a location for green and sustain-

able investment.

However we are here to seek the commitment from ESB and Bord na Móna to provide funding of €500,000 to develop a community facility in the Lanesborough and Ballyleague area, following the closure of the plant. I had a meeting recently with Kieran Mulvey, the just transition commissioner, who has put these proposals to provide that funding for both Lanesborough and Shannonbridge. As yet the ESB and Bord na Móna have not made a commitment to do so. I ask for a commitment from the Minister for the Environment, Climate and Communications that either the ESB or Bord na Móna provide this funding proposed by the commissioner to develop a community facility in Lanesborough, County Longford.

**Senator Eugene Murphy:** I welcome the Minister of State, Deputy Ossian Smyth, to the House. The transition from brown to green is happening. I want to mention north-east Roscommon because Lanesborough and Ballyleague in Longford, as the Minister of State knows, are separated from the area by the River Shannon. The people of that region are prepared to make that change but, as Senator Carrigy has eloquently pointed out, commitments were made by Bord na Móna and the ESB, two semi-State bodies, to help society. I acknowledge the Minister for funding we already received. Senator Carrigy mentioned Lough Ree Access For All, the food hub, the distillery and other projects in the area, which are very important, but the point we are making is that it would appear that Bord na Móna and the ESB are pulling back. They do not seem to be prepared to live up to their word. It is crucial for our communities in the region that those semi-State bodies stick to their word. We need assistance. The people of the region, with their politicians, will implement the programmes and make the changes. The Minister of State will understand this very well. It has been a core argument of Government that society and communities have to be helped to get over the line. I will not labour the point. I will not labour the point. The Minister of State knows what Senator Carrigy and I are saying. We need those semi-State bodies to deliver that money for the Lanesborough-Ballyleague area. In general, the ESB has committed €6 million to community projects, so it needs to live up to that, as does Bord na Móna.

**Minister of State at the Department of the Environment, Climate and Communications (Deputy Ossian Smyth):** I will reply on behalf of the Minister for the Environment, Climate and Communications and the Government. I welcome the opportunity to set out the actions being taken by the Government in response to the announcement of the closure of the peat-fuelled power stations and the end of peat harvesting by Bord na Móna.

The work of Kieran Mulvey, as just transition commissioner in the midlands over the past year, has seen a comprehensive engagement with relevant stakeholders, including the ESB, to address the challenges facing the region, Bord na Móna workers and their families and communities arising from an accelerated exit from peat harvesting. The commissioner has produced three progress reports to date and a further progress report is expected by the end of this year. The Department has responded to his recommendations with the development of the midlands implementation plan and associated actions, which are detailed in the recently published climate action plan.

It has been agreed the just transition commissioner's work will reach its natural conclusion at the end of 2021. However, given the broad nature of the challenges associated with the transition to a climate neutral economy and society, the climate action plan 2021 commits the Government to the establishment of a just transition commission to provide strategic advice to the Government, building on research and engagement through the national dialogue on climate

action and the annual review of the Climate Change Advisory Council, on how Government policy can further a just transition. I will develop proposals on the mandate for this in 2022 in advance of drafting legislation.

The ESB provided €5 million to the just transition fund in 2020 to support the just transition in the midlands, and I understand it is continuing to explore the development of infrastructure in the midlands for use by local community groups. The just transition commissioner has facilitated ongoing discussion with the ESB and key stakeholders such as the midlands regional transition team and local authorities to develop, mobilise and deliver opportunities for the midlands, for both the workers directly affected and the wider community. The ESB is also developing planning applications for both station sites as renewable energy centres to facilitate growth in the green technology sector. This is in anticipation of future competitive tenders to be held by EirGrid and the Commission for Regulation of Utilities, CRU. The proposed technology includes synchronous condensers and energy storage capabilities at both locations.

I also understand the ESB provided an update on its plans for both sites to the most recent meeting of the midlands regional transition team, on 1 December. The ESB remains committed to the midlands through the development of these projects, its €5 million contribution to the just transition fund and its network operations, which employ more than 400 highly skilled engineers, technicians and office workers in the region, as well as its national training centre for network technicians in Portlaoise.

The Government is committed to a just transition in the midlands and has dedicated significant funding to supporting workers, companies and communities affected by the transition to a carbon-neutral society. Through the national just transition fund, the Department has finalised grant agreements with 47 just transition fund projects, with the total value of projects in delivery mode standing at approximately €19.3 million, with €15.5 million in grant funding.

Looking ahead to future just transition supports, the EU just transition fund, which is part of the European Green Deal, will allocate €84 million to Ireland to alleviate the socioeconomic impacts of the just transition in the most affected regions. The Department is preparing a territorial just transition plan for approval by the European Commission and this will define the regions and activities for support under the new fund. A total of €108 million has been secured for the enhanced decommissioning, rehabilitation and restoration scheme, EDRRS, which has created a total of 350 jobs. A further €14 million has been provided in 2021 to the National Parks and Wildlife Service to fund peatlands restoration and protect raised bogs in the midlands.

**Senator Eugene Murphy:** I welcome the statement on behalf of the Minister. We acknowledge the ESB is still involved in negotiations, although there was little mention of Bord na Móna. We are anxious it should play its part in this as well. The communities have been fantastic to Bord na Móna over the years and it has been good to the communities as well.

On the environmental change from brown to green, we must remember the just transition. It is important to recognise that it was to be an eight-year process, which was brought down to two and was then even shortened below two. We accepted that but we need the same response from those organisations, from the ESB and from Bord na Móna, to act swiftly and as quickly as possible.

**Senator Micheál Carrigy:** Senator Murphy has outlined the case. I want to highlight that the contract for a just transition commissioner is due to end shortly. Kieran Mulvey is well

known to us and for the work he has done. He is very well experienced in this role and knows the communities and people involved. I ask the Department to reappoint him for a further two years. As I have said, he knows the communities and projects and these projects have been slow in getting off the ground, so we need that continuity to ensure they are delivered.

**Deputy Ossian Smyth:** I thank the Senators. The Senator is correct in that the just transition commission was meant to be wound down at the end of this month, and it was decided at the time of the climate action plan that it will be put on a permanent footing. I cannot comment on who will be the person who will be appointed and, to be honest, I do not know. I will convey the Senator's support for Kieran Mulvey to the senior Minister.

The roles of Bord na Móna and the ESB have been critical in the midlands. They have been very significant employers and have provided pensions for many people. Many people I have met when I was travelling the midlands have been involved in energy infrastructure. My feeling is the ESB and Bord na Móna will continue to fulfil that role, to be large and significant employers, but in green energy projects. That is why I see renewable energy applications on both of the sites of those power stations to produce jobs that will last into the future. A very important part of this is the retraining element. The ESB Portlaoise training centre is critical to that. I have spoken to the chief executive of the ESB about ensuring that is properly funded. If Senators are having any difficulty in dealing with those agencies or through the just transition commission, which is meant to be there to facilitate those communications, do contact my office and I will try to help.

### **Energy Infrastructure**

**Senator Lynn Boylan:** This is not the first time that I have raised the issue of the Energy Charter Treaty with the Minister of State, Deputy Smyth. I would like to tease out today some of the issues around the news that the Government is going to install 2,000 MW of thermal generation capacity. The International Energy Agency have forecast that if governments are serious about achieving the climate targets, then there can be no new oil, gas or coal development. Here we are, however, a few months later and the Government are proposing to build several new gas-fired power plants.

My first concern, and I would like to hear assurances from the Minister of State on this, is the proposal to open up these gas-powered plants and how it leaves citizens liable to compensation claims under the Energy Charter Treaty. These generation facilities will have the protection of the investor-state dispute mechanism within the Energy Charter Treaty, which allows the companies to sue governments for taking climate action and to claim very significant compensation in special corporate courts with little oversight. That is compensation money that could be spent on a just transition and will make decarbonisation much more expensive for citizens.

There are concerning parallels between the situation we find ourselves in currently around energy security and that of the Dutch in 2007 and 2009. In 2007 the Dutch found they were over-reliant on gas and were facing rising energy prices. In a bid to bring down the cost of energy for households, they invited coal-powered plants to set up in the Netherlands. There was the successful Urgenda climate court case, with which I am sure, as a Green Party member, the Minister of State would be very familiar. The Dutch Government was told it had to do more to be compliant with the Paris Agreement and to bring down its emissions. The easiest thing for it to do was, of course, to tackle the dirtiest industry, which is the coal-fired power plants. The

Dutch Government said it was going to phase out those coal-fired power plants by 2030 and is now facing a €2.4 billion compensation claim from RWE - which, interestingly, is investing in our offshore wind in Ireland - and Uniper.

What risk analysis has the Government carried out on these gas-fired power plants? If these are temporary gas-fired power plants, how are we going to ensure we are not then liable for compensation claims when we choose to phase out these gas companies? I would like assurances from the Minister of State as to the duration of the contract they are being offered in the public procurement process. We are being told that these generators will be used as little as possible and that they are there as an emergency backup. What sort of commitment are we giving to investors and those in the business of making profits in terms of their income? We are telling them that we want them to set up here but the gas-fired power plants may never be powered up. What sort of financial incentives are the investors being offered? That does not seem like a very good investment. If we are serious about decarbonisation, will there be a stipulation in the public procurement contract that the infrastructure will be capable of taking hydrogen and that it should be mandated to transition to the use of green hydrogen?

Finally, as with waste, the key issue is reducing demand for energy. That should be our starting point in respect of renewable energy and all of that. It should be about reducing the amount of energy we need in the first place. We all know that the reason we have the gas-fired power plants is data centres. The EirGrid CEO left us in no doubt because he said the quiet bit out loud when he was speaking at an event for the data centre lobby. He said that the reason this proposition has come out is EirGrid cannot its customers connected with sufficient electricity in the near term. It is as simple as that. He said that the proposition is designed fundamentally to try to give clients and critical FDI coming into the country a way to continue to grow their business. That contradicts completely the hierarchy of energy use. I look forward to hearing the Minister of State's response.

**Deputy Ossian Smyth:** The programme for Government commits Ireland to an average 7% per annum reduction in overall greenhouse gas emissions from 2021 to 2030, a 51% reduction over the decade, and to achieving net-zero emissions by 2050. To contribute to the achievement of these targets, the Government has committed that up to 80% of electricity consumption will come from renewable sources by 2030 on a pathway to net-zero emissions. It is vital that as Ireland transitions to a low- and then a zero-carbon electricity system, security of electricity supply is also maintained. Much of the existing high-emitting conventional generation is expected to cease operation over the coming years. This capacity will need to be replaced by generation that provides the same support and backup capability, but is also flexible, thus enabling it to support high levels of generation from wind and solar. For instance, such generation may need to increase and decrease output quickly in response to changes in output from renewable generation.

The national development plan, NDP, and the Climate Action Plan 2021 set out the need to develop approximately 2,000 MW of new gas-fired generation to ensure security of supply and underpin Ireland's increased target of up to 80% of electricity demand to come from renewable sources by 2030. Last week, the Government approved and published a policy statement on the security of electricity supply that sets out that the development of new conventional generation is a national priority and should be permitted and supported to ensure security of electricity supply and support the growth of renewable electricity generation.

The second point that the Senator raised relates to the Energy Charter Treaty. The treaty is

a political declaration on international energy co-operation with 53 signatories and contracting parties that entered into legal force in 1998. The treaty's provisions focus on four broad areas: the protection of foreign investments and the protection against key non-commercial risks; non-discriminatory conditions for trade in energy materials, products and energy-related equipment based on WTO rules and provisions to ensure reliable cross-border energy transit flows through pipelines, grids and other means of transportation; the resolution of disputes between the participating states, and in the case of investments, between investors and host states; and the promotion of energy efficiency and attempts to minimise the environmental impact of energy production and use.

The treaty is designed to promote energy security through the operation of more open and competitive energy markets while respecting the principles of sustainable development and sovereignty over energy resources. Negotiations to modernise the treaty are under way, led by the European Commission, reforming the protections to carbon-intensive energy infrastructure. I look forward to the discussion.

**Senator Lynn Boylan:** I am not reassured at all, with all due respect to the Minister of State. The question concerns what these gas-fired power plant companies being told when they are set up here. Are they being given a deadline and being told this is a short-term investment? Most of these large infrastructure projects would have a lifespan of 30 or 40 years. What assurances have they been given or what have they been told? What financial guarantees have they been given that this is going to be a secure investment if we are being told that we might not actually need them to switch on at all?

On the modernisation of the treaty, would the Minister of State tell us if a deadline has been set for the modernisation process? Currently it is going nowhere, or so it seems from all reports. Unanimity is required for changes, but Japan has said it does not want any changes. Six EU countries are calling for the EU to leave as a bloc because the treaty is unreformable and cannot be reformed. It is not compliant with the Paris Agreement. The EU's proposals as part of the modernisation process would not make it Paris-compliant. Is there a deadline for the modernisation process by which we just cut our losses and get out? What commitments have been given to these gas-fired power plants about the timeframe and how often they would be used?

**Deputy Ossian Smyth:** It is interesting that the Senator raised the possibility of being sued by another country. The Senator raised RWE as an example. A recent European Court of Justice ruling decided that countries within the EU cannot sue other EU member states under the Energy Charter Treaty.

**Senator Lynn Boylan:** It is being ignored by the tribunals.

**Deputy Ossian Smyth:** These cases between EU member states are excluded as a result of that.

**Senator Lynn Boylan:** They are not. The tribunals are proceeding. That is the fact.

**Acting Chairperson (Senator Victor Boyhan):** The Minister of State without interruption, please.

**Deputy Ossian Smyth:** It is a judgment from the European Court of Justice.

On the question of whether the 2 GW of power we are commissioning will be covered by the



Energy Charter Treaty, it depends on which countries win the contracts to build them. Those contracts have not been agreed or specified, so the terms are not known. I take the Senator's point on how long it is going to last. We need 2 GW of power by 2030, but they are long-lasting pieces of infrastructure. Of course, as the Senator will understand, they are not designed to run all of the time. They are not for base load, they are for peaking power and for emergency times when power is needed, so there may be more capacity but less gas actually being burned.

Of course risk assessments will be carried out. The chance of being sued by an investor will be considered as part of the risk assessment when the contracts are drawn up under procurement.

### **Covid Pandemic Supports**

**Acting Chairperson (Senator Victor Boyhan):** I welcome the Minister of State, Deputy Joe O'Brien, to the House.

**Senator Malcolm Byrne:** Senator Cummins and I are very concerned about the announcement, which was made on Friday, that the capacity in our theatres and arts venues is to be reduced to 50%. Such a decision must raise questions around the level of understanding of how theatres operate. Many productions cannot survive unless they operate at 70% to 80% capacity.

Theatres are safe and controlled venues. I was fortunate to be at the all-Ireland one act drama finals in Ennis on Sunday night. I was in Gorey Little Theatre on Friday night. I was in the Bord Gáis Energy Theatre on Thursday night of last week. In all of those cases, Covid certificates and identifications were checked. I have been in venues where my temperature was taken as I went in. They are responsible and safe venues.

This announcement, out of the blue, that they are going to 50% capacity from now has left groups scrambling. A lot of shows are pre-sold well in advance. First of all, the groups have to decide whether they are going to go ahead, and then decide which 50% will be allowed to attend some of the shows and which 50% will have to be refunded. Then there are the obvious financial implications of that.

*11 o'clock*

While much of the focus will be on professional theatres and professional performers, and that is important, what Senator Cummins and I are concerned about is that, in addition to looking after those groups, we have to look after our amateur community and semiprofessional productions around the country.

We are looking for is a commitment to put a financial support package in place for those groups that have lost out, ideally administered through the local authorities. Post 9 January, a commitment should also be given to provide support because groups planning pantomimes and so on for January do not know what to do. Finally, if it is discovered the Omicron variant is not as big of a risk as being talked about, in those circumstances can we look at lifting restrictions to give some clarity and certainty to the sector as soon as possible?

**Senator John Cummins:** It is not an understatement that the live theatre and events sector is in disarray since last Friday's announcement by Government to cut the capacity to 50%. I do not envy the Minister or her Cabinet colleagues who have faced unprecedented decisions

over the past 18 months, but I have to question the logic that sees public transport being able to operate at 100%, while safe venues, such as theatres, can only operate at 50%, despite the use of masks and vaccination certificates, as Senator Byrne said. Broadway will operate at 100% tonight. West End theatres, despite government advice to the contrary, will operate with a mask mandate in place, yet our theatres in Ireland, which are in the middle of sold-out runs of pantomimes and concerts, will only be able to operate at 50%.

I am exceptionally concerned about the producers and the not-for-profit organisations. The costs involved in putting on productions such as pantomimes are immeasurable. They involve venue hire, lighting, sound engineers, set design, transport, technical crew, musicians, costume hire and PR; the list is endless. They do it because of their love for theatre and the ability to make their audience smile. For example, the Waterford Panto Society, which started its run last week, and *A Christmas Carol*, which started at Garter Lane Arts Centre last week, decided that the show must go on. However, they face financial losses of up to €47,000 and €25,000, respectively, as a result of the 50% capacity limit on venues. This is replicated across this country.

They have to be supported urgently because decisions are being made today that have an impact going forward through January. I would urge the Minister of State to relay back to the Minister the urgency of making a decision on this and to amend strand 2 of the live performance grant scheme to cater for these smaller productions. It is all well and good to support the big professional productions, but we also need to look after the community and non-for-profit groups.

**Minister of State at the Department of Rural and Community Development (Deputy Joe O'Brien):** I thank the Senators for their questions. The Government fully appreciates that the live performance sector, including pantomimes, is among the hardest hit by these latest restrictions. Indeed, these sectors were the first to close and the last to reopen, only as recently as 22 October. Unfortunately, the epidemiological situation is such that we are not where we expected to be and, as a result, last Friday, the Government had to announce further restrictions on the live performance sector, with capacities limited to 50% of seated capacity as of today, 7 December, and the closure of night clubs.

My colleague, the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media, along with the Taoiseach and Tánaiste, met with the live performance stakeholders yesterday morning to discuss the impact of these additional restrictions. The Minister acknowledged that the sector had remained closed for longer, and reopened fully for shorter, than any other part of the economy.

The Government is clear introducing these restrictions, and to do it in the run up to Christmas, the most economically important time of the year for live performance and pantomimes, is deeply difficult and it is a grave disappointment to have arrived at this point. We had hoped not to have to take a backwards step in the lengthy process of reopening all parts of society and the economy. However, the path of the pandemic is not predictably linear and, therefore, we find ourselves imposing restrictions once again for the wider public health benefit.

The night-time arts and live performance sectors are bearing the brunt of these restrictions. This is not because of any misbehaviour within them. Indeed, many who work in the live events sector are health and safety experts, and compliance with guidelines has been very high. These restrictions are being reintroduced because of the need to reduce levels of social contact in the coming weeks as we try to manage the risk of high Covid-19 case numbers, plus

the uncertain impacts of the Omicron variant and the return of more typical winter respiratory pressures on our health system. We hope this phase will be short and that we will get safely through Christmas and the year end.

I know this will be of little comfort to those trying to stage live performances in December and January. To this end, last Friday the Minister, Deputy Catherine Martin, agreed with her colleague, the Minister for Public Expenditure and Reform, an increase of €25 million in the funding for live performances. This will bring the fund for live performance, including pantomime, to €50 million. In addition, the Minister recently announced a scheme specifically to support seasonal musical theatre and pantomime that will provide funding of up to 50% of costs up to a maximum grant of €500,000. She allocated more than €60 million in 2021 for the live entertainment industry and the additional funding will continue those supports. Grants have been provided to musicians, venues, promoters and those involved in the staging of events and pantomimes and this has provided thousands of hours of employment. The Minister and her Department are currently examining the supports that were in place and have been engaging with stakeholders to determine what would work best to support the live entertainment industry going forward. She hopes to make an announcement shortly on what schemes will be made available. All of her support schemes, including the scheme for pantomimes, are currently under review. I know she will be as flexible and responsive as possible in supports for the sector.

In addition, the Government will provide support through an adjusted Covid restrictions support scheme, CRSS, to the sectors, while commercial rates for the sector will not be payable for quarter 1 of 2022. The Minister for Social Protection, Deputy Humphreys, is finalising details of a targeted reopening of the pandemic unemployment payment, PUP, scheme for workers temporarily laid off due to the impact of these restrictions. I will bring forward the specific concerns raised by the Senators.

**Senator Malcolm Byrne:** The Minister of State has responsibility for communities and he has been a very good Minister for community affairs but we are specifically referring to amateur and semi-professional community organisations. There has been significant, much-needed support for the professional sector. The Minister of State should be clear that if support is not provided now for amateur theatre, amateur pantomimes, Christmas shows and others, those community organisations will die. That is the reality. Decisions and financial investments are currently being made in respect of pantomimes, three-act festival plays and so on for the new year. There is no certainty provided in that regard. There is an urgency to this issue and a support package needs to be put in place.

**Senator John Cummins:** I reiterate the money has to get to where it is needed most, which is the smaller local and semi-professional groups. The scheme mentioned by the Minister of State in his reply stipulates that a group must have a turnover of €300,000 in two of the past three years and must have a minimum production value of €150,000. That will not cater for the very people who need to be supported. I cannot emphasise enough the importance of this issue to local groups right across the nation. They need support and they need it now.

**Deputy Joe O'Brien:** The Minister and her Department are currently examining the supports that were in place and have been engaging with stakeholders to determine what would work best to support the live entertainment industry going forward. She hopes to make an announcement on what schemes will be made available very soon and this will include a review of the pantomime scheme. I know she will be as flexible and responsive as possible in supports for the sector. I particularly take the Senators' point regarding amateur, community and

semi-professional groups and non-profit organisations. I have a particular interest in the area. The previous schemes that have been run through local authorities are, perhaps, a good way to approach that. I will bring that specific issue back to the Minister today, as well as the Senators' points in respect of the strand 2 supports.

## **Water Services**

**Senator Róisín Garvey:** Gabhaim buíochas leis an Aire Stáit as ucht teacht isteach arís. Bíonn sé an-fhlaithiúlach. He is very generous with his time in the Seanad. He is always willing to come in and take our questions. This Commencement matter is on the need for the Minister for Housing, Local Government and Heritage to make a statement on the progress of the taking over of national water services by Irish Water in line with the key performance indicators used by the water advisory body in reporting on the performance of Irish Water, with particular regard to infrastructure delivery.

This is not the first time I have raised the issue of water in this House. I will keep going with it because I firmly believe it is a basic human right. We have very significant issues in that regard. I acknowledge that there has been some good progress. Irish Water has halved the number of places from which raw sewage runs into our waterways. That is good. It is a disgrace that we ever had twice the current number but it is good that some work is being done and that we are getting raw sewage treatment plants in a few places in my own county including Kilrush, Kilkee, Liscannor and Clarecastle. There is also one on its way to Ballyvaughan.

We hear a lot about the town centres first approach, rejuvenating rural areas, rural development and regional balance but these objectives cannot be achieved without proper water infrastructure. There are villages and towns that are really suffering as a result of the lack of such infrastructure. The issue is hindering the building of new houses. There is a shovel-ready project in Broadford. The funds are there to build that housing estate but there is no water infrastructure. We talk about housing but I always bring it back to the basic fact that if there is no water infrastructure, there cannot be housing. It is a very significant issue.

I am raising this issue in respect of Irish Water today for a few different reasons. There is concern about the people in local authorities who work in the area of water and who will be reassigned to Irish Water. They have many fears about that. There have been fears about Irish Water from the get-go, when it was set up. It is time that we, as a House, ask for a referendum on water. The Green Party fought for this to be included in the programme for Government. We have been asking for it for years. Until we are sure that Irish Water will remain in public ownership and will not become a private entity, there will always be a lack of trust in it among the people of our country. We are here to give people hope and faith and to represent them. There is this vagueness around Irish Water and the ownership of water. It is not mentioned in our Constitution. I have written the wording for a referendum if anybody wants to take it from me. We need to affirm public ownership of water in our Constitution. That will alleviate the fears of those whose jobs are to be taken over by Irish Water and of people on the ground. It is a very simple matter.

I have another minute. That is not too bad. There is another matter I wanted to raise. I know that nothing is as simple as you think. People ask why we do not just do X, Y or Z but matters are complicated, as I have learnt over the last year and a half. Even though we know things should be done, it takes longer to do them than we think it should. I will give the Minis-

ter of State an example. I spent two and a half years trying to get a water bottle refilling station in one of our lovely local towns, Ennistymon. It is insane that it takes two and a half years to get something as simple as a place to fill a water bottle. I was a councillor so I was able to source some funding but community groups often seek these water bottle refilling stations and the first wall they face is that, when they go to the local authority, they are told that Irish Water charges €2,500 to make the little connection from the pipe below the ground to the device above the ground. I purposely picked a site in the square in Ennistymon that was right beside a water hydrant so that there would be no cost involved because I had heard these crazy rumours that Irish Water was charging domestic households €1,000 per metre of pipe. I tried to remove all the obstacles from the beginning because the first answer you get is often “No.”

One arm of the State, Irish Water, charges the local authority €2,500 for a water connection for the public good and for the community, which pays its taxes, and both of these arms of the State actually come under the same Department. We have a water crisis and a plastics crisis. This is a no-brainer. It should not take a two-and-a-half-year campaign. These stations should be popping up in every single town and village in Ireland. We are using more than 1 million plastic bottles a day. I know we have a plan to move away from plastic bottles but we should do that now.

I call on the Minister of State to outline whether the key performance indicators for Irish Water have been looked at and how Irish Water is doing in that regard. We need to give people assurance about water. We definitely need a referendum on water and we need to remove that stumbling block whereby one arm of the State, Irish Water, charges another €2,500 for a connection for a water refill station.

**Minister of State at the Department of Housing, Local Government and Heritage (Deputy Malcolm Noonan):** I thank Senator Garvey for bringing these questions to the House. It is one Commencement matter but I will try to address a number of points raised by the Senator. The Minister for Housing, Local Government and Heritage, Deputy Darragh O’Brien, has responsibility for the overall policy relating to water services and Irish Water but the Water Advisory Board is independently tasked under the Water Services Act 2017 with reviewing Irish Water’s performance on a number of key measures. These include measures needed to improve the transparency, accountability and confidence relating to Irish Water and to report, on a quarterly basis, to an Oireachtas committee on the performance by Irish Water in the implementation of its business plan.

The Water Advisory Board submitted its third quarterly review report of 2021 to the Oireachtas on 16 November 2021 and I have a copy for the Senator. This report, which the Minister also received and is currently considering, has been published on the Water Advisory Board’s website. The review is focused on a set of performance indicators selected to represent the activities of Irish Water against which conclusions and recommendations have been drawn. The Water Advisory Board report must be seen in the wider context of the significant institutional reform achieved over the past decade, which has seen Irish Water and local authorities making real progress working together since 2014 in delivering a unified and coherent approach to managing our public water systems nationwide.

Clearly, significant and complex challenges remain. With a view to building on these important institutional reforms, in February 2021 the Government published a policy paper entitled Irish Water - Towards a National, Publicly Owned, Regulated Water Services Utility setting out clearly the approach planned by the Government to proceed with the full integration of

public water services within Irish Water's organisation structure. This will deliver a publicly owned, stand-alone, regulated, national water utility tasked with modernising and transforming the delivery of water services in Ireland.

In setting out its views and expectations on the next phase of the water sector transformation programme in this way, the Government is enabling water sector stakeholders, including water sector unions and workers and the management representatives of the local government sector and Irish Water, to engage together, facilitated by the Workplace Relations Commission, WRC, to identify a framework for the future delivery of water services in keeping with the policy objectives set by the Government. The Government believes it will be possible to achieve a framework for the future delivery of water services which will be in keeping with the key concerns of all stakeholders.

It is the case that there has been significant progress made with that transfer with respect to local authority staff and Irish Water. Those conversations are ongoing but it is a critical part of delivering the single publicly owned utility with respect to Irish Water.

The Senator raised a number of points on water ownership and there is a commitment in the programme for Government to refer the issue of environment, including water, and its place in the Constitution to a relevant Oireachtas joint committee for consideration. That commitment is there, although a number of possible referendums are outlined in the programme for Government as well.

The policy paper on water sector transformation agreed by the Government further commits the Department of Housing, Heritage and Local Government to consult with the Irish Congress of Trade Unions and the local authority group of unions on the proposed referendum. There were concerns around that and the commitment is there as well. Engagement on this matter is under way and will continue in tandem with discussions on employment and staffing matters within the framework support of the WRC.

I will try to address the other points raised in my closing remarks.

**Senator Róisín Garvey:** I would like to know with which Oireachtas committee I can raise this. That is if there is a recommendation in the programme for Government in that respect. Irish Water is the water services authority for the country and all the legislative powers required to provide and maintain water services infrastructure now lies solely with Irish Water. It is totally unsatisfactory that the authority created to deliver such infrastructure has no funding capacity for developments with no existing public wastewater infrastructure, according to Clare County Council.

I spoke to that council about Doolin and although Clare is the most beautiful county in Ireland, we are almost punished because tourists are coming to the likes of Doolin and other great places in Clare but we do not have the required infrastructure. With tourism comes spending, which is good for the economy of the country, so I do not know why we have no treatment plant for Doolin or any sign of funding for one. There are thousands of people going to Doolin and the Minister of State knows it is great. If it is music one wants, go to Clare, and Doolin was the start of all that.

There are major issues. I thank the Minister of State for his response but we have work to do.

**Deputy Malcolm Noonan:** We do indeed. That is why the Government has committed a record capital funding in budget 2022 to support Irish Water's capital investment programme. There is significant investment. It will take time for projects once they are brought forward to go through tendering and so on. Once local authorities are working with Irish Water and show ambition around delivering those projects, it is critically important that we do get that infrastructure in place. I have the water quality in Ireland report 2020. There are significant challenges, no doubt, concerning wastewater still discharging into water courses. We want to address them as a matter of priority.

Specifically in respect of the water refill stations, I agree with the Senator. It is very important. There is a commitment in the programme for Government around the roll-out of water refill stations. I commend the Senator for the work she has done in County Clare to highlight that. It is part of our circular economy and part of reducing plastic waste. For young people who use our towns regularly, it gives them an opportunity not to be having to buy bottled water. This infrastructure should be installed and we will certainly make inquiries about that issue. We need refill stations installed as a matter of priority around all of our towns across the country.

*Sitting suspended at 11.22 a.m. and resumed at 11.30 a.m.*

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

**Senator Regina Doherty:** The Order of Business is No. 1, motion regarding Orders of Reference of the Seanad Public Consultation Committee, to be taken on the conclusion of the Order of Business, without debate; No. 2, motion regarding pre-legislative consideration of Government Bills, to be taken on conclusion of No. 1, without debate; No. 3, the 13th report of the Committee on Parliamentary Privileges and Oversight on the amendment of Standing Order 78, to be taken on conclusion of No. 2, without debate; No. 4, motion regarding the establishment of a special committee on gender equality, to be taken on conclusion of No. 3, without debate; No. 5, motion regarding the appointment of the Ombudsman and Information Commissioner - referral to committee - to be taken on conclusion of No. 4, without debate; No. 6, motion regarding the Planning and Development (LRD Fees) Regulations 2021 - back from committee - to be taken on conclusion of No. 5, without debate; No. 7, motion regarding the Sectoral Employment Order (Electrical Contracting Sector) 2021, back from committee, to be taken on conclusion of No. 6, without debate; No. 8, Maritime Area Planning Bill 2021 - Second Stage to be taken at 1 p.m., and to conclude no later than 3 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 and all other Senators not to exceed five minutes, and the Minister to be given no less than ten minutes to reply to the debate; No. 9, statements on Covid-19 and the new measures, from the Department of Enterprise, Trade and Employment, to be taken at 3.30 p.m., to conclude no later than 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 and all other Senators not to exceed five minutes, and the Minister to be given no less than ten minutes to reply to the debate; No. 10, Finance Bill 2021 - Second Stage, to be taken at 5.40 p.m., to conclude no later than 7.40 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 and all other Senators not to exceed five minutes, and the Minister to be given no less than ten minutes to reply to

the debate; and No. 97(3), the Seanad administrative panel debate, motion regarding maternity and paternity leave for county and city councillors, to be taken at 8 p.m., with the time allocated to the debate not to exceed two hours.

**An Cathaoirleach:** I call the father of the House, Senator Norris.

**Senator David Norris:** I have received a communication from a very distinguished former Member of the House, Sean Barrett, whom we all remember with admiration and affection. He is very concerned about something that is happening and that perhaps does not have a direct bearing on the business of the House, but I think he has found a link. It is apparently proposed to destroy a notable beautiful green space in the heart of the city of Dublin. We are very lucky to have the likes of St. Stephen's Green, Merrion Square, Mountjoy Square and so on, but green space is at a premium in this city. Apparently, the authorities in Trinity College intend to develop on College Park. They intend to dig it up. A notable historic green space in the centre of Dublin, it is proposed by the college to be the temporary - question mark - location for a gallery and souvenir shop. These things have a habit of getting lodged in and then becoming permanent by accretion. The gallery and shop are supposed to be in place for three years while the Long Room is refitted. However, this business in College Park was never mentioned once at the fellows' meetings at which the Long Room project was discussed. It seems extraordinary it was left out of those discussions. It seems to have been a last-minute addition after a Government grant was secured.

I would like to know whether the Government was told that digging up College Park was part of the deal. This is a political angle, but did the Green Party support digging up College Park? Could the Comptroller and Auditor General investigate before the bulldozers move in? Is this another case of understating the cost of a project, getting it going and then saying, "Oh, it is too late to stop it now as there will be a huge overrun", as with the children's hospital? Could the Government lodge papers in the House stating what precisely it is funding? Was the loss of College Park a later add-on? We in this House are entitled to answers to these questions.

**Senator Malcolm Byrne:** Last Thursday, in *The Washington Post*, an article opened with the following paragraph:

Europe's ambition to lead the world on data privacy has a weak spot: Ireland. The country's Data Protection Commission works on behalf of 447 million EU citizens to defend their data from Meta Platforms Inc., Alphabet Inc. ... Microsoft Corp., Apple Inc. and roughly a dozen other tech giants — and it's been too lax on the job.

On Sunday, in the *Business Post*, in an excellent story by Aaron Rogan, the Data Protection Commission, DPC, itself acknowledged that it needed a radical reassessment of its structure as it is. This is what the commission said: "unsustainable and unfit for purpose". Yesterday we saw MEPs from all groups in the European Parliament whose members sit on the Parliament's committee on justice and home affairs write to the relevant European Commissioner and copy our Minister for Justice expressing concern about how the general data protection regulation, GDPR, is applied and enforced in Ireland and the operation of the Data Protection Commission.

This has also been raised at the justice committee by its Chair, my friend and colleague Deputy Lawless. Last year, on 23 September and 18 November, I tabled Commencement matters in the House on the functioning of the DPC and the significant reputational risk to Ireland if we do not ensure it is properly structured and adequately resourced. Frankly, I do not believe



the Government is taking this issue seriously enough. We need a debate on the role and function of the data protection commissioner. We need the appointment of three data protection commissioners. Given how important and serious this issue is, and given that it is increasingly being brought to global attention, it is time for the Government to wake up and take the issue of the proper resourcing and function of the DPC more seriously.

I also note we had a very good debate on China last week. At the time I raised the question, as I know colleagues have, of a diplomatic boycott of the Beijing Winter Olympic Games. We have seen that President Biden's White House has announced it will engage with a diplomatic boycott in line with many other Governments to show their opposition to the human rights abuses of the Chinese Communist Party. How long more do we have to wait before the Department of Foreign Affairs finally makes up its mind?

I compliment RTÉ on the series "The Case I Can't Forget". Last night it showed the Don Tidey case. Next week will mark the anniversary of the murders of Private Patrick Kelly and Garda Gary Sheehan. We should always remember them. Their families are still entitled to justice for their murders.

**Senator Fintan Warfield:** I want to raise the serious work of the Future of Media Commission. We have yet to see the publication of its report, which sits with the Minister, Deputy Catherine Martin, and the Taoiseach. The Future of Media Commission is not to be confused with the future media commission, whoever came up with that. It is an independent panel set up under the programme for Government. It had its inaugural meeting on 29 October 2020. It was required to report within nine months, which brought us to 29 July. I have learned, in an article by Pat Leahy in *The Irish Times*, that it has given its final report to the Government. We learned much more though the leaks that led to the article by Pat Leahy.

The report has been considered by the Government for the past five months. Why is it taking the Government so long to publish it? Why are we reading leaks in *The Irish Times* about the content of the report, specifically with regard to the licence fee? We should not be reading in this way about the contents of a report that cost the Government the considerable amount of €420,000 to publish. It contains a range of measures, not only with regard to the licence fee. It deals with how media should be funded, how the licence fee should be collected and split and conditions attached to funding. These are all critical issues that need to be addressed with media. The Government is still sitting on the report. We have yet to see its publication after five months. We are learning about it through leaks. I feel it will be buried at Christmas. When will we see the publication of the report?

**Senator Mark Wall:** I want to raise several issues. I have received a series of calls and emails in recent days from teachers in the main. The message was the same in all of the correspondence I received. The conditions in which they are working and in which our children are attending school are totally unacceptable. There are stories of windows being left open with the heating turned up to the last but the temperature in the classroom reading just 6°C. I am sure other colleagues in the Chamber are also hearing this. Searching clothing shops for outdoor clothing with a high protective body warmth content is the norm for many teachers in order for them to teach indoors. All the time our children, particularly our younger children, are trying to learn to read and write. In some cases they are unable to hold a pen or pencil due to the cold conditions.

Following these worrying contacts, I tuned into the six o'clock RTÉ news yesterday to listen

to Professor Orla Hegarty, who said she believed that all schools should be given HEPA filters. Ms Hegarty is an assistant professor of architecture in University College Dublin and a former member of the special National Public Health Emergency Team, NPHE, group on ventilation. She stated that if we can control the conditions of infected air, which can be done by measuring it in a building, we can drastically reduce transmissions. She went on to say that if a classroom manages its ventilation and filtration, we can make every school low-risk. The Department of Education tells schools that HEPA filters are available where needed. The problem, schools tell me and as was mentioned in the RTÉ report, is that the process of applying for the HEPA filters and undergoing a risk assessment is too slow. We need to take care of our children. We need to take the red tape out of this process. We are in the middle of a crisis that is affecting both our children and, indeed, our teachers.

The second item I want to raise with the Leader is colour blindness and the case of an apprenticeship for a young person from my home town of Athy, County Kildare. The young person has found a job they enjoy. More important, they have an employer who values them and their work and wants that young person to begin an apprenticeship. The problem is the course involves a colour blindness test that, unfortunately, this young person has failed. However, with corrective lenses they would pass this test every time. I have tried to raise this with the two different Departments with responsibility for education but continue to be passed from one office to another. It seems to me, at a time when we need more and more apprenticeships, we are stopping this young person from following their dream because of an outdated test.

**Senator David Norris:** Hear, hear.

**Senator Mark Wall:** We are in the age of technology advances, yet when we have a simple solution, as in this case, it seems we are not willing to accept it. I am sure there are many more young people affected by this than this young person from my home town. I would appreciate it if the Leader would support this person's young dream by way of a follow-up letter to the Department.

**Senator Denis O'Donovan:** I rise to ask the Leader about two issues. I recently met with members of the Collins committee in Clonakilty which is apolitical. They are doing a lot of research on history, and their wish and hope is that somewhere in the capital, which is very important in the context of the treaty etc., in the time that is in it, a life-sized statue of Michael Collins would be erected. It is not a big request. As I said to a former Lord Mayor, ideally it should be in the precincts of Leinster House, which is the political armpit and the basis of our Parliament, but if that is not possible, perhaps Merrion Square or somewhere adjacent to this historic building would be considered.

My second issue is, perhaps, something which I should put down by way of notice of motion. I heard this morning that my home town of Bantry has again been flooded. Last year it was flooded three times. Many of the businesses, because of the annual or biannual flooding, will not get insurance for the property because insurance companies say they will not do it again. The cost to the Bantry Business Association and many traders is severe.

There is a simple reason for this situation. I served in the Bantry Town Commissioners before it was abolished, for whatever reason. The proper flood relief programme was never put in place. If you marry a lot of heavy rain that flows through the rivers and what we call a spring tide or a very high tide, it is inevitable there will be flooding because the water cannot get out, and seawater is clashing with freshwater. This will continue unless serious action is

taken by the Minister for the Environment, Climate and Communications. This is going on for some time. I have raised this issue since 1989, in this House, of which I have been a Member most of the time, and in the other House. It is unfortunate it is falling on deaf ears. I and the people from that area whom I represent are very frustrated. Perhaps the Leader would raise this issue to see whether a response is forthcoming. If it is not, I will be knocking on the door of the Cathaoirleach to table a Commencement matter early in the new year.

**Senator Micheál Carrigy:** I wish to raise an issue that was actually raised in a Commencement matter earlier by Senators Malcolm Byrne and Cummins. It is about supports for the pantomime and theatre industry following the announcement on Friday. A significant number of these groups are already booked out for the Christmas period and into January. A concert organised by Longford County Council under the live and local fund took place last night. Tickets had to be returned to people to make sure that the 50% limit was reached. Many pantos are run by voluntary organisations. A fund relating to operating costs was brought in a number of weeks ago but the minimum cost had to be €150,000, which only relates to professional productions. The vast majority of productions are run by local people, including a production in my home town. Longford Traditional Panto has organised a production of *Snow White* this year and the people involved are Paul and Tracey and their Evolution Stage School. The first panto in the county of Longford was in 2019 and that production was sold out for its ten nights and was attended by 4,500 people. I am involved on the county tourism committee, which sponsors the panto as it is a significant event in the town of Longford and brings people in from around the midlands. The reality is that these groups cannot be sustained. The scheme that was put in place must be extended to cover all groups and theatres over the next four-week period.

I bought tickets to the panto for myself and my children. I was looking forward to going but I do not know whether I will get there now. The organisers are looking to add extra dates to accommodate people or they will have to refund tickets. I ask the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media to encompass all groups in the funding.

**Senator Sharon Keogan:** I object to the Order of Business and request that No. 4 on the Order Paper be taken with debate. That is the motion regarding the establishment of a special committee on gender equality. This summer, the Minister for Children, Equality, Disability, Integration and Youth launched a consultation seeking the public's view on a review of the Equality Acts. The deadline for submissions is 5 p.m, tomorrow and everyone should make their voices heard.

There is significant concern among parents as to the presence of harmful ideological beliefs being taught in our schools, having been introduced by political lobby groups. The Irish National Teachers Organisation, INTO, LGBT+ Teachers' Group has resources that introduce trans ideology to junior infants - children as young as four years old. The training video shows a teacher telling a class that a boy can change into a girl and that a girl can change into a boy. At any level of biological reality this is simply not true. Teaching this to young children who lack the critical thinking ability to assess the claim is the textbook definition of "indoctrination" and disrupts a critical developmental stage when children need certainty and consistency in their lives. It is intellectual abuse *en masse* of a captive and impressionable audience who trust the adults in charge of them.

The INTO LGBT+ Teachers' Group, BeLonG To and ShoutOut have been allowed to bring harmful and inappropriate resources, interventions and programmes into school. The fruits of such activities were readily seen last month when an Educate Together secondary school dis-

played a poster that stated lesbians are non-men attracted to non-men. Why are we so afraid of the word “woman”? I fear for our children, particularly young girls who are the future women of this country and who have been given the short end of the stick by these organisations achieving their political goals. This is a very important issue for debate in this House and we would welcome it.

**An Cathaoirleach:** Did the Senator propose an amendment to the Order of Business?

**Senator Sharon Keogan:** Just that the issue is taken with debate.

**Senator Mary Fitzpatrick:** No country has been as affected by emigration over the decades and centuries-----

**Senator David Norris:** Hear, hear.

**Senator Mary Fitzpatrick:** Indeed, since 1800 more than 10 million Irish people have emigrated. I, therefore, welcome the decision that was taken by the Government to introduce a programme in January to regularise the undocumented migrants in this country. This is a welcome and important decision. It will give an opportunity to people who live in our communities or work in our shops, restaurants and care facilities, or deliver stuff to our doors to come out of the shadows, hold their heads up high and take part as full citizens in society.

**Senator David Norris:** Hear, hear.

**Senator Mary Fitzpatrick:** The decision is very welcome and must be championed by all Members.

**Senator David Norris:** Definitely.

**Senator Mary Fitzpatrick:** I commend everybody who campaigned for it so that is the Migrant Rights Council of Ireland, many NGOs and many individuals. It was a very brave decision to campaign for this because many of these people live in very vulnerable situations where if they get sick, they are frightened to ask for help or if they are victims of crime, they are reluctant to go to the Garda or any authority figure. I commend the Government and everybody who campaigned for this. I wish the best of luck to all the applicants in January. It will be open for six months. It is something we should all be proud of and should all champion.

**Senator John McGahon:** I would like to try to get some clarity in the new year from the Minister for climate action about the concept of one-stop climate shops. There is a clear commitment for this in the programme for Government. It has been discussed in the climate action plan. It is due to be rolled out in the new year. I would like context in regard to how are they actually going to work, how they will be funded by the Government and where they will be provided. For example, will staff in local authorities provide them? The concept is quite simple. There are so many people in Irish society today who are climate conscious and want to be able to make improvements to their own homes to make a contribution to counteract the climate crisis, whether that is retrofitting their homes, getting solar panels on their roofs or making the transition to electric vehicles. The problem is that it can be difficult and daunting for people to get that information, and get the right information. The concept of these one-stop climate shops is that you can rock in and meet somebody who knows this area inside-out and can give you the proper advice, direct you towards the proper funding applications and tell you about the pros and cons of various initiatives. These one-stop climate shops would be rolled out through

our local authorities, meaning that somebody could walk into Louth County Council or any local authority in the country, set out the key things he or she wants to try to do to retrofit his or home or to make a contribution towards climate action and ask how to go about it. The sooner we have them rolled out throughout the country, the better as they will be very useful. I would appreciate an outline from the Minister in the new year about how they intend to work, when they will be rolled out and how much Government funding will be put behind them.

**Senator Timmy Dooley:** At the earliest opportunity, perhaps in the new year, I would welcome a debate in this House on the generation of electricity from wind, recognising that many of the areas suitable for the capture of wind energy on shore have now been used up and that planning attempts continue to seek to put wind turbines in areas that are not suitable. Frankly, many communities believe there is an overconcentration of wind turbines in their areas. The latest wind energy guidelines have not yet been published and that is unfortunate. I would like to see a more advanced strategy from the Government to look at the potential for offshore wind energy generation. There have been some developments in recent weeks about proposals on the east coast of Ireland but there is an abundance of wind off our west coast. The technologies are developing and it is a bit more complicated because similar to oil rigs, the wind turbines will need to float. We should and could be at the cutting edge of this development. There are real opportunities for us to be part of the beginning of something, to capture the ideas at the start and ultimately to export the technologies that will be developed to secure this kind of electricity. There are real opportunities and I hope we can have a debate on that particular strategy.

**Senator Martin Conway:** I commend the people in the emergency services today who are going out and risking their lives. They are doing so to save lives and to keep our communities safe. On 4 January 2014, the west coast of Clare, including my parish and Lahinch, was ravaged by the sea. Damage to both public and private property amounted to millions of euro, but thankfully we rebuilt. We have one of the best rock armoury systems available, after millions of euro of Government investment following the damage of 2014. As a country, we need to spend billions on flood defences. We are an island nation. We are subjected to major climatic change. We have seen many storms in recent times. In the past decade we have seen more storms and severe weather situations than in the previous two decades. We need to invest in our coastal communities, which do so much for us from a tourism, sporting and a quality of life perspective, and ensure the type of investment made in Lahinch is matched for them.

*12 o'clock*

I call on videographers and social media people who want to get the best photos over the next 24 hours, in addition to those who want to be adventurous and go out and risk their lives without heeding the red warning, to realise this is serious. Lives will be lost. The emergency services in this country have enough to be doing without going out to rescue clowns who believe they are braver than the storm, the sea and the weather. I call on all those types of people, who have been very prevalent in our recent weather experiences, not to go out and to respect the people who are risking their lives to keep our communities safe.

**Senator Maria Byrne:** I wish to raise two issues. First, I join Senator Fitzpatrick in respect of the undocumented. I compliment the Minister for Justice, Deputy McEntee, and all involved in the launch of the campaign that will allow people to register in January. I met constituents over the weekend who fall into the category in question. They have been studying and doing everything under the radar and want to make a contribution here in Ireland. The opportunity is very welcome. I encourage all who qualify or who are able to apply to become a resident to

avail of the opportunity to do so and regularise their circumstances.

I thank all the front-line staff who are outdoors today restoring power and picking up fallen trees. I include the staff in the county councils and OPW and volunteers all across society who are working today to make sure we are all kept safe. I agree with Senator Conway that people should not make unnecessary journeys and stay at home as much as possible.

**Senator Niall Blaney:** This week we celebrate the first anniversary of the setting up of the shared island unit. This is at a time when we are celebrating the 100 year anniversary of the signing of the Anglo-Irish Treaty. It is 23 years since the signing of the Good Friday Agreement. Society and Members of both Houses have an opportunity to finally put to rest grievances and differences in this country and have a final peace settlement. It behoves us all to work in that direction and to avail of what is a fantastic opportunity under the Taoiseach's model of a shared island. Given the funds that will be behind the unit over the next five to ten years — €500 million between now and 2025 and another €500 million beyond that — in conjunction with other cross-Border funds, totalling €3.5 billion to 2030, it behoves us as politicians to finally grasp the model of peace, say “No” to sectarian division, and create trust and a way forward to ensure that future generations will recall the difficult times in this country over the past century and that the next century will be one that we all desire.

**Senator Aisling Dolan:** Today we got notice that Ballinasloe is going to be on the Galway–Athlone cycleway. This is absolutely phenomenal. Members might remember that, at the start of this year, we were asking everyone to support submissions calling for Ballinasloe to be on the route. Its inclusion will really transform the town. The route that has been selected is red route No. 5. We received notice from the cycleway project team this morning. I would like to thank all the groups who made submissions. It just shows the difference that making a submission and taking part makes. There were more than 1,600 submissions regarding route No. 3 to Mountbellew, and a further 800 submissions regarding route No. 1. It was incredible to see people getting involved, whether families, community groups or businesses. The real challenge is that we need to seek further funding from, I hope, active travel to develop these cycleways and connect these towns. It is wonderful news today, at the end of a long campaign that ran all year. We are looking forward to what it will mean for people in our area.

**Senator John Cummins:** This morning, I tabled a Commencement matter with Senator Malcolm Byrne in respect of the live entertainment and theatre sector, the 50% capacity constraint that has been placed on venues and the challenges it is causing for local groups and not-for-profit organisations that are in the middle of organising productions, concerts and pantomimes. I gave the examples of Waterford Panto Society, which had a sold-out run of 26 shows at the Theatre Royal, and the producers of *A Christmas Carol* at Garter Lane Arts Centre. Those groups have bravely decided the show must go on and they are continuing with their productions. Even so, aside from the logistical nightmare the 50% capacity presents to them in having to decide which 50% gets to see the show, they face substantial losses of €47,000 and €25,000, respectively, as a direct result of the 50% capacity limit.

I ask the Leader to arrange an urgent debate with the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media on this sector. I am cognisant of the supports that have been, and will be, put in place for the professional sector. That is right and proper and it is all well and good, but the local community, not-for-profit, voluntary organisations that are the lifeblood of theatre throughout the country also need to be supported and need urgent clarity from the Government. It would be appropriate to fit such a debate in to the schedule of the House as a

matter of urgency.

**An Cathaoirleach:** I invite the Leader to respond on the Order of Business.

**Senator Regina Doherty:** Senators Cummins, Malcolm Byrne and Carrigy raised the issue of the supports that are needed for the not-for-profit sector in the theatre and arts industry. The schedule is very busy this week but I will do my best to organise something next week. The Tánaiste and the Minister, Deputy Catherine Martin, met representatives of the industry yesterday, so I hope to hear some fruitful announcements arising from that. I will keep the Senators posted.

I congratulate Senator Dolan. The inclusion of Ballinasloe will make a massive difference to the town and I know she is very pleased about it.

Senator Blaney raised the shared island unit. He is correct about the milestones we have reached and commemorate and in regard to how it is about looking to the future and the opportunities to do things co-operatively and respectfully. Sometimes we lose something in the debate from the politicking around it. People may say they want a particular outcome but all their actions ensure that outcome cannot be achieved. I commended the Taoiseach when he appeared before the House a number of weeks ago, because it is a wonderful initiative. In particular, in his commitment to Northern Ireland and the united Ireland project, the greatest contribution he makes is to listen.

Senator Maria Byrne and Fitzpatrick talked about the campaign announced by the Minister for Justice last week. It is a really generous campaign and the announcement is very welcome, not least when we see how some of our migrant cousins, for want of a better word, are being treated across the EU by certain countries. It is a very generous scheme. When we opened the pandemic unemployment payment, PUP, scheme last year in what was an unprecedented time, 16,000 people who did not have PPS numbers came to our Intreo offices because they had no other way of earning money than by coming to the State and taking that big step of declaring themselves as not supposed to be here. We welcomed them and gave them PPS numbers, and that is exactly how human beings and a just society should treat other human beings.

Senators Conway and Maria Byrne commended our outdoor staff and local government workers, the ESB and the OPW. We are in the grips of a storm and some counties are experiencing far worse conditions than we are in Dublin. I commend our staff and thank them for what they do and for keeping us safe.

Senator Dooley asked for a debate on wind energy generation. At a time when we see very large organisations and companies pulling out of wind energy generation in Ireland because of the bureaucratic red tape they have to go through, the timing for a debate is apt. I probably will not get it in next week but I will make sure that we do it very early in January for him and I will come back to him.

Senator McGahon asked when the one-stop climate shops will be established. To be frank, I do not know but I will find out and come back to him on that.

Senator Fitzpatrick also talked about immigration and the history of Ireland and the welcome for a debate on this topic.

Senator Keogan asked for an amendment to the Order of Business. I am sorry to say that I

cannot because I do not have the facility to have a debate on that particular topic. Just to inform the Senator, the topic that she has raised and the committee that is being established do not have any relevance to each other today. The debates and the concerns that she has raised are probably best-placed to be brought to that committee and seven Members of the Seanad will be represented on it. We are still establishing the committee today and the Senator can bring her topics and ideas to the committee there.

Senator Carrigy talk about pantomimes. Senator O'Donovan brought the very thoughtful suggestion forward of the people of Clonakilty and of the Michael Collins committee down there for a statue. It is a wonderful idea. He has been a long-time hero of mine and of many others but I certainly will ask the Minister as to what the status and expectation is on that suggestion.

Senator Wall raised two matters. I am aware that he is not in the Chamber at the moment but the case of the young person he raised, who failed the application for the apprenticeship is completely ludicrous and crazy. It is one of those idiosyncrasies that we have in Ireland. I will contact the Senator's office, get the name of the young person and I certainly will make sure that both the Secretary General of the Department of Further and Higher Education, Research, Innovation and Science and the Minister take care of that application. I wish that young person well in their studies.

One thing I do have to raise is the point on which Senator Wall spoke this morning, namely, the welcome announcement finally made by the Minister for Education that €30 million is being allocated for HEPA filters in our primary and secondary schools in order that children do not have to sit in the freezing cold with four jumpers on them any more. The one thing that does concern me is what was reported in the newspapers this morning, which is that the filters are available but that the schools had to choose if they want the filters or some other urgent works that are required in their schools like broken windows or leaky roofs. If that is true - not everything we read in the newspapers is true - it would be outrageous. I wrote to the Minister this morning asking that she clarify that this is not true and that all of our schools, both primary and secondary, will have equal access to HEPA filters, regardless of what other works are required.

Senator Warfield asked for the date of the publication of The Future of Media Commission's report. I do not know but I will contact the Minister today to find out.

Senator Malcolm Byrne spoke about a report in the newspapers yesterday that the Data Protection Commission is under-resourced and underfunded. This is not the first time that the organisation has suggested this. I know from my own days in the Cabinet that the Department of Justice has an annual review with the commission and given the fact that this is a concern that the Data Protection Commissioner has on a recurring and annual basis, perhaps such a review needs to be a little bit more frequent.

Finally, Senator Norris spoke this morning about a green space at the heart of Dublin that he feels is going to be developed unnecessarily. Again, I do not have any details but I will find out and I will get back to the Senator and let him know what is the story.

**An Cathaoirleach:** Senator Keogan has moved an amendment to the Order of Business: "That the motion on the establishment of a special committee on gender equality be taken with debate". However, as the amendment was not seconded in the debate, it consequently falls.

Order of Business agreed to.



## Orders of Reference of Seanad Public Consultation Committee: Motion

**Senator Seán Kyne:** I move:

That, in accordance with the recommendation of the Committee on Parliamentary Privileges and Oversight pursuant to Standing Order 98(2)(b) –

(1) A Select Committee, which shall be called the Seanad Public Consultation Committee (“the Committee”), shall be appointed to facilitate direct engagement and consultation between members of the public and Seanad Éireann on specific issues related to the legislative powers of the Seanad or an issue of public policy.

(2) The Committee shall consist of nine members including the Cathaoirleach who, *ex officio*, shall be Chairperson of the Committee and the Leas-Chathaoirleach who, *ex officio*, shall be vice-Chairperson of the Committee and the quorum of the Committee shall be five.

(3) The Committee –

(a) shall identify for examination specific issues related to the legislative powers of the Seanad or an issue of public policy;

(b) shall, for the purposes of sub-paragraph (a), have the power defined in Standing Order 72(1);

(c) shall, in respect of any issue it identifies for examination in accordance with sub-paragraph (a), exercise its power under Standing Order 72(1) by public notice which shall specify the issue on which written evidence in the form of submissions is invited and the date by which it must be received by the Committee: provided that the Committee may also invite written submissions directly from interested persons or bodies;

(d) shall review submissions received by it, determine whether or not such submissions are admissible in accordance with the criteria set out in paragraph (8) of this Order, reject any submissions which it rules to be inadmissible and consider what action, if any, to take in relation to submissions which it judges to be admissible; and

(e) shall, for the purposes of sub-paragraphs (a) and (d) of this paragraph, meet in private.

(4) The Committee may meet in public in the Seanad Chamber for the purpose of taking oral evidence.

(5) Paragraphs (2) to (6) inclusive of Standing Order 77 shall not apply to the Committee.

(6) In addition to its obligation under Standing Order 77(1) to lay every report made by it before the Seanad, the Committee may refer any report made by it to the relevant Joint Committee.

(7) Written submissions to the Committee shall clearly indicate the name of the person or body making the submission and a postal or email address.

(8) A submission is admissible unless it –

(a) requests the Seanad to do anything other than the Seanad has power to do;

(b) does not comply with Standing Orders or is otherwise not in proper form;

(c) it contains any matter which is sub judice within the meaning of Standing Order 47;

(d) comments on, criticises or makes charges against a person outside the House or an official, in a manner which is not consistent with the Standing Orders and practices of the Seanad;

(e) contains language which is offensive or defamatory;

(f) is the same as, or in substantially similar terms to, a submission made by or on behalf of the same person or body during the lifetime of the Committee.

Question put and agreed to.

#### **Pre-Legislative Consideration of Government Bills: Motion**

**Senator Regina Doherty:** I move:

That the Order of the Seanad of 21st September, 2021, in relation to the pre-legislative consideration of Government Bills, is hereby discharged.”

Question put and agreed to.

#### **13th Report of Committee on Parliamentary Privileges and Oversight: Motion**

**Senator Seán Kyne:** I move:

That the Thirteenth Report of the Committee on Parliamentary Privileges and Oversight on the amendment of Standing Order 78 be adopted, laid before the House and printed.

Question put and agreed to.

#### **Establishment of Special Committee on Gender Equality: Motion**

**Senator Regina Doherty:** I move:

That, notwithstanding anything in Standing Orders—

(1) a Special Committee consisting of five members of Seanad Éireann be appointed,

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to be joined with a Special Committee to be appointed by Dáil Éireann, to form the Joint Committee on Gender Equality;

(2) the Joint Committee shall consider the recommendations contained in the Report of the Citizens' Assembly on Gender Equality, together with the response of the Government to each such recommendation, having regard to the open letter to the Oireachtas contained in that report;

(3) members of either House, not being members of the Joint Committee, may attend and take part in proceedings of the Joint Committee, or any sub-Committee thereof, but without having a right to vote or to move motions or amendments, save where they attend, pursuant to Standing Orders, as a substitute for an absent member (or for a substitute not in attendance);

(4) the Joint Committee shall report to both Houses of the Oireachtas on the matters contained in paragraph (2) within nine months of the first public meeting of the Joint Committee;

(5) the quorum of the Joint Committee shall be four, at least one of whom shall be a member of Dáil Éireann, and one a member of Seanad Éireann;

(6) the member of Dáil Éireann nominated by the Labour Party to serve on the Joint Committee shall be Chairperson; and

(7) the Joint Committee shall have the powers defined in paragraphs (1), (2), (3), (4), (5), (9) and (10) of Standing Order 72."

Question put and agreed to.

### **Appointment of Ombudsman and Information Commissioner: Referral to Joint Committee**

**Senator Regina Doherty:** I move:

That the proposal that, pursuant to subsection (2) of section 2 of the Ombudsman Act 1980, and subsection (4) of section 43 of the Freedom of Information Act 2014, Seanad Éireann recommends the appointment of Mr. Ger Deering, by the President to be the Ombudsman and Information Commissioner, be referred to the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach, in accordance with Standing Order 71(2) (b), which, not later than 14th December, 2021, shall send a message to the Seanad in the manner prescribed in Standing Order 75, and Standing Order 77(2) shall accordingly apply."

Question put and agreed to.

### **Planning and Development (LRD Fees) Regulations 2021: Motion**

**Senator Regina Doherty:** I move:

That Seanad Éireann approves the following Regulations in draft:

Planning and Development (LRD Fees) Regulations 2021,

a copy of which has been laid in draft form before Seanad Éireann on 24th November, 2021.”

Question put and agreed to.

### **Sectoral Employment Order (Electrical Contracting Sector) 2021: Motion**

**Senator Regina Doherty:** I move:

That Seanad Éireann approves the following Order in draft:

Sectoral Employment Order (Electrical Contracting Sector) 2021,

a copy of which has been laid in draft form before Seanad Éireann on 19th November, 2021.”

Question put and agreed to.

*Sitting suspended at 12.15 p.m. and resumed at 1 p.m.*

### **Maritime Area Planning Bill 2021: Second Stage**

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

**Minister for Housing, Local Government and Heritage (Deputy Darragh O’Brien):**

I am grateful to have the opportunity to bring the Maritime Area Planning Bill 2021 before the Seanad. This Bill is the most significant legislative reform of maritime governance since the foundation of the State. It seeks to establish a coherent and comprehensive marine planning system to manage development and other activities in Ireland’s seas, which is one of the largest maritime areas in the European Union and seven times larger than our land mass. It covers an area of almost 500,000 square miles.

This once-in-a-generation piece of legislation is a cross-government initiative, led by my Department, and is another key commitment set out in our programme for Government. In preparing this ambitious Bill, we have listened to all stakeholders and balanced their needs in a fair and equitable manner that has the citizen at the heart of the process.

The Bill provides for the long-term protection and sustainable development of the maritime area for the next generation, including the envisaged expansion of the offshore renewable energy sector, which is crucially required to meet Ireland’s 2030 climate goals in an integrated and sustainable way. The Bill will largely replace the Foreshore Act 1933, which was designed for very different Ireland where relatively little marine activity took place. This Bill will put in

place a modern marine planning system for a 21st century Ireland. It has been developed to cater for all types of development that range from small slipways to the largest offshore renewable energy project in a way that, most importantly, protects oceans through rigorous environmental assessment.

The new system is based around four key pillars: inclusive forward planning through the national marine planning framework with comprehensive subnational planning; the establishment of a new maritime regulatory agency to be called the maritime area regulatory authority or, as it will be known, MARA, which I have announced will be located in Wexford; development management through a structured sequential consenting system; and robust provisions for investigation, enforcement action and penalties. The Bill provides the necessary legislative tool to set for participatory forward planning, well-regulated development, streamlined consenting and a comprehensive environmental assessment of proposals.

The Bill is part of an extensive range of long overdue marine reform to which this Government is committed. That includes the following: the State's first marine spatial plan called the national marine planning framework, which, following approval from both Houses of the Oireachtas, I established in June of this year and is the existing plan in our plan-led approach; the enactment of the Maritime Jurisdiction Act 2021 earlier in the year, which confirms the extent of our maritime area; and the development or separate legislation for marine protected areas, MPAs.

Following on from the independent expert advisory group report, which was published in January of this year, and in tandem with the review and analysis of submissions received through the subsequent public consultation process from February to July, we have now commenced work on developing a general scheme for new MPA legislation. The development of this legislation will continue into 2022.

I shall briefly summarise the main elements and key features of this very large and complex piece of legislation. The Bill is comprised of nine Parts, 190 sections and 12 Schedules. Further specific detail on each section can be found in the explanatory memorandum that accompanies the Bill.

Parts 1 and 2, which are comprised of sections 1 to 39, inclusive, restate and augment the marine forward-planning provisions of the Planning and Development (Amendment) Act 2018. A high-level marine planning policy statement will guide all marine policies. The first marine planning policy statement was published in November 2019, which outlined the vision for the future development of marine planning and the marine planning system that we are legislating for here today. The policy statement sets out the Government's priorities and informs any reviews of marine spatial plans. I plan on developing a new marine planning statement following the enactment of this Bill to which all future marine policies and plans must have regard.

Ireland's first marine spatial plan, MSP, is the national marine planning framework, NMPPF, which we published on 30 June of this year. It is the State's primary response to commitments under the MSP directive and provides a holistic, overarching policy framework for how we want to use, protect and enjoy our seas while incorporating ecological, economic and social priorities.

The NMPPF brings together all marine-based human activities. It presents our vision, objectives and planning framework policies for each activity while recognising that our biodiversity-

rich marine environment requires and needs robust protection.

The NMPF includes the designated maritime area plans, DMAPs, which are a series of interconnected subnational plans. The DMAPS will augment the NMPF. DMAPS are prepared by a designated competent authority and underpinned by a mandatory public participation statement. DMAPs may be prepared in respect of specific activities for one or more designated groups.

Part 3, which is comprised of sections 40 to 73, inclusive, establishes a new agency to be called the maritime area regulatory authority, MARA. MARA will administer and enforce marine property consents and licences and ensure compliance with offshore development consents. The establishment of MARA is the physical embodiment of this Government's maritime ambitions. It will be transformational in Ireland's marine governance, creating a centre of excellence, independent decision-making and proactive enforcement. MARA will be one of the fulcrums of inter-agency collaboration needed to properly harness and protect our ocean wealth. Once established, it will grant maritime area consents, MACs, and maritime usage licences for specified activities. It will ensure compliance and enforcement of MACs, licences and offshore development consents and assume responsibility for the management and enforcement of the existing State foreshore portfolio of leases and licences. MARA will change the landscape of marine and maritime regulation in Ireland and provide a nexus for inter-agency co-operation and collaboration. It will be the vehicle to ensure we can harness the offshore renewable energy, ORE, potential we have and ensure the long overdue overhauling of the foreshore licence system that has been in place for decades. As I stated, it will be located in Wexford, the constituency of Senator Malcolm Byrne, which I had the pleasure of visiting earlier this year when I made that announcement in respect of Trinity Wharf and the wider Wexford area.

In the short amount of time I have left, I point out that a new property consenting regime is established under Part 4 of the Bill, comprising sections 74 to 109, inclusive. In effect, the maritime area consent considers the person applying and the financial terms of occupation. Granted MACs will govern the relationship between the State and the holder, place necessary obligations on the holder and ensure appropriate returns to the State. MAC holders will have no right to occupy or develop until the public has had its say, the project detail is fully assessed and planning permission is granted. The MAC is merely the gateway to planning and the project assessment and, as such, if appropriate planning permission is not achieved, the MAC terminates.

The next Parts of the Bill are concerned with the permitting of development and activity and the enforcement of same and I will speak on those Parts together. Consent for development and other activities in the maritime area is dealt with in two ways. First, the terrestrial planning permission regime, augmented by marine-specific considerations, will be extended to the entire maritime area. This is done in Part 8 of the Bill. An Bord Pleanála and local authorities will carry out the required planning and environmental assessments of projects in a manner familiar to the public, with all the associated opportunities for submissions and observations. The national marine planning framework will sit at the top of the decision-making hierarchy and all decisions will have regard to the framework. The granting of a MAC is conditional on receipt of planning permission. In short, no one can occupy the maritime space until the project has been fully assessed and the public has had its say, both at plan-making and project stages.

Part 5, comprising sections 110 to 133, inclusive, introduces a new centralised licensing regime operated by MARA.

As regards enforcement, the Bill recognises Ireland's maritime area as a precious and irreplaceable resource and we will ensure that our seas are adequately protected from those who would do them harm. Part 6 of the Bill, comprising sections 134 to 166, inclusive, provides MARA with strong powers of investigation, enforcement and prosecution and allows for collaboration with other public bodies that manage our seas. MARA will be a real force for the State into the future. The Bill ensures that MARA and local authorities have significant teeth when it comes to enforcement in the maritime area. The enforcement provisions set out in the Bill are the first line of defence in this regard.

In conclusion, I cannot understate the importance of this legislation. It is once-in-a-generation legislation that for the first time will properly regulate and protect our maritime area and allow us to harness its value in a sustainable way, creating energy from it and protecting its biodiversity. It will ensure a streamlined approach to planning and enforcement in this regard. I particularly thank the joint Oireachtas committee, of which Senators Cummins and Fitzpatrick are members, as well as others who have put a significant amount of time into this. I look forward to the contributions on Second Stage and the remaining Stages of the Bill. To have the Bill passed through the Houses by the end of the year would be incredibly significant for the Government.

**Senator Mary Fitzpatrick:** I thank the Minister for coming to the House. I feel we are standing very close so I apologise. I do not want to crowd him but this is my allocated seat.

It is a coincidence that the Minister is coming to the Seanad with this legislation today considering the storm that is attacking our island. Our thoughts are with all the coastal communities that are being battered by Storm Barra. Thankfully, we seem to be getting away with it so far here in Dublin. I thank all the emergency services under the command of the Minister's Department for the work they have done and will do.

This legislation is important. As the Minister said, it is game changing in respect of the State's role not only in the protection of our maritime area but also in planning for and developing activities in the maritime area. There has not really been legislation to deal with this issue since the 1930s. We will not be too critical of those who have gone before us but we will certainly adopt a much greater sense of urgency in our business. We are firmly committed to having this legislation passed before Christmas. It is imperative that this House and the Dáil pass it. It is needed urgently. We have huge potential in our maritime area, which is 500,000 km in length or seven times our landmass. The Minister said this himself.

The Bill has more than 250 pages. It has nine Parts and 190 sections. We spent a lot of time at the joint the Oireachtas committee engaged in pre-legislative scrutiny. We appreciate that the Minister and his Department have taken on several of our recommendations. The recommendations strengthen the legislation and do so in a way that will ensure our maritime area is not only protected but also developed to meet its full potential.

I started by alluding to climate change. We all recognise in this House, and it is increasingly recognised outside the House, that we must achieve carbon neutrality by 2050. Ireland is already doing very well in respect of its production of renewable energy from wind sources. Those sources have largely been onshore to date; we have only one offshore farm, off Wicklow. The Government is committed to net neutrality by 2050, but 80% of our electricity is to come from renewable sources by 2030. Considering that it takes about ten years to develop offshore wind farms, we really do need to have a sense of urgency in our work. We need to be very criti-

cal but also constructive in our contributions to the Minister so we can enable him to pass this legislation sooner rather than later. The legislation will establish MARA, which is important. It will put in place the framework for the issuing of maritime area consents, protect those consents and ensure enforcement. These are all planning functions that we take for granted on land, but we are only playing catch-up with our maritime area.

The Government and industry see great potential in the development of offshore capacity. It is our job to ensure the legislation maximises this potential. We need to ensure the State deals with issues concerning infrastructure on land, including quays, so the energy can be delivered for use. The infrastructure must also be developed for other green energy sources. Green hydrogen comes to mind. Who knows what the future will bring?

I commend the Minister on bringing this legislation to the House and on the work he has done. I congratulate everybody in his Department who has contributed and all the external stakeholders who have contributed at the various public consultations. We look forward to the debate and to having this legislation passed before the Christmas.

**Senator Victor Boyhan:** I welcome the Minister. This is a large body of work and complex legislation, as he outlined. I took the time in recent days to look back over the Dáil debates in preparation of some amendments. One might ask why someone would consider amendments before he had heard the Minister speak but the great advantage is we can read the report of the debates in the Dáil and read the various amendments that were proposed. I followed the trajectory of those amendments and saw that most of them were rejected, but listening to the debates and the engagement was an important exercise for me.

I live near Dún Laoghaire Harbour, one of the finest harbours in Europe, and the Minister lives in Malahide, where there is a wonderful marina. Senator Cummins lives in Waterford, where there is great potential around the coast. I recognise the enormous potential of the marine, the water base and the fact we live on an island. As someone who sat on the board of a harbour company for two terms, I recognise the great difficulties we had in bringing people with us and developing the fantastic resource of Dún Laoghaire Harbour. There are now no ferry operations in it and it has, effectively, been wound down. There has been so much leisure, recreation and energy, with the dichotomy and the challenges between planning on land and planning at sea and what comes between the two.

I recall a major dispute over drilling near Dalkey Island that amassed thousands of people coming to public meetings. The issue was rallied around and taken advantage of by certain political activists in the community. I am, therefore, cognisant of the fact we have to bring people with us. People are precious, certainly along the coast. I can speak only of the east coast, because I have more experience of it, but we value this beautiful part of the world, as I am sure the people on the west coast value theirs. There is a great attachment to the sea and to the potential of it, but it is done in a sensitive way.

The only people who have contacted me with concerns about this are the Irish Environmental Network and An Taisce. People involved in the environmental area are very supportive of alternative energy such as wind energy. We need to consider that as well as ensure there will be adequate public consultation and participation, as required by the Aarhus Convention. Everybody seems to be roaring about the Aarhus Convention but when they are asked what it is, they do not seem to know any more than the fact it sounds good. In fairness to these organisations, they have a genuine concern about engagement, the strategic environmental assessment direc-



tive and the obligations of the Aarhus Convention, of which we are signatories.

The Bill needs to provide for reviews of the MAC, which the Minister touched on, and emphasise and ensure the public consultation. That is important and we need to be mindful of it. I will not go over what he said about the new scheme and the four key pillars, which he set out well. It is important we have regard to that. He referred to the introduction of public participation statements, a wholly new development that will go some way to address that issue.

Two issues have been brought to my attention by the Irish Environmental Network and An Taisce. They relate to the issue of judicial review. I have always said, including last week in the Chamber in the context of something else related to planning, that judicial review should be the last resort for anybody. It is prolonged and expensive and, at the end of the day, it does not always serve the engagement in the way in which it should. Nevertheless, it is a right and an exercise people should be entitled to pursue. As the Minister will know from his neck of the woods in Fingal and as I know from mine, in many cases judicial reviews have been successful and have delivered the necessary result. Sometimes they have delayed developments. I am not in the business of supporting judicial reviews all the time, standing in the way or in any way seeking to frustrate proper, sustainable development, which is important to our economy, but people have a right to have a say and to engage. The earlier we can get people into the public consultation process about planning, whether at sea, on land or in between, the better.

It was put to me, in the context of judicial review and MACs, which is covered in Part 4, Chapter 13, that the Government contended throughout the pre-legislative scrutiny and in recent Dáil Stages of the Bill that the consent is not an environmental decision. It therefore does not attract cross protection under the Aarhus Convention from prohibitively expensive costs if litigants lose in court and the automatic right of standing to pursue judicial review for environmental non-government organisations, ENGOs. The ENGO sector is very concerned here as this also flows from the Aarhus Convention. I am advised that the Bill has only provided for standard judicial review loser-pays rules for maritime area consent decisions on the Bill with no automatic local standing for ENGOs. Can the Minister please tease this point out, not necessarily here and now, but perhaps someone might drop me a note as I would like to have some clarification? These ENGOs have asked me about it and I undertook to raise that issue.

They also say that there is a major lacuna in the Bill in respect of providing for the type of key characteristics required by the Aarhus Convention for judicial review of a range of decisions and actions under the Bill. Given the implications of recent rulings in the national courts, there is a risk of uncertainty on costs protection and for those who may seek to challenge such decisions and actions. When they do challenge such decisions, the court cases will be made more complex as, on top of the basic issues in the case, there will be additional layers of argument around costs and protections. This is all around the issue of potential judicial reviews and their protection. I know from the Minister's political party, from the Green Party and others that many people involved in this environmental sector became politicised and joined political groupings because they were activists about their environment, their community and about participation in the first place. That is a legitimate right to engage.

On the whole I support the legislation. We have an amazing resource out here. It is greatly underdeveloped. I have been to ports all over the world and have seen what can be done, not only in developing amenities but also residential development along this wonderful resource. There is a need for the protection of the environment and it is a win-win situation if we get it right and bring people with us.

I have some concerns on two issues. We had 29 recommendations in our pre-legislative report. I noted in the response of the Department and the Minister to Deputy Ó Broin's concerns, they said they had endeavoured to incorporate some of them into the legislation. It would be helpful if we can see a graph of the 29 recommendations from the committee and which or how many of those were incorporated into the Bill. The Minister has acknowledged the important work done by the committee on this legislation and I thank the Minister as one of its members. I know there are other members present. I ask that the Minister might do that in the next day or two as it would be helpful.

On resources, we have planning authorities which are currently struggling, at best, to fulfil their obligations. Many of them do not have the depth, breadth, experience or expertise in maritime engineering issues. We are going to have to tap into and have a pool of resources that planning authorities on the fringes of the coast could utilise. This may not be the case for every local authority. I thank the Minister.

**Senator John Cummins:** I thank the Acting Chairman. I join with Members in welcoming the Minister to the House and thank him for bringing forward a once-in-a-generation piece of legislation. It is a very comprehensive and complex Bill that runs to 259 pages. It is only right and proper that we acknowledge all of the officials in the Minister's Department who have worked exceptionally hard on it, not only over the past number of months but in the previous number of years to get us to the point we are at now.

I am a member of the Joint Committee on Housing, Local Government and Heritage, together with Senators Fitzpatrick, Boyhan, Moynihan and others. We did a substantial body of work and consultation across this Bill at pre-legislative scrutiny stage. We engaged with as many stakeholders as we possibly could in the context of the time-sensitive nature we were facing with this Bill. I know from reading through large sections of the Bill that many of our recommendations have been incorporated in it. I acknowledge the Minister and his officials for that. As regards the potential of our coastline and marine ocean economy that Senator Boyhan referred to, in 2019, Ireland's ocean economy had a turnover of €5.8 billion, supporting 31,000 full-time jobs. Marine-related industries directly contributed €2 billion in added value. There is no question that our diverse maritime resources have the potential to expand over the coming years with the passage of this legislation, not only in the area of seafood, fishing and ocean tourism, but in particular, in our offshore renewable energy capacity. In that context, I ask the Minister, in his concluding remarks, to speak to the limited number of MAC applications pertaining to the seven relevant projects, which currently have the potential to provide 3,000 MW of energy. The industry would argue that there may potentially be a drop-off in terms of what can be provided with those seven relevant projects. Others that have progressed along the various stages thus far may be able to step in to fill that void if that occurs. I am wondering, in terms of that transitional period, if the Minister plans to make provision for some other projects over and above those seven relevant projects.

I think it is important, as the Minister acknowledged himself, that the system is based on four key pillars: inclusive forward planning through the national maritime planning framework; the establishment of a new entity in MARA; development management through a structured sequential consenting system; and robust provisions for investigation, enforcement, action and penalties. With all four of those pillars working in tandem with one another, we can get the best result for everyone in terms of our whole ecosystem, the protection of the diverse ocean area that we have, and also in providing for the enhanced harnessing of that vast resource.

The Minister stated that our ocean is seven times larger than our landmass, amassing 5,000 sq. km. It is enormous. For the very first time, we are going to have a fully comprehensive piece of legislation to deal with everything within that area. It is vast. When we were dealing with our planning strategies for Ireland in terms of the national spatial strategy and the national planning framework, we were only talking about what was on this island. What we are talking about here is a vast swathe of the ocean.

I am not going to labour the point any more. I commend the Minister for bringing in the legislation. In his response, I ask him to talk about projects over and above those seven relevant projects, and to clarify if there is capacity to expand our offshore renewable energy in the transitional period. I am very conscious that it will take time to establish all of the processes. There is a fear that we will not reach our renewable energy targets out to 2030 if we cannot enhance that.

**Senator Róisín Garvey:** This is an historic Bill. I think it is about 90 years in the making, but it is historic to get it to this stage. I thank the Minister for his work and my colleagues in the Seanad who sat on the committee chaired by Deputy Matthews. Deputy Matthews has been working night and day on this Bill. We have not seen him because he has been working so hard. He has met with every NGO in the country a ridiculous number of times. The NGOs have played a huge part in this Bill. Many of the NGOs have expertise that we do not have as politicians. I wish to thank the Irish Whale and Dolphin Group, Coastwatch, the Sustainable Water Network and the Irish Wildlife Trust. It is very important. The Bill makes me very happy. We have worked with everybody, including officials and the NGO sector. This is a good Bill. It is very complex and this is why so much work went into it. We fought for this in the negotiations for the programme for Government. People often challenge us by asking why we went into government, or they say that we should not have done this or that. This makes me proud to be in the Green Party and proud of being part of this coalition Government.

This Bill was so needed because now we can look at our waters which, as previous Members said, cover seven times the amount of land we have. We really had no idea what was going on in it. Apart from great people such as Dr. Simon Berrow and Mr. Ken O'Sullivan who made have made amazing documentaries about our sea creatures, we had very little clue as to what was going on. Now we will have to find out properly because if we do not know that, then we cannot decide where our offshore renewables can go. This is important legislation because up to now we have been fumbling around in the dark and we have not moved fast enough on renewables because we have not had this legislation, the research or the expertise. I believe we should give more money to the NGOs, especially if they have very good marine biologists. These are the experts we need. Sometimes the NGOs are put under a lot of pressure to contribute to this debate but there may only be four or five people working in an NGO. That can be difficult and, therefore, we should value it. If we have experts in ecology working in the NGO sector we should fund them and hire them to help us with this research. There is a great deal of work to be done with regard to the Bill so that we know what we are dealing with.

Separately, there is the marine protected areas Bill, which will be amazing. People will be relieved, because who does not love a dolphin? Everybody wants to get this right, from a teenage girl to the older man who has watched dolphins all of his life. We all care about the oceans. This 90 years-a-coming Bill, and the next one to follow, will finally enable people to have trust that we are doing it right and that we are doing the right things in the right place.

I thank the Minister. The Bill sets out how we are going to meet difficult targets on emis-

sions reductions and the transition to clean energy. The biodiversity of our oceans is so amazing and gives so much as well as enabling carbon sequestration. One whale can take in 5,000 tonnes of CO<sub>2</sub> in its lifetime when the whale dies it still holds onto it. They have huge part to play and we have been undervaluing them as just lovely things, but we were not taking them seriously and the value they bring.

I thank the departmental officials, some of whom I see here today, for the significant work they have put into this and the briefings they gave to the committee. The committee did a very good job and listened to lots of submissions. There was a suggestion that the committee would recommend that marine protected areas should be part of the Bill. This is partially true. The committee did suggest that marine protected areas should be part of the Bill and the same recommendation also provided that the marine protected areas provisions should continue in the parallel legislative process, which is under way at the moment as the Minister outlined. It is good that they are separate because marine protected areas is such an important issue it would be wrong to put it under this Bill, which is already quite complex. If we are to take marine protected areas seriously, we would want a separate Bill. It is good that this decision was made.

The Bill before us is large and complex. It comprises a series of provisions in the marine and maritime area. In recent months there has been the national marine planning framework, a document that went through extensive public consultation and a large stakeholder involvement group. This was not something we turned out overnight. If we clock up all the hours, it was thousands of hours, and not just by civil servants and politicians; the NGO sector and the public at large engaged on a daily basis. This has been grassroots fed.

The recent Maritime Jurisdiction Act 2021 sets out the boundary of our marine area. This is massive and comprises seven times the land area at 500,000 km. There have been concerns around marine protected areas and I share some of those concerns. Why would someone not be concerned? We would be mad not to be concerned about marine protected areas because currently we do not have any. It is great now because we have come such a long way in one and half years. Let us look at where we are now. We are getting our Maritime Area Planning Bill, we are getting our marine protected areas Bill next year and finally we will be able to move safely to knowing where the right places are to put the renewables. When I think of offshore wind, I think that it is great for our carbon emissions, but that we had better put it into the right place. Those concerns can now be alleviated with this Bill and the future Bills we bring. There are also special areas of conservation, special protected areas and natural heritage areas in our waters. These are not generally designated under planning but are designated under EU directives such as the habitats directive and the birds directive, as enacted through the Wildlife Act 1976, as amended. We do not designate these. Through the legislation on marine protected areas, we will designate marine protected areas. That is really important and it is why it is so important that it be a separate Bill.

There will be a consenting process before we see many of these developments in the sea. That is key. We have a fear of the big oil and petrol companies switching to renewables, coming in and taking over our seas and putting developments wherever they want. That is the concern people in the NGO sector have because we have had experiences like that in the past. That is why this is a historic day. We should celebrate this Bill. Of course, people will always give out, moan and complain but today is a very positive day for this Government. I am proud to be part of it and I am proud of this Bill.

**Senator Fintan Warfield:** I am here to moan, complain and give out - shock horror. While

Senator Garvey was speaking, I was reminded of looking over the edge at Loop Head in her home county of Clare. I looked down at the Atlantic and watched the whales for hours. That is a nice thought on this day.

I commend everyone in the Department who worked to prepare this mammoth Bill. I have never held a Bill so big. I commend the Oireachtas joint committee for all of its work, which I have been briefed on. I will start, as others have done, by acknowledging that the Bill is very complex. It will define all planning applications for an area seven times that of the State for 30, 40 or 50 years. This legislation has to ensure that the competing demands of biodiversity, our coastal communities and our fishing communities are balanced in a way that protects biodiversity and the interests of our coastal communities and fishermen and fisherwomen. It must ensure the greatest level of public participation in all aspects of planning. If we strike that balance correctly, the desire we all have to see significant progress in this area can be fulfilled.

On that point, we need robust consultation with our fishermen and fisherwomen. They are not opposed to offshore wind turbines or offshore energy generation but we all understand the historic failures they have had to endure and put up with. There is distrust there, as we all can appreciate.

I will turn to section 6, which relates to the marine planning policy statement. It says “the Minister shall from time to time prepare and publish in accordance with this section a statement [...] in relation to maritime planning by the State in the maritime area”. Am I right in saying there is to be no public participation or input from sectoral organisations in the preparation of that policy statement? In his speech, the Minister said that he plans on developing a new marine planning policy statement following the enactment of this Bill. Will he address that concern? It was also raised by my colleague, Deputy Ó Broin, on Second Stage. He suggested that this could be in conflict with Article 15(2) of the Constitution and our obligations under the Aarhus Convention.

I will now turn to section 7(1), which states “the Minister may, at any time, prepare and issue marine planning guidelines to public bodies”. Will any such guidelines be mandatory? Are they essentially directives? Does the Minister accept that there is a dire need for consultation and Oireachtas involvement in the issuing of such ministerial planning guidelines?

I will now turn to section 17, which relates to the requirements of maritime spatial planning. This section states “The Minister shall, not later than six years after the existing [national maritime planning framework] was first published, carry out a review thereof”. Six years seems a very long way down the tracks. The best practice is that a review would take place within a year or shortly thereafter so why is the national marine planning framework review taking place six years afterwards and not much sooner?

Part 3 deals with the establishment of the marine area regulatory authority. The Minister in his comments indicates MARA is the physical embodiment of this Government’s maritime ambitions and it will be transformational in Ireland’s marine governance, creating a centre of excellence, independent decision-making and proactive enforcement. Will the Minister give us assurances about the level of staffing needed in MARA and how that full independence that he mentioned can be assured? This was mentioned by Senator Boyhan.

I know my colleague, Senator Boylan, will touch on the lag between the planning regime and marine protected areas legislation. I thank the Minister and his officials. This is a balancing

act in protecting biodiversity and the interests of our coastal and fishing communities, as well as the need for the greatest level of public participation and consultation.

**Senator Rebecca Moynihan:** The Labour Party supports this Bill and we welcome its intent and the various matters it addresses. As many Government Members have said, this Bill is 90 years in the making, particularly with regard to the pressing need to stop delaying the development of large-scale renewable energy capacity such as wind farms. It is also about protecting our biodiversity.

Green Party Members have a motion tomorrow night relating to the Antarctic. I never thought I would end up having to read so much about the Antarctic but what is coming through very clearly in the research I have been doing is the ability of marine protected areas to absorb carbon and how important it is to be able to protect biodiversity within oceans in not just meeting our renewable energy targets but our natural carbon sequestration targets.

In the past year and a half or so we have been in this Chamber on many occasions discussing how land could be best used and protected. Our maritime area is significantly larger and it is very welcome we are now giving proper consideration to the importance of our maritime area as a means for transport, industry and, most important, the critical area of meeting climate action targets and decarbonising our economy. On that I pay tribute to the members of the Oireachtas joint committee and particularly the officials in the Department and interested parties, who have produced such a comprehensive technical Bill such as this. It is important.

The Bill provides a groundbreaking legislative framework for a new streamlined development consent process for activities in the maritime area, including offshore renewable projects. This is a welcome development when there is ever-increasing interest in the development of our sea areas. It is certainly necessary when our sea area is seven times the size of our land mass. This Bill is vital to develop a clear strategy for marine areas long into the future. We are, of course, an island and we have one of the largest seabed territories in Europe.

We could also not continue to put off the required legislative and planning changes to provide for the development of renewable energy sources, including offshore wind. For us to have the ability to upscale our renewable energy production, particularly in the area of wind, we must have properly equipped planning authorities and a clear framework. This will allow us to scale up while protecting our coastal communities and marine habitats. We can only achieve our climate action targets and protect the future of everyone coming after us by taking drastic action. Central to this is a dramatic increase in our reliance on renewable energies and we have the potential to become one of the world's leaders in this area, particularly in wind energy. The potential for this is enormous and we can all agree that it is likely to be integral to the future of both our economy and our life in the country itself.

A fit-for-purpose regulatory and legal framework is the only way we can achieve these ambitious goals while ensuring the protection of our maritime biodiversity and the future of our coastal communities, both in terms of jobs and community benefit. It is vital that this is done correctly. Every time land-related legislation comes before this House, we see how important the Planning and Development Act 2000 is and how integral it remains. The same will be true of this legislation. Much like the 2000 Act for land, this Bill will determine how we treat maritime planning long after most of us will have left this building. Like any area of planning, public participation is key. One of the areas that has come up in pre-legislative scrutiny of this Bill has been public participation and how the public is engaged with the Bill and with plan-

ning our maritime areas, particularly around marine protected areas. We must ensure that areas due to be designated as MPAs are protected in the interim period between the passing of each Bill. We must strike a balance between the development and protection of biodiversity and of communities while also acknowledging the need to be able to use our seabed. That is the same whether on land or at sea. We support the Bill and appreciate the work done by the Department on very complicated legislation. I pay tribute to everybody who has succeeded in getting this comprehensive Bill this far. We want to engage progressively to ensure that we get the best legislation for our coastal communities and for the future of our country.

**Senator Malcolm Byrne:** I congratulate the Minister, his officials and the Oireachtas joint committee on all the work that has been done. The legislation is long awaited. It is really important for our coastal communities. It is important for the protection and achieving the potential of our oceans and seas and for the roll-out of wind energy. It is particularly important, as Senator Casey and I have raised with the Minister previously, to develop wind energy along the east coast in consultation with coastal communities. I particularly welcome the decision to establish MARA in Wexford. It is an appropriate location at Trinity Wharf, Wexford. The acronym MARA is quite apt given the association with the sea. However, I have occasionally pictured the Minister in the Customs House exclaiming, “Mara” from time to time as he looked to set this up. It is key that we have an authority that has the necessary powers in place. He mentioned that the enforcement provisions would be strong. I echo some of Senator Boyhan’s concerns, however. It is essential that we have the necessary expertise and staff to ensure a strong regulatory agency.

I will make a couple of general observations on the Bill. This is replacing the Foreshore Act 1933, which was steered through the Oireachtas by a similarly visionary Minister, Seán Lemass. One of the key themes of that Act was the prevention of coastal erosion. Coastal erosion continues to be a major problem around the country and it will be important for this new authority that regard will be had in respect of any activity that happens at sea for the impact it will have on our coasts.

A number of colleagues spoke about the importance of research and education in this area. Some excellent work has been done by the Marine Institute. We need to invest a lot more in education on the importance of biodiversity in our seas and on their potential. On the ecological, economic and social priorities to which the Minister referred, there has to be a role for MARA working perhaps in partnership with the Marine Institute in educating the wider public. Whether that is built into the purposes of MARA is another matter but somebody needs to take that on board.

I welcome section 114, which provides that decisions will be made with on licences normally within 30 days or receipt of all required information. Regardless of the decision, being able to ensure that it is made within a fixed period provides certainty. It will be essential we have the necessary staff to do that. I hope the maritime area regulatory authority will have a preplanning process similar to the local authorities, where its staff will work with those applying for licences to ensure the process remains as streamlined as possible.

I wish to raise a specific issue regarding membership of the authority. I note section 48(1) (d) excludes members of local authorities. Similarly, under section 62(d), if one is elected or co-opted as a local authority member, one cannot become the chief executive. That is discriminatory. It is wrong that local councillors are excluded from membership. If they have a particular expertise in the area and all other things being equal, for example, if a person is a marine

biologist and happens to be a councillor, there is no reason that person should be excluded. I can understand Members of the Oireachtas being excluded from membership because of the direct impact on legislation. There seems to be a habit of excluding local authority members from membership, which is wrong. Under section 54, certain individuals who are licence holders and so on are correctly excluded from membership of the authority. Interestingly, even though councillors are excluded from membership of the authority, the Bill provides for a member of the City and County Management Association to be nominated. As reflected in the word used, the person is not a nominee but a “representative” of that body. If one is a member of an authority, one should be on it not as a representative. I ask the Minister to reconsider the constitution of the board. I do not believe local authority members should be excluded from it.

**Senator Seán Kyne:** I welcome the Minister to the House and congratulate him, his Department officials and the members of the Oireachtas joint committee on their work on this comprehensive and complex legislation, which I warmly welcome. Coming from a coastal community and having seen the potential for offshore wind energy, I appreciate the enactment of this legislation will be extremely important.

The Minister mentioned the Foreshore Act 1933. Is it being replaced in its entirety or only sections of it? That Act would have dealt with issues such as foreshore acquisition and an issue that may or may not have crossed the Minister’s desk, that is, seaweed rights and harvesting. Seaweed is an important asset to coastal communities in my area and, in terms of research, it may have the potential to gain even more prominence as a food additive for cattle.

The first national maritime planning framework was published in 2019 and it will be renewed every six years thereafter. I welcome that and also the establishment of the maritime area regulatory authority. Senior planners in a local authority would always have dealt with the most complex and more important planning applications. It is important that experienced people are recruited to MARA.

Will the requirement to have designated maritime area plans over-complicate the process? Will they delay the delivery of projects? For example, if an application is submitted before a designated maritime area plan has been prepared or is under consideration, will that plan have to be enacted first?

Níl a fhios agam ach b’fhéidir go bhfuil deiseanna anseo d’eagraíocht Stáit cosúil le hÚdarás na Gaeltachta mar go mbeadh sé in ann plean a ullmhú do Chuan Chasla i gConamara, mar shampla, agus go bhfuil deiseanna ansin ó thaobh fuinnimh in-athnuaite i gceantar Chonamara ansin.

It is stated local authorities will examine all other applications within their own designated nearshore area extending a maximum of 3 nautical miles from the shore. In terms of islands, which may be further than 3 miles from shore, is it 3 miles from the island? The Minister might provide clarification on that and that local authorities will ensure compliance with planning permission conditions within their nearshore areas. Local authorities will still have roles for some of the work but the larger projects and those outside the nearshore area will be under the jurisdiction of MARA.

Section 78 deals with fees to be paid to MARA.

*2 o’clock*



In terms of clarity and projects awarded a maritime area consent or the equivalent planning permission, will the maritime area regulatory authority be collecting development contributions under a local authority-type scheme or will a local authority be able to collect those development contributions, which would be very valuable to certain local authorities? Are rates payable on these projects? They are multimillion euro projects and I imagine rates would be levied. Again, they would be very important as a long-term source of funding for local authorities. Where a project is delivered off the coast of Galway, will Galway County Council be able to collect rates on that? Of course, there is engagement. Sometimes the cable might be coming on shore in another local authority. For example, a project off Galway could see a cable being brought on shore at Moneypoint. Could we get clarity on that?

The next issue concerns projects that have been granted relevant status prior to this. About seven projects were granted relevant status in May or June of 2020. I received correspondence that there are some concerns about the lack of flexibility for projects that were planned a decade or more ago. This relates to section 101(1) regarding relevant maritime usages. It had been interpreted as permitting the Minister to permit a MAC for the usage originally applied for as part of the foreshore lease application process. However, it now seems there is a geographical limit on the area in respect of which a MAC can be provided that is restricted to the area in respect of which a foreshore lease was granted or where an application was made. There are issues here with regard to projects that received relevant status but had not applied for a cable route pending confirmation of their connection status. Will they be covered under this? Perhaps the Minister can look at this area.

**Senator Timmy Dooley:** I welcome the Minister to the House and thank him, his Department and the joint committee for the tremendous work they have done in bringing this really complex legislation before the House. Notwithstanding that many of the contributions are about the potential for development at sea, we must understand that the purpose of this Bill is the preservation and protection of our seas. This State has been somewhat lethargic in reaching this point in terms of setting out a very clear plan, and the Minister has identified the other instruments that are proposed, to protect the ecological and biodiverse systems that are such a part of our ecology. This must be the core of this.

Married to the necessity of protecting and preserving our aquatic life and the tremendous resource our seas provide not just to our country but to the climate and globe generally are the opportunities for development we hope can be done in synergy and in sync with the necessity of protecting and preserving those resources. I am very conscious of the potential for offshore wind energy capture and, in particular, the potential for floating offshore wind energy, which is well recognised notwithstanding the climatic conditions of today. There is real potential for the capture of offshore wind energy off the west of Ireland - Galway, Clare and Kerry to name just three where there is real potential. I am hopeful the provisions of this Bill will streamline the capacity of those who seek to invest and capture that wind energy and that the process by which permissions and licences are granted is relatively straightforward.

I thumbed through the Bill in some detail and attempted to understand all the provisions. Because of the complexity of the Bill and its size and scale, I am somewhat concerned. I think those who propose to capture wind off our shores are also somewhat concerned. The Minister knows the difficulties we have in terms of advancing large-scale infrastructural projects and the unwieldy nature of our planning system. I am very much a believer in a robust planning system. I believe there are things that should not be granted planning permission but I recognise there should be a relatively straightforward process for critical and key infrastructure. There

should be a relatively straightforward process for that. There are on occasion some disingenuous objections that do not benefit anybody. We need to ensure that where the greater good of the country is concerned, we should be in a position to move forward without getting it tied up at EU level or through continual iterations of cases through the courts. I would be mindful of that and hopeful it will not emerge in the passage of this Bill or in putting in place the infrastructure and the structures behind it.

The next phase will be for the Department with responsibility for energy to take a much more proactive approach to capturing wind off the west coast of Ireland. There are proposals to look at the east coast in some of the bids that are under way. There is not only real potential for the capture of wind off our western seaboard on those floating systems but, because this is relatively nascent technology, there are also opportunities for us to develop hubs of activity here that will be in the early stages of this sector. If we can be the pioneers of this floating offshore wind capture, there will be opportunities far beyond just the capture of wind. There are opportunities for job creation, the development of skill sets and the production of some of the technology that can be exported from there. It is a matter of acting as a counterpoint to the shift we have seen over a number of generations away from the west and towards the east because of the changes in the way in which people live their lives. There are real opportunities there. I am hopeful the Bill sets out a clear pathway - I think it does, from my reading of it, but I am not an expert in this area - for those who have ideas and the capacity to put in place this large-scale electricity generation infrastructure and that, where it is not appropriate, they will not waste their time or be dragged into an ever-decreasing circle that gets us nowhere.

**Senator Lynn Boylan:** I welcome the opportunity to contribute to the Second Stage debate on what others have called once-in-a-generation legislation that will define all planning applications for an area seven times the size of the State's landmass. I know the relevant committee has spent a lot of time getting into the details of the 245 pages and 181 sections of the Bill. I wish to focus on just a number of key areas I am concerned about.

First and foremost is the progression of the Bill while we do not have legislation on protected areas. Sinn Féin has always argued - some would say "moaned"; it is called the democratic process - that legislation should have been done in parallel with this legislation. We cannot have a situation in which our marine habitats and biodiversity are left with the scraps after the offshore wind projects. I have seen presentations and heard commentary outside of this House by environmental organisations and people who are interested in wind about how Ireland could be exporting wind at a level that would see us as the Saudi Arabia of wind generation. While I absolutely want Ireland to be ambitious with our renewable energy targets, we also cannot forget that there is a hierarchy when it comes to climate action. At the top of that is to reduce the demand for energy in the first place. We cannot continue to grow exponentially in a finite world, and it is essential we address both crises at the same time, that is, the biodiversity crisis alongside the climate crisis. Biodiversity should not be the sacrificial lamb to climate action.

In addition, as Senator Moynihan said, some of the most important carbon sinks we have are in our marine environment. Apart from them warranting protection in their own right as species that share this planet with us, cetaceans, especially whales like baleen whales and sperm whales are enormous stores of carbon and a fundamental part of the marine ecosystem, and we know that exploration for offshore wind impacts on those species. In addition, 40% of all CO<sub>2</sub> produced is absorbed by marine phytoplankton. That is four times what the Amazon does.

Section 21 addresses protected marine sites but only the existing sites, which are a minus-

cule part of what needs to be designated in Ireland's marine. I would like to hear from the Minister what interim protections there are in the Bill. Could we not include at least the proposed protected areas also?

I want to raise concerns regarding section 6 and the marine planning policy statement. It seems this will happen without any public participation from sectoral organisations, academic experts or the wider public. I question whether it is in compliance with the Constitution and the Aarhus Convention. I am sure the Minister does not need reminding of the provisions of the Aarhus Convention. It includes the right to participate in certain environmental decisions and the right to challenge certain environmental decisions. My concerns regarding the Bill's compliance with the Aarhus Convention are not limited to section 6 but also section 7 and the references to judicial review in sections 105 and 107 to 109, inclusive, of the Bill.

Access to justice is a core pillar of any democracy. We are seeing an increasing narrative that people are seeking judicial review from a vexatious point of view. Let us not beat around the bush. A total of 68% of judicial reviews are rejected. This means 32% are accepted by the courts as having merit to be heard. While the courts are not the best place to be making complex planning decisions, people's access to justice should not be restricted. We are on dangerous ground if we are questioning those accepted for judicial review. It strays into the grounds of questioning the independence of the Judiciary. The best way to reduce challenges and delays is to transpose EU directives correctly and to be in full compliance with the Aarhus Convention. All the evidence shows that if we involve the greatest possible participation of public and sectoral interest at the earliest point in the process, we will speed up delivery and encourage people to feel they have ownership and are part of the process. What is the Minister's rationale for a six-year interim review? International best practice is to have a review after one year.

**Minister for Housing, Local Government and Heritage (Deputy Darragh O'Brien):** I thank all Senators for their very considered contributions. I welcome the support of all parties and none in the House. It is very important legislation. I will deal with some of the issues on Committee Stage. We might be able to deal with them in a little bit more detail then. I have taken notes of all comments made.

Section 6 of the Bill has been amended to reflect public participation and to allow for it, which is very important. Senator Boyhan participated in the committee, along with Senators Moynihan, Fitzpatrick and Cummins. I will provide a grid of the suggestions that were taken on board during pre-legislative scrutiny and that are now part of the Bill.

Let us be clear about this. We have to move on with the legislation. If people want to find or create an issue that does not exist and use it as a reason not to proceed that is fine but it is for them to reflect on in eight, nine or ten years' time when we have not met the climate targets we have set. I profoundly disagree with the comment that biodiversity is being sacrificed at the table of climate action. That makes absolutely no sense whatsoever. The Bill is about protecting our marine environment. Effectively, it creates one big marine protected area first because it will regulate what happens in our maritime area. If people watching this debate did not already know, they will now know exactly the size of it and that it is seven times our own land mass. Everyone has alluded to it.

Protecting marine areas is very important. We are doing this and the legislation is happening. Some in the Opposition, and this happened in the Dáil also, try to use this - if the House will excuse the maritime analogy - as a red herring to delay this really important legislation.

With the passing of the Bill and the establishment of MARA, we will ensure that our total maritime area is regulated. Let us not lose sight of this and let us not tell coastal communities or stakeholders that it is any different because it is not. I speak as someone who represents a coastal constituency where I have lived my whole life. I have immense regard for it, as do all of us. We want to ensure our maritime area is protected and enhanced, the loss of biodiversity we have seen in our maritime area is reversed and the valuable resource is harnessed in a structured and sustainable way. We will be able to generate energy for our people into the future in a sustainable way to reduce our reliance on renewables. If anything, people should have been asking why this was not done sooner. I genuinely commend my officials on the work they have done with the Oireachtas joint committee and all Opposition and Government members of the committee on their input into this. Now is the time to pass this Bill, to establish MARA and to put in train the regulatory authorities.

I will deal with some of the issues raised, including the idea that we should wait. We had detailed public consultation on MPAs, and we needed to do that. The Minister of State, Deputy Noonan, and I were heavily involved in getting that done. We are moving through with that legislation. The idea that we should wait for a designation has been raised. The Government is responsible for committing to the MPAs covering 30% of our maritime area. This was not sought by, as far as I could tell, any members of the Opposition parties in that space. We are doing it.

**Senator Lynn Boylan:** Maybe following the EU.

**Deputy Darragh O'Brien:** We need to move on and do it. That is what this is about.

I will deal with a couple of the issues that were raised. Public participation is really important. Section 6 of the Bill has been amended to reflect that.

On the resourcing of MARA, I updated the Cabinet today on the establishment of the regulatory authority. An implementation committee will start in my Department in January. We have a budget of €2 million. We intend to move ahead with the appointment of a chairperson and an interim board, and to advertise for a CEO as well. I want MARA to be established in a skeletal form so that we can build upon it by the middle of 2022. That is what we are moving towards. I refer to the advertisements of those posts and the expertise required because it is very specialised, particularly on the planning side. It will take some time to get the right people, frankly, so we need to move on that and it will grow organically.

I take on board the points raised by Senators. We will deal with them on Committee Stage and Report Stages, which I expect to be taken on Thursday and Friday of this week.

Senator Kyne asked about the elements of the foreshore licensing regime currently operating that will be left. This Bill will effectively replace the Foreshore Act 1933 by taking everything out of it and putting it into MARA. The only exception to this is the piece relating to aquaculture, which is with the Department of Agriculture, Food and the Marine. My view is that this piece should be under the remit of MARA. That is being worked through with the Department of Agriculture, Food and the Marine at present. In the short term, so as not to cause any difficulties in the area of aquaculture, it will be retained within the Department of Agriculture, Food and the Marine. I believe that having one licensing authority for the marine is what we need. Effectively, about 90% to 95% of all the other functions under the 1933 Act will come under the remit of MARA, with that sole exception.

We are providing in the short term for the Minister, Deputy Eamon Ryan, to be able to approve MAC applications in the interim period. Therefore, we can potentially move some of the applications that are already in the planning process along because it will probably take until January 2023 before the agency is fully incorporated, but it will be set up next year. We will have a CEO, a board and a chairperson.

I understand Senator Malcolm Byrne's point about the exclusion of certain groups of individuals from being part of MARA. I will take that point back. One can consider how local authorities will interact with MARA and that elected representatives will not be involved in planning decisions *per se*. I know the Senator has asked why we would pick on councillors, in that sense. We are not really, but I take his point and we will explain it in a bit more detail-----

**Senator Victor Boyhan:** It will be planning led.

**Deputy Darragh O'Brien:** We will explain it in a bit more detail.

**Senator Malcolm Byrne:** But if a county manager is to sit on the-----

**Acting Chairperson (Senator John McGahon):** Let the Minister speak.

**Deputy Darragh O'Brien:** I take the Senator's point, absolutely.

I have already dealt with the area of judicial reviews and public participation, and I will go through that in more detail. Applications that are currently within the system, under the current foreshore arrangement in my Department, will continue there and will conclude there. It will be for new applications coming through.

It is important for our coastal communities and the country as a whole that they know they have a Government that is prioritising the maritime area and reversing the decrease in the richness of the biodiversity of our seas and oceans and they can see that we are serious about doing all that. We are going to have one streamlined regulatory authority to do that. We are going to do what all generations in this country want, which is to make sure we have the secure, sustainable, clean and green energy that we need. We do not have the luxury of waiting around and having continuous debate in that regard. That is why we must move forward to get MARA established. It will send a very clear signal to those who wish to invest in offshore renewables, be that offshore floating wind energy off the west coast, as mentioned by Senator Dooley, and the other options that will be there. It will be very clear where people need to go because the current process is complex and difficult to get through. It can be difficult for potential investors, in some instances, to figure out exactly what they need to do. Now it has been very well received that there will be a streamlined regulatory and planning system in place in Ireland. There is vast potential for this country to be a world leader in this space and I think that is what we all want.

In conclusion, I thank every Senator who contributed here. There were a number of other queries, which I will get to later in the week. I will supply additional information as best I can in advance of those debates. I thank everyone for their support for this legislation. I look forward to Committee and Remaining Stages later in the week.

Question put and agreed to.

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

**Senator Seán Kyne:** Next Tuesday.

**Acting Chairperson (Senator John McGahon):** Is that agreed? Agreed.

Committee Stage ordered for Tuesday, 14 December 2021.

*Sitting suspended at 2.22 p.m. and resumed at 3.30 p.m.*

### **Covid-19 and the New Measures (Enterprise, Trade and Employment): Statements**

**An Leas-Chathaoirleach:** Fáilte romhaibh a chomhghleacaithe tar éis an lóin. Is cúis áthais dom fáilte a chur roimh an Tánaiste chuig an Seanad. Tréaslaím leis as an gceannaireacht agus as an tiomantas a thugann sé ina Roinn agus sa Rialtas ina iomláine. Táim buíoch go bhfuil sé féin i láthair chun éisteacht le tuairimí na Seanadóirí. The Tánaiste is very welcome to the Chamber. We salute his leadership and commitment within his Department and the Government. I am personally delighted, as are our colleagues, that he is here to listen to this important debate with us and to hear the views of Senators. I invite the Tánaiste to address the House.

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Leo Varadkar):** I thank the Leas-Chathaoirleach for the opportunity to speak about Covid-19 and the recently-announced new restrictions. This is only my second time to address the Twenty-sixth Seanad. I am pleased to do so, and look forward to doing so again soon.

When I spoke here last, in April, we were reopening the economy after a very difficult start to the year following the very severe Alpha wave. I said at the time that we wanted to avoid a fourth wave later in 2021 and that, this time, we wanted construction, retail, hospitality and tourism to reopen and stay open. Eight months on, the picture of progress is quite mixed. Despite the successful vaccination programme and what seemed like a gradual normalisation of society, the virus is still very much with us and we are now experiencing a serious fourth wave.

The new restrictions announced on Friday, which apply today, were a bitter pill and a bitter disappointment to all of us. They were a body blow in particular for sectors like hospitality, the arts, events entertainment and leisure. For the first time in the pandemic, we are tightening restrictions when the epidemiological situation appears to be improving, when numbers in hospital and ICU have peaked and are falling - or at least it appears that way - and deaths are at a relatively low level, thankfully. We are now outperforming even the most optimistic models presented to us only a few weeks ago. This is due to the success of the third dose vaccine programme. We expect that 1 million people will have received their third dose by the end of this week. We have a robust test and isolate programme. More tests are being carried out every day than at any time since the pandemic began. We also have effective non-pharmaceutical interventions, NPIs, such as the wearing of masks.

When making decisions we did so based on strong public health advice and three concerns in particular: first, the certainty of increased social mixing as we approach Christmas and the impact that might have; a flu season that we did not experience last year but expect to experience this year and, of course, our immunity to the flu has waned as a consequence of social distancing; and, particularly, uncertainty about the Omicron variant. The public continues to play a really positive role in the fight against Covid-19 by embracing the vaccination programme and responding to public health advice. That resolve will be crucial in getting through the winter ahead.

Since the outbreak of Covid-19 here in March 2020, the Government has sought to save as many lives and as many livelihoods as possible. The evidence indicates that we are doing well on both counts. Our number of deaths per million is among the lowest in the EU while our vaccination rate is among the highest. That is not a coincidence.

We have sought to keep workers connected to their employers and on the payroll. We have sought to help businesses survive through a robust and sustained programme of financial support from the Government. The Department of Finance estimates that we will have spent €48 billion to support businesses and workers by the end of 2022. This is the largest intervention by the State in the economy since the bank guarantee but it is a much better one.

The main schemes such as the employment wage subsidy scheme, EWSS, the Covid restrictions support scheme, CRSS, and the pandemic unemployment payment, PUP, compare very well internationally. We have extended these schemes well beyond their original end dates. We will continue to provide assistance where and when it is needed. This was evident on Friday when we announced a package of financial interventions for the hospitality, events and entertainment sectors. The package includes three options: an enhanced CRSS scheme for the affected sectors to supplement existing EWSS payments - and I anticipate that the Minister for Finance will be able to announce the details tomorrow; an extension of the targeted commercial rates waiver at least until the end of March next year; and an extra €25 million from the Covid contingency fund applied to the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media, in particular to assist the live entertainment, arts and performance sectors. As Senators will be aware, the PUP has also been reopened for workers who lose their jobs or have lost their jobs as a result of the newly announced restrictions.

As I said, the Government will step in to assist when and where it is necessary but we must do so in a targeted way. Some parts of the economy and, indeed, the economy in the round are performing extremely well. It is our responsibility to help those sectors that are not. Thankfully, we can afford to do so and I would argue that we cannot afford not to.

From the point of view of my Department, more than 100,000 restart grants have been paid out to businesses during the course of 2021. Where existing schemes did not reach certain businesses, we designed new ones to fill the gaps with *ad hoc* programmes such as the small business assistance scheme for Covid, SBASC, and the events sector Covid support scheme. There will need to be another round of the latter scheme given the most recent announcement and the impact that will have on the events sector. Other Departments acted similarly with special schemes for transport, aviation, the arts and sports among others.

Although they are not as well known and are not talked about much, Enterprise Ireland, IDA Ireland, InterTradeIreland, Údarás na Gaeltachta and local enterprise offices, LEOs, have all provided funding to businesses since March 2020. For example, the not so well known sustaining enterprise fund has approved €206 million in non-repayable grants and loans thus helping to sustain approximately 30,000 jobs in businesses ranging from engineering to construction, to food and to consumer retail. We also introduced a range of new loans to help businesses respond to Covid-19 and Brexit. For example, 7,700 loans have been drawn down under the State's largest ever loan facility, the Covid-19 credit guarantee scheme, totalling more than €500 million. We are extending the scheme for at least another six months by way of an amendment to the Social Welfare Bill due to be enacted this month. I am sure the Seanad will be happy to support this. The Department is also carrying out a review of our most popular and oversubscribed loan scheme, that is, the future growth loan scheme, with a view to a new

loan product to replace it in 2022. It is a little-known fact that almost one third of all lending to business is now Government-backed in some way.

Many people predicted a tsunami of business closures when the pandemic first hit in early 2020. Thankfully, that has not transpired, at least not yet. In the meantime, we have reformed the law in this area to help as many businesses as possible to survive. Earlier today, I signed an order commencing the new small companies administrative rescue process, SCARP, legislation. I thank the Minister of State, Deputy Troy, for spearheading this initiative and the Senators present for their speedy consideration of the Bill earlier in the year. From today, small and micro companies have access to a new restructuring and rescue process mirroring examinership but in an administrative form. It is designed to be cheaper and faster than the court-sponsored examinership system and, taken together with the range of grants and loans available, should save viable businesses and jobs that would otherwise have been lost.

When the Government published the economic recovery plan in June, I stated that we were going to go for broke by backing business to ensure our economy could recover lost ground quickly and exceed pre-crisis employment levels by 2024. Five months on, the strategy is working. The economy is rebounding strongly. Employment figures released last week show that more than 110,000 people returned to work in the third quarter of the year. Encouragingly, employment is up in every region and every sector. A smooth recovery, however, is certainly not guaranteed, and the announcement last Friday of the reimposition of some restrictions is a reminder to us all in that regard. It is a setback and we need to acknowledge that, but the economic recovery plan is not just about recovery. It is also about the future, enabling workers and businesses to make the green and digital transition.

Later this week, I will launch the climate toolkit for business with my colleague, the Minister for the Environment, Climate and Communications, Deputy Eamon Ryan. It will provide businesses with a tailored assessment of their carbon footprint. This complements initiatives such as the new green for micro scheme and the lean for micro scheme which benefit businesses through cost savings, improving resource efficiency, reducing environmental impacts and enhancing competitiveness and productivity.

We will be doing our best to help businesses to adapt and plan for the next decade, especially the digital transition. This will include a new €10 million digital transition fund to increase digitalisation of all businesses across products, processes, supply chains and business models and initiatives to help to upskill workers.

The economic recovery plan is also about building a more inclusive economy, with fewer barriers to employment and better conditions for employees. We have already seen the benefits of remote and flexible working. It opens up a range of possibilities for rural Ireland, with less commuting and fewer barriers to employment, particularly for people with caring responsibilities - including, but not exclusively, many women - and those with disabilities.

In the near future, I will be publishing draft legislation on the right to request remote work. This complements the work already done under the national remote work strategy, such as the introduction of the new code of practice on the right to disconnect. The legislation on the right to request remote work has taken longer than I anticipated, but there is good reason for this. New rights are being created for the first time in Ireland and our extensive stakeholder consultation has illustrated the breadth of issues on which we must strike a delicate balance.



The House is aware of the actions I am taking to improve workers' terms and conditions, including a further increase in the minimum wage, due in January; the introduction of statutory sick pay, which is currently under consideration by the committee; the move to a living wage; the protection of tips; and a review of collective bargaining and the industrial relations landscape in Ireland.

At the moment, we are finalising legislation giving effect to Ireland's first statutory sick pay scheme. The Oireachtas committee's pre-legislative scrutiny report is awaited and we will progress the Bill as soon as the report is received.

Earlier this year, I asked the Low Pay Commission to examine how Ireland could move towards a living wage and to make recommendations on the best and most suitable approach in an Irish context. I am awaiting that report and hope to bring proposals to the Cabinet in the new year.

In October, I received Government approval for draft legislation to protect employees' tips and give customers transparency in respect of how tips are distributed and what happens to the service charge they pay. We should be able to enact that legislation in the first half of next year. I aim to do so before the summer recess. I do not have time to mention all the reforms we are pursuing in the Department and across government but I am confident they will lead to a substantial improvement in the terms and conditions of workers, without damaging business or the wider competitiveness of society.

I am conscious that many businesses are really struggling and that some will be struggling for some time to come. Therefore, we will sequence these reforms appropriately over the next few years. The most important workers' right is the right to work, and I do not want to do anything that might cause businesses to fail or workers to have their hours reduced or to lose their jobs. I look forward to hearing Senators' contributions and to responding to their questions later.

**An Leas-Chathaoirleach:** I thank the Tánaiste for his comprehensive address, which should give rise to an interesting debate. I appeal to colleagues to stay within time because there is a long list of speakers. If they exceed the time, we will end up with Members who will be unable to contribute at the end. Group spokespersons have eight minutes each.

**Senator Garret Ahearn:** I am sharing my time with Senator Maria Byrne.

I welcome the Tánaiste to the Chamber and thank him for attending. I am conscious that as we speak, there are businesses right across the country that are closed not because of Covid measures but because of Storm Barra. It is a really difficult time for businesses today. This will possibly be the case tomorrow. They are extremely worried about that. In that context, about a year ago the Tánaiste and the Minister of State responsible for the OPW, Deputy O'Donovan, set up a humanitarian support scheme for businesses that were not able to secure insurance at the time. Will there be such a measure after the current storm? The Minister responsible for housing was speaking in this Chamber some hours ago about this matter. There is a case for another scheme, depending on how it goes over the next 24 hours.

I welcome the Tánaiste's contribution. The number of measures introduced in the past year and a half is phenomenal. There are two sectors on which I want to focus: hospitality and tourism. Over recent weeks, and certainly in the past two months, businesses in the hospitality sector, such as pubs, restaurants and hotels, have been really worried about what will happen

at Christmas. There was almost a feeling that it was inevitable that they would be closed over the winter months. When the announcement came last week, many of the people I have spoken to were reassured that they would be able to continue and keep staff employed over Christmas. The sense I get from employers, in particular, is that they really appreciate the support that has been given to the sector over the past 18 months. The EWSS, the CRSS, the online trading voucher, the rates waiver, which has been welcomed for the first quarter of next year also, and the restart grants are among many measures put in place to support businesses. Businesses say that if it had not been for those supports, they would not be operating.

Many hoteliers, including those from Minella Hotel in Clonmel and the Anner Hotel in Thurles, have got on to me to outline their concerns. They say their occupancy rate over Christmas will drop to approximately 27%. This is a huge reduction. The hoteliers expect an occupancy rate of 5% to 8% in January and February. Therefore, there will be considerable worry over the coming months. While hoteliers welcome the announcement made last week, they have some requests. It will take time for them to see the results of the new measures that are being introduced, particularly under CRSS, to support them in keeping on their employees. Some of their requests relate to the EWSS and the qualification criteria. It has been requested that businesses that are eligible in December be allowed to requalify for EWSS supports in January. On the CRSS supports, hospitality businesses have requested that the criteria include automatic qualification for CRSS supports if they qualify for the EWSS. Many hotels have asked me to argue that the weekly cap on CRSS payments should be set at €25,000 to ensure that large hospitality businesses will not be disadvantaged by the scheme. The hotel sector is the lifeblood of many rural towns. It is the heartbeat of everything that happens and there is a strong knock-on economic effect when hotels are performing well.

On tourism, there many tour operators, including golf tour operators and other small businesses throughout the country - I am thinking of one I know in Cahir, Tourwise - that create two, three or four jobs. They get the EWSS, which is very beneficial to keeping people employed. During 2021, however, a scheme was set up through the European Union, namely, the Ireland-based inbound agents, IBIA, business continuity scheme, to support businesses when it was clear that few or no tourists were going to be coming into the country. A total of €10 million in funding was provided by the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media. As I think we are going to be in the same position next year, perhaps that scheme could be used again next year for these businesses. Their base has reduced by 99.6% and 93%, and a scheme like that would be very beneficial to keep them going.

**Senator Maria Byrne:** I welcome the Tánaiste to this very important debate. I thank him and the Government for not being found wanting over the past 18 months with their support for businesses. As I hear every day from businesses in my neck of woods in Limerick, many of them would not have survived if not for the supports that have been put in place. As the Tánaiste said on Friday last, while we do not yet know the full extent of the Omicron variant and what people face, the correct decisions had to be taken by the Government even if they will have a knock-on effect on hospitality and tourism.

Another sector that has had a knock-back in terms of its revenue falling is that of travel agents. They have had a tough time over the past 18 months. My understanding, and I have heard it from people in the industry, is there was a very positive meeting as late as yesterday relating to the supports. I spoke to one small business owner who employs 45 people. They said there is talk that they will have to be down by 50%. When I talked to them and colleagues of theirs, they said many of them are down by 46% or 47%, not quite 50%, but that is because they

have driven their own businesses by taking steps such as offering takeaway or selling vouchers, which has helped to increase their revenue. Could the 50% figure be examined? It is crucial. While 50% seems a lot for a small business, if they were down by 46% or 47%, many of them would not be open if not for the supports. In the example of a small business I gave, that would be 45 jobs lost.

Finally, it is very positive that people who lost their jobs will be supported. These supports are to be welcomed and the announcement relating to rates will be of great benefit. Costs are increasing, not least because of the change to the minimum wage, which I welcome, as are costs relating to insurance and so on. The pause in the collection of rates for the first three months is certainly the correct message.

**Senator Sharon Keogan:** I welcome the Tánaiste. The Government's reaction to the Omicron variant makes a mockery of the idea of living with Covid. It slapped restrictions into place based on zero data, when the ink on the newspapers reporting the variant's mere existence was not even dry, and the panic machine swung into overdrive. Common sense and critical thinking have not made their way into decision-making either. Covid-19 certificates have been required for indoor dining since their inception. If additional restrictions are being reintroduced for these settings with the return of table service-only in bars with a maximum of six people to a table, with no multi-table bookings, that means that the Covid-19 certificate is not preventing the spread of the virus in them.

What does the Government do with these certificates? It expands them to gyms and leisure centres. Because we have developed the system we might as well use it. Does it work? Who knows? Who cares? We do not have the data on its effectiveness as a measure or on the effectiveness of practically any Covid-19 measure that the Government has introduced, no matter how often it is asked for this in this House or the other House.

It is goodbye to nightclubs again with 50% capacity for events which I am sure will make them uneconomic the unfeasible for many venues and artists to actually host or perform. Of course, since these venues are technically allowed, full supports do not have to be given to them.

The panic machine slapped tests back on to the menu for travellers in order to be seen to be doing something when it has been known for more than a year that community transmission is where effective protection begins and ends and no level of border policing will prevent the presence of Omicron in the country. This has been based upon, well, nothing really. The Minister for Public Expenditure and Reform has described the new measures as precautionary in nature saying that they will be lifted if the Omicron variant does not meet our worst fears. Is that really where the Government is at? Blanket restrictions have been imposed on the country based on our worst fears, which, of course, will never be realised.

The worst fears of NPHET has never been realised over the entire course of its time in the spotlight, despite the worst-case scenario depictions being the ones given all of the media attention. In fact, many times we did slightly better than the scenarios labelled as "optimistic", not that many media figures point that out. Those fears will be shown to be falsely based yet again with Omicron. Dr. Angelique Coetzee, chair of the South African Medical Association attested to this even as she identified the variant. She said that it was unfortunate that Omicron had been hyped as: "this extremely dangerous virus variant with multiple mutations" and that even unvaccinated patients with it "had only shown mild symptoms and recovered fully without hospitalisation". Even as the science on the ground explicitly stated Omicron's presence was

no reason for panicking, NPHET, the Government and the media decided, as they always do, to collectively lose their heads. I hope to God that the words of the Minister, Deputy McGrath, are true and that these restrictions will be lifted swiftly once we gain an accurate depiction of Omicron's profile.

The White House chief medical officer, Dr. Anthony Fauci, said that the signs of Omicron are encouraging regarding its severity based on the data that suggests that it may not be as bad as initially feared. A report from the South African Medical Research Council released last Saturday suggests that the strain could cause a milder infection. The main observation in the report was that most patients were not oxygen-dependent and most patients in Covid-19 wards were incidental Covid-19 patients having had another medical or surgical reason for admission to the hospital. A young fella, for example, breaks his leg, pops into the hospital after three days and develops a bit of a scratchy throat. Just like that, he is another young person hospitalised with Covid-19.

I digress as we are here to focus on trade and employment. It is very simple. Impacted businesses should be given the full supports they were ever given and this should not be seen as a case that lockdown by any other name should lead to this not happening. I would rather that those supports were not needed and that the businesses in our sectors that have been hit the hardest were not being asked again to take one for the team.

Finally, on the reintroduction of the PUP, this payment has been a lifesaver for so many workers who have been precluded from earning a living. It is also the case that there have been problems with the system even though that has been unpopular to point out. It cannot be the case that the Government is incentivising unemployment. I would appreciate it if the Tánaiste could address the systems that are in place to avoid situations whereby an individual may choose the PUP over employment.

*4 o'clock*

Surely the Tánaiste can recognise that these restrictions in no way reflect any semblance of living with Covid? Instant recourse to economically-stifling measures is a blatantly unsustainable practice. Deputy McNamara put it best in the Lower House last week when he asked when is the end. Covid is not going to disappear overnight. If one cannot vaccinate 100% of the population, we will still have Covid in this country. What is the solution? Where is the plan? What we have now is no plan at all. The constant uncertainty for business and the cost of these restrictions is real money for SMEs. There is an uneven distribution of responsibility in the economy. Companies and businesses have huge HR issues and face mixed messaging and a lack of leadership. There is a massive gap between employees who are fearful and those who are revelling in further restrictions. It is okay for our bin men to empty our bins or for others to stack our shelves, but it is not okay to attend places of work. This creates massive inequality between people in different types of employment. We must get serious about living with Covid because we have put living on hold for long enough.

The Tánaiste is the Minister for Enterprise, Trade and Employment. The current restrictions are in place until 9 January. I ask the Tánaiste to give a commitment here today that both Houses will be recalled should Omicron prove not to be as serious as initially thought, so that the restrictions can be lifted during recess. Recess runs from 17 December until mid-January. I would like the Tánaiste to make that commitment today. If we are needed back in the Chamber, we should be brought back.

**Senator Ollie Crowe:** I welcome the Tánaiste to the House. I wish to welcome the comments from the Government in general that these new restrictions can be removed quickly if we gather more information and data on Omicron and it emerges that it is not as threatening as originally feared. The Tánaiste, in his contribution, set that out.

We are all aware that the hospitality and live entertainment sectors have been hit harder than most throughout the pandemic. Unfortunately, that continues with the introduction of further restrictions today. Even prior to the restrictions being introduced, the public health messaging was having a severe impact on the sectors. I am sure all Members have been made aware by local business owners of how many events and Christmas parties have been cancelled and the general reluctance among people to go out and socialise. This is traditionally the busiest period of the year for businesses in the hospitality sector. It is this month that allows businesses to survive the quiet January and February period when very little happens. What is most important now is that effective supports are implemented as the sector seeks to get through this. As has been outlined, the Covid recovery support scheme, CRSS, currently requires a 50% fall in the income from 2019 levels for businesses to be eligible. This leaves the vast majority of businesses incapable of claiming support at a time when they desperately need to do so. For example, the owners of the Pilot Bar and restaurant in County Sligo stated yesterday that their income is down 40% compared with 2019 levels. With the changes to the employment wage subsidy scheme, EWSS, their wage bill now makes up 58% of turnover. Naturally, anyone who has ever run a business knows that a wage bill of 58% of turnover is not sustainable. The situation is not good.

I say to the Tánaiste that the situation of the owners of that business is not unique. There are businesses up and down the country that are operating under similar pressures and facing uncertain futures due to the crisis that are not of their own making. If we want these businesses to survive and if we want to offer them the chance they deserve to rebuild, we must provide them with the supports to do so. When the decision was made to reduce the EWSS at the specific point in time last week, it was done on the assumption that there would be no restrictions in place. Unfortunately, the situation has altered since then and there are restrictions in place now. I think there is a broad understanding of the need for the Government to respond appropriately to changes during the pandemic, but when that is done, we must counter restrictions by providing supports for businesses that are impacted. The Government has stated that it will provide specific support measures for impacted sectors. In that respect, the criteria for the CRSS should be reduced. We must allow more businesses to claim support. The current criteria, which requires a 50% reduction in income from 2019 levels, should be altered to 25%. This would allow a greater number of businesses to claim the support they require.

One aspect that has not received much attention, or perhaps as much as it deserves, is the impact the pandemic has had on the loss of experienced staff, again particularly in terms of the hospitality and live events sector. Certainly in Galway city and county, a very large number of businesses have told me how many experienced and knowledgeable staff they have lost since March 2020. This is understandable because staff want certainty in employment. I put it to the Tánaiste that more than 250,000 people are working in the hospitality sector, as he is well aware.

I have also raised the mortgage issue with the Minister for Public Expenditure and Reform, Deputy Michael McGrath. There is an issue when it comes to couples drawing down mortgages if one of them is an employee working in the hospitality sector and if that business is receiving the wage subsidy scheme. This causes significant concern for people applying for a mortgage

to try to get onto the ladder for the first time. We need to look at this.

People may not want to work for business where, due to external events, they may have to reduce their hours at short notice. In this context, I am referring to chefs, managers and front of house staff. Employees who are essential to the business are not easily replaced. During a pandemic these skilled and capable people are being offered greater certainty in other industries and, understandably, they are moving to those sectors. In Galway city, the medical device industry is employing a huge number of staff. While this is welcome, it is leaving the hospitality sector really struggling for chefs, managers, and front of house staff. There is an issue there and we need to take it on board. When such staff leave, these businesses are losing years of experience and know-how, and any new employee, no matter how capable, simply cannot replace this. It is not an issue for today or tomorrow but it has a long-term impact on the businesses. I suggest to the Tánaiste that we would look at a long-term task force for the sustainability of the hospitality sector. In Galway city, the hotels, restaurants and bars are under enormous pressure.

Members will be aware that at the start of 2021 the Government launched two free programmes that aimed to upskill employees in the hospitality sector. This was welcome and needed, but it needs to be expanded with a broader range of courses to provide employees across the hospitality and live events sector the opportunity to upskill and learn.

Again, as with other Members of the House, I welcome the reintroduction of the pandemic unemployment payment, PUP. I am aware from those I meet every day that nobody wants to go back on this payment again, but it is a welcome step given the introduction of the restrictions. Those who must go onto the payment obviously are doing so at the worst time of year with Christmas just a few weeks away. It is positive the Government has restored the full rate.

I note those places with live entertainment events planned over the next month are in a very difficult position. The sector was just beginning to get back on its feet after an extraordinarily difficult 18 months. As with the hospitality sector, the Christmas period is also the busiest for them throughout the year. I have been contacted by the organisers of shows, concerts and pantos who advise us they have already fully sold out many shows over the Christmas period. They have stated it is not economically viable for them to do shows at half capacity as they would be losing money. The announcement of an additional €25 million is very welcome for this sector. It certainly shows the Government's support.

I have a couple of brief questions for the Tánaiste on the wage subsidy scheme. As a person who operates a business, I am not fully clear about the reduction of 40% from €350 down to €203. I do not understand why it is not sector specific. I believe it defeats the logic of trying to keep people within the sector who have the skill set required and to link the employee to the employer. Can this be looked at again? It would help people to remain in the industry and it would also help people not to go onto the pandemic unemployment payment.

I referred to the problems around mortgage applications. It is relevant because young couples have contacted me where one of the partners is working in the sector. The couple certainly have the ability to get the mortgage, but over the past 18 months it has become an issue. For how much longer will this go on?

I would also ask for a response on the task force to look at the long-term viability of the hospitality sector.

**Senator Róisín Garvey:** Cuirim fáilte roimh an Aire. It is nice to see Deputy Varadkar

in the House again. The Irish people care and worry a lot about Covid. They want to protect each other, as can be seen from our high vaccination rate. They are smart people. They do not need to be forced to do anything. They have embraced most of the public health advice. It is very important that we are very clear as to what we are asking them to do and why. That is one thing that we, as a Government, have failed to do. Our communications have left much to be desired. We have a three-party coalition but we need to speak with one voice on anything we are bringing to the public because the media and the Opposition love to tear us to shreds and divert attention from the important things we are asking people to do. It is important that we have one unified voice because there is sometimes some confusion. This is not necessarily always the Government's fault but, when we see leaks from people in NPHEC or Cabinet, it is no wonder that people get confused. That is one thing I wanted to raise while the Minister is in the House. We need our communications to be much clearer and to speak with one voice as a coalition Government.

I also have a suggestion with regard to the entertainment sector. Millions of euro have been promised to support this sector, which has been shut down only a few weeks after being opened. As Senator Crowe has pointed out, businesses in this sector must operate at 50% capacity. As I suggested to the Minister, Deputy Catherine Martin, we should consider paying performers to perform twice. That way, the two 50% capacity audiences get to go to the event while the performer gets paid twice. I know that, in some instances, it is hoped the performer will do two performances for the price of one but that does not really cut the mustard if these performance fees are their bread and butter. That might be something to do. I do not know if the Minister has fully decided what to do with that money but those performers deserve to get paid twice to perform twice so that the whole audience can be embraced because we all need to be entertained nearly two years into this morbid situation in which nobody has wanted to be.

The Government has done pretty well overall. Loads of money has been thrown at every single sector while trying to figure out the best way to support them. We are a new Government and have never had a pandemic to deal with before so, all things considered, we are doing okay. The mixed messaging does not help. That is not all our fault but the people of Ireland are good at following public health advice. It is also good that we have good figures from the hospitals which show that half of Covid cases in those hospitals are among the unvaccinated 3%. That proves that the vaccinations are having an effect. That is definitely food for thought. Of course, we originally hoped the vaccinations would just stop us getting Covid but, from looking at the figures from the hospitals that feed into the advice from NPHEC, it seems that the levels of ill health among those vaccinated, if they do get Covid, are much less than those among those who have not received the vaccine. That is also something we should be very clear about with people.

I keep hearing that Covid is our fault or that we do not care about people. Everybody in here really cares about the public and public health and wants the economy to recover. However, we are damned if we do open the economy and we are damned if we do not. It is quite difficult. Someone was harassing me on a radio station the other day and demanding to be told whether the schools would be closed in January. I do not have a crystal ball. None of us do. Hindsight is 20/20. Perhaps we could have done things differently. We definitely made some mistakes but, as a Government, we have not done too badly overall. We are a new three-party coalition. Perhaps that is why we need to look at our communications. If one communicates clearly with people, people will understand and do what is being asked of them.

The public health advisers base all of their decisions on physical health. We need to have

some psychologists feeding into NPHEH's advice as well because mental and physical health cannot be separated. We have to be able to convince people that these measures are the best thing for the nation's physical and mental health. We all know that the incidence of mental health issues has increased greatly as a result of Covid. As I said earlier, that is not the Government's fault but Covid's fault. However, at the same time, we need to consider the balance between mental and physical health. They are not separate things.

Every time the Government makes a decision, even on very simple things like asking children to wear masks in schools, we have to defend that decision. It was a pity they were told to wear masks only a day before they had to do it. Everybody needs time to adjust. That was a mistake. We should have given people a bit more time. If we are asking people to do things like this, we have to immediately tell them why. Is it because so many cases are coming in that age group? If it is that serious an issue that we are making children aged nine to 12 wear masks, should we not consider closing the schools two and a half days early on Friday week? That would give the schools three full weeks without students in them. If it really is that big an issue in schools, instead of them all working to the half-day on the Wednesday, which is 22 December, perhaps we should consider not sending them to school for those two and a half days. I know they have missed many days already but if it is so serious in schools that we are making children aged nine to 12 wear masks, perhaps we should give schools three weeks off altogether. I might be killed for asking this question, but if it is so serious that we must make kids wear masks, should schools close so we can get three weeks to stop the rise in numbers? Clear communication is so important. The only way we will succeed is if we up our game as a unified voice on what we are doing and why we are asking people to do it. Sometimes I have to go searching for the reasons we are doing something and if I have to look for them, it cannot be easy for the public to find them either.

On a final note, I know we are talking about enterprise, trade and employment. There have been great supports for small to medium enterprises and the Tánaiste has done very well in that respect. I know in the budget there was a promise of good funding for the green for micro programme and for the digitalisation of businesses. I know local enterprise offices have done huge work in getting small businesses online. There has never been a more important time for everybody in the country and all of us as a Seanad and as a people to try, if at all possible, to support local businesses. We might not be able to afford everything locally but we should at least try to make some conscious effort because small businesses support local clubs and sponsor events. They need our money more than any big multinational that makes millions of euro.

I am repeating myself. This time last year I was saying we should not worry about Mr. Bezos getting enough money for his kids to go to Irish dancing classes or whatever but we must worry about our small businesses. It has never been more important for all of us as consumers to buy local. It has been said we will spend €5 billion this Christmas so could we please put as much of that as possible into the tills of small businesses? We should buy green as well because we are in a climate emergency as well as a health emergency.

This has not been an easy time for the Tánaiste, the Taoiseach or the leader of the Green Party, Deputy Eamon Ryan. At the same time, it is up to the three of them to be really professional and clear in their communication, with one voice. It is a really important message that I wanted to get across today. I thank the Tánaiste for his time in coming to the House today.

**Senator Paul Gavan:** It is nice to see the Tánaiste. He is very welcome. To begin I will deal with those new restrictions announced on Friday. I will not play politics with Covid-19



and we should follow the science. I appreciate the fact the Cabinet has moved to provide supports that are very badly needed.

I have a couple of examples for the Tánaiste. I spoke to somebody in one of the major hotels in Limerick who told me ten big nights had been planned over Christmas and that has now been reduced to two. It is a huge impact and we all know many of these businesses are depending on Christmas trade in order to keep going and buy time, effectively, as we head into the new year. I also had the pleasure of being in west Cork a week and a half ago and saw an event there drop from 100 people to 30 people because of uncertainty. We can understand why the uncertainty occurs but it demonstrates again the impact on businesses. There has been a fair degree of frustration because of mixed messaging from the Government but I am not saying anything new in that regard. It was interesting to hear it put to me so strongly by somebody very much of a different political persuasion. It is important we put controls in place.

If people are on the PUP but did not manage to get back into the hospitality business, they would be on a lower payment. Now, if people lose a job because of the most recent announcements, they are on a higher rate of payment. The higher rate is correct but it is fundamentally unfair that one worker would have a reduced payment while another has the higher payment. Sinn Féin has argued for some time, as the Tánaiste knows, that we should maintain the PUP because of the degree of uncertainty out there. I would like to see the Tánaiste address that matter as it strikes me as extremely unfair that one worker could be on significantly less of a payment because he or she was not able to win back a job in the hospitality sector.

The Tánaiste gave quite a thoughtful speech so I want to be constructive and work through some of the key points he raised. I will hone in on the theme of an economic recovery plan and building a more inclusive economy with better conditions for workers. It is a theme I would certainly warm to. I will hit on some of the topics raised by the Tánaiste. The first is the issue of sick pay. It is something that we were promised a year ago. We saw it in the joint committee on enterprise, trade and employment two weeks ago. It was a hell of a long time coming. Given the great crises we have seen across workplaces this year we really should have acted sooner. I am just worried about how much longer it is going to take us to get this Bill onto the floor of the Oireachtas and into law. The Tánaiste might let me know what his timeline is. I can assure him that our committee will not be a delaying factor.

I am concerned that the Bill as currently structured does not specify that move to ten days' leave over a number of years. It basically leaves it up to statutory instruments to bring that into being. I am concerned because that allows wriggle room to row back on the ten days. We have been an outlier on sick pay for an awful long time as the Tánaiste knows, in terms of our European colleagues. It is really important that we get that legislation in place, that it specifies a move to ten days' leave and that we see it implemented, rather than the next time we have a recession some Minister saying we cannot move ahead with it because it would be too risky. Every worker deserves a decent rate of sick pay. It is not something we should have to wait this long for. I would like to get a timeline from the Tánaiste on that point.

The Tánaiste's point about the living wage is welcome. However, so far this Government has moved the minimum wage up by just 40 cent in the first two budgets. It is on schedule to make an increase of just €1 over the lifetime of the Government if it continues at the rate it is going. In actual fact we are falling further behind the living wage, which has moved up to €12.90. The gap has increased under the current Government. What concrete steps is it going to take? We need a step change to ensure that people who work for a living are able to earn a

living. That is not happening for too many workers at the moment. If we are going to build back better, and we often use that phrase, we need to see concrete actions to deliver that. One of those concrete actions is a step change in respect of the minimum wage moving to a living wage. If the Tánaiste has a timeline or plans for how he is going to change matters in that regard, I would really like to hear about them.

I am pleased to hear about the protection of tips Bill. I have been following it. The Tánaiste may be aware that my own Bill is still live. It cleared all Stages in the last Seanad. We really need to make sure the Government gets this right. There is a massive issue with tips in the hospitality sector. One in three workers were not getting their tips in the most recent research. Is the Government going to establish a legal right to tips for employees? That is what needs to happen. That is what my Bill will do. Is the Tánaiste going to deal with the scam that is service charges? There was a lot of research done on this and we know that far too many hotels and restaurants were charging service charges and not passing them on to employees. I need to understand what the legal consequences of the Tánaiste's proposed legislation will be to deal with that issue.

More fundamentally we have an issue in respect of low pay. We have one of the largest proportions of workers on low pay of any state in Europe. Figures ICTU referenced just after the budget indicated that 750,000 employees earned less than €400 per week in 2019, representing 31% of total class A PRSI employees. The budget did nothing in respect of that issue of low pay. If the Tánaiste is talking about better conditions for workers, he must be talking about better pay for workers. I want to understand the steps the Government is going to take to ensure that happens. There is one simple step it could take. I know the social partners, my colleagues in the Irish Congress of Trade Unions and my own union, SIPTU, have stressed the need to establish a statutory right to collective bargaining. If we allow workers to bargain for their pay they will bargain better pay and it will be better for everybody concerned and will be a much more equal and egalitarian society. It was very disappointing to note earlier this year that the Tánaiste wrote to the European Commission asking that the EU directive on minimum wages would not be binding. That directive contains a lot of proposals for increasing collective bargaining across the State. Has the Tánaiste changed his mind in that regard? There seems to be a growing wind of support for that minimum wage directive and I would like to know where the Tánaiste stands on it now. The best way to increase working conditions is to give workers a right to collective bargaining.

My last point has been raised a number of times by me and others. It falls under the enterprise category. We know that no one is safe until everyone is safe in respect of vaccines. We know that we need to see a waiver of intellectual property rights for these vaccines in order to let developing countries develop their own generic versions of those vaccines and get their populations vaccinated. In Africa at the moment just 4% of the population is vaccinated. To be frank, we have heard consistently that the Tánaiste is one of the key people in the Cabinet blocking the waiving of intellectual property rights which in turn is denying people vaccines. The most recent horrifying figure is that we have had 5 million deaths in the developing world because of a lack of vaccines. I repeat that figure, 5 million deaths.

I respectfully ask the Tánaiste to change the Government's stance on dropping intellectual properties rights, allowing those rights to be waived in order that people in developing countries can get access to those vaccines and, hopefully, then we can move to a better stage. Otherwise we will go from variant to variant. It is extremely disappointing to see the Government aligned with big pharma and against the people of the world. Let us be clear, that is what the Tánaiste

and his Government have been doing. I would like a positive response in that regard.

**Senator Frances Black:** The Tánaiste is welcome to the House. It is hard to believe but here we are again, speaking about the reintroduction of restrictions to curb the spread of Covid-19. As we have seen on too many occasions throughout this pandemic, the road ahead is full of twists and turns. It is very upsetting. I recognise the need for the public health guidance and guidelines to help us in preventing the spread of Covid-19 in our communities. I know how important it is particularly as we head into the winter months. We need to move from reactive to proactive decision-making to ultimately provide a greater level of certainty and predictability to Irish society than has been seen throughout the pandemic so far.

As my Seanad colleagues will be aware, I came to politics later in my working life. My true professional background is in music and live entertainment. This is a trade that took me a long time to learn. I dedicated most of my life to it. Like my friends, colleagues and family in the industry, I possess a unique insight about the impact of the pandemic on the lives and livelihoods of people working in music and entertainment. As I noted in the Chamber many times, the music and live entertainment industries have shouldered a greater burden during this pandemic than have most others. There is no denying that. The industry is literally on its knees. If we do not assist the industry in getting back on its feet to provide the support to ensure a long-term vitality and vibrancy, it will be a true loss to Irish society, culture and identity.

Last Friday evening we received word of the latest public health restrictions, many of which are likely to disproportionately impact the music and entertainment industry. Prior to that announcement, however, the situation for musicians and the entertainment sector had already been deteriorating for some time. On 22 October, after 589 days of closure, the music and entertainment sector reopened, albeit with restrictive measures in place. Reopening the industry was not a matter of just flicking a switch. For many people employed in music and entertainment it was a cautious and very measured process. Within a few weeks of the reopening public health advice was updated, encouraging people to reduce their social contacts. The midnight curfew was introduced soon after. Although this did not explicitly affect gigs and shows taking place before midnight, it did have an impact on the public's attitude and awareness and ticket sales reduced immediately and cancellations followed shortly after that. As the weeks progressed, the public health advice became more explicit, in that Christmas parties might be a bad idea, children should not attend seasonal activities such as the pantomime outside school and people ought to spend less time in high-risk environments. The general public headed the public health advice, and rightly so. However, audiences reduced to a point where gigs simply were not viable. At the beginning of last week, gigs, shows, concerts and events were being cancelled across the board. Musicians had their December diaries completely wiped out. The restrictions announced last Friday then formally sealed the fate of this industry for the foreseeable future with the repercussions to be felt well into 2022.

The pandemic unemployment payment has thankfully reopened for applications and workers in this sector who had returned to work in the interim should now be able to avail of this lifeline but the industry and the people working in it need more than a lifeline. We need to show the industry the respect it deserves instead of consistently asking it to take one for the team. Musicians and entertainers have sacrificed their livelihoods for the greater good of the country but the sentiment within the industry now is that musicians and entertainers feel the need to beg to ensure access to the basic supports they have been promised by the Government. This is what really upsets me. The phrase "they will not be found wanting" has been used *ad nauseam* but the lived reality for musicians and entertainers tells a completely different story. I am

inundated with stories from musicians and entertainers contacting me along with other people working in the industry. It is really upsetting.

A young man contacted me yesterday who has a young family and a mortgage to pay and is panicking about Santa Claus and getting presents. He got a phone call to say that his gigs were cancelled coming up to Christmas. One can imagine the anxiety, stress and impact of that from a financial point of view along with the impact on mental health. He went to ask about the PUP. It is degrading. This is a man who is highly qualified and has spent years training to be a musician - more so than college. He had to go in yesterday and ask whether he was entitled to the PUP. He was told to prove that his gigs were cancelled and had to walk back out, go back to his employer, who is also a musician, and ask for a letter proving his gigs were cancelled. It is horrendous. It is so degrading. I remember many years ago when I was a separated mother with two very small children and had to walk in to ask for supports. It is degrading to walk in there. I never went back because I was treated like dirt. That is what is happening to musicians today who are trying to get a few bob to pay their bills. It is shocking. The culture relating to the arts and entertainment industry needs to change from a policy perspective.

In addition to those signed off on the PUP, there are others who have been subject to PUP cuts. Other workers were taken off the PUP and advised to seek jobseeker's allowance or PTSE. Those same workers, who were forced off the PUP, cannot reapply for it. Those who are in receipt of the lower rates and have no work because of the restrictions and the public health advice will not receive the higher rate. The PUP has been the only constant source of income for workers in this sector over the past 20 months, but now even those who adhered to the rules while on the PUP feel they are being punished further. I hear from people in the industry that the anxiety is as bad as it was when restrictions were introduced in March 2020, but the climate today is really different. The pandemic has taken its toll emotionally, financially and mentally and people's resilience is at an all-time low.

The Music and Entertainment Association of Ireland, MEAI, which does a phenomenal job of being the voice for those who have no voice, warned in August that a reopening plan had to find a balance between employment opportunities and financial support. The reopening plan was too optimistic and did not make provisions for the situation in which we now find ourselves. Workers find themselves within three weeks of Christmas with no work and, in many cases, no support so it is imperative that the full rate of the PUP at €350 per week is restored for all workers in the music and entertainment industry who have been affected by these latest restrictions and recent public health messaging. We cannot continue to ask musicians and entertainers to take one for the team. It is time to demonstrate to our musicians and entertainers that we value the contributions they make to Irish life and our culture and identity. They deserve this respect and so much more.

When the Tánaiste was Taoiseach, he attended a corporate event attended by a young musician with whom I worked very closely. The then Taoiseach spoke to musicians for 20 minutes. They could not believe that he went up to talk to them. They could not believe that he took time out of his busy schedule to do this. There were 200 or 300 people at that event. He was the only one to approach them. He knows how to treat musicians and others with respect. All I ask is that that happens from the top, from a cultural policy perspective, and that musicians are treated with the respect and dignity they deserve.

**Senator Malcolm Byrne:** I thank the Tánaiste for coming before the Seanad to take these statements. I share the concerns of others about the impact of the new measures on the tour-

ism and hospitality sector. In Wexford an estimated 9,700 people are directly employed by the sector. Those who run businesses have made it very clear that they are very appreciative of the supports the Government has put in place to ensure that businesses are kept afloat and that people continue to be employed. However, I have been talking to owners and managers of hotels and bars, as have my colleagues here, and they tell me that restaurant bookings, particularly group bookings, are being cancelled, that all Christmas parties and other such occasions have been cancelled and that hotel occupancy is down, partially because there is a fear on the part of consumers of travelling and attending such events. People are rightly being cautious, but that has serious implications for those businesses. Everyone has spoken about how they have played their part. I encourage the Tánaiste to ensure that the EWSS is restored in order to allow those businesses to survive over December, January and February. I hope that we will start to see in the spring a recovery and that the Omicron variant will not be as serious as had been feared.

I strongly endorse Senator Black's comments. There has been enormous sacrifice on the part of those who are involved in the arts and entertainment sector. I will add to her comments by referring to the impact on theatres, specifically amateur and community theatres, and the announcements that were made last Friday. Senator Cummins and I raised this as a Commencement matter this morning. I know that Senator Carrigy and other colleagues have also raised it. I refer to the decision on Friday to reduce capacity to 50% in theatres. People were given literally a couple of days' notice to plan for this change. How can you suddenly decide, for pre-sold shows over the coming months, which 50% will get to attend the show and which 50% will not? Theatres are faced with the financial challenge of either determining that the show will go ahead, thereby losing all the money that has to be refunded to people, or deciding to cancel the show and losing probably an even greater sum. Theatres and venues, for the most part, and pantos and other productions cannot operate at less than 70% to 80% capacity. Anyone here who has been to a theatre recently will know they are among the safest venues you can go to. Your Covid certificate and ID are checked and there is sanitation everywhere. I have had my temperature checked on occasion going into them. It is just completely unfair. It shows a lack of understanding on the part of the Cabinet to simply announce that on Tuesday those decisions have to be made.

I wish to talk about the amateur and community sector. There are also people employed there. We are talking about professional choreographers, directors, set designers and musicians who are employed for all these productions. There are the pre-Christmas productions, which are now in chaos and are trying to do what they can. Equally, as we all know, particularly for panto season, people are looking into January. People are now making financial commitments and they do not know what the situation will be. Certainty has to be provided. In addition, we must have support for those community organisations and sole traders working in our communities. A lot of those community organisations will die if the current regime continues without the necessary financial supports put in place.

Finally, during this period we have seen a technological revolution. There has been a lot more use of digital. It is important we learn from that and the impact it has had on business and trading. I will make two points in that regard. Bank of Ireland published a very interesting survey two weeks ago. It pointed out that, year on year, the increase in online expenditure by teenagers was 184% and by those aged 18 to 25 years of age was 40%. We know there is a lot more use of cards and so on, but there has been a dramatic shift to online expenditure. We have to ensure that our businesses are equipped to be able to avail of that business. The other

big concern I have, and I am not convinced the Government is facing up to it sufficiently, is the area of cybercrime. Last month, Grant Thornton estimated the economic cost of cybercrime last year was €9.6 billion. I know there is a commitment in the national development plan to increase staff in the National Cyber Security Centre from 25 to 70. We know cybercrime is on the rise. Coming out of the pandemic it is essential that we have a national targeted strategy to address it.

**An Leas-Chathaoirleach:** I understand Senator Kyne wishes to share time.

**Senator Seán Kyne:** I will share time with Senators Dolan and McGahon.

**An Leas-Chathaoirleach:** Senators Dolan and McGahon will have one and a half minutes each. It will be great practice for them if they wish to go for the European Parliament.

**Senator Seán Kyne:** I welcome the Tánaiste. I acknowledge the level of spending that is estimated by the Department of Finance that will be spent by the end of 2022, which is €48 billion. This is an astounding amount but absolutely necessary to support these businesses. We must remember of course that it is businesses, workers, entrepreneurs, corporations and everybody who has contributed to them. We are able to borrow this from the European institutions on the basis of our good name and reputation and the work we have done to balance the books in recent years.

As we all have, I have been approached in recent days since the announcements were made in the middle of last week, and even after the supports were announced last Friday, by hoteliers, restaurateurs and those involved in the hospitality sector in particular. They are considerable supports through the enhanced CRSS, the very welcome waiver of commercial rates until the end of March and the Covid contingency fund. We understand the reason behind the decision not to restore the EWSS payments to pre-November rates but there is concern. I am sure the Government would have preferred a sectoral approach because it would have been simpler. It would certainly be easier to explain and would provide the certainty necessary for these very important sectors. Businesses in Galway city, Connemara and elsewhere in Galway knew where they were prior to this and they expected to have a good Christmas period. This has been taken away from them because of the omicron variant. The Government will be continuously reviewing these and I ask the Minister to keep it under review when examining the possibility of changes to the EWSS.

**Senator Aisling Dolan:** I welcome the Tánaiste to the Seanad. I have spoken to retail businesses in counties Roscommon and Galway. They have welcomed the supports over the past year and eight months, particularly the restart grant. It is good to hear about the commercial rates waiver for local authorities until March 2022. Everywhere we see people looking to shop local. There has been an investment of more than €9 million in Roscommon town. A team has been cleaning the brand-new civic square in recent weeks getting ready for Christmas. We need to make the towns in Roscommon and Galway places to live and work with a great quality of life. Today we have had the announcement of Ballinasloe as the first stop in the west on the Galway to Athlone, if not the Moscow to Galway, cycleway. Ballinasloe will be up there on a global setting. At a very basic level, this type of investment in our towns and villages means safe places to walk and cycle in towns with no parks or footpaths. I hope many people are listening to us today. I ask them why not consider moving west and working remotely and having a great quality of life.

Last weekend, Grow Remote in Ballinasloe held a festive heritage walking tour of the town to showcase the region. A local pub, An Táin, was willing to provide hotspots to customers to be grow remote friendly. It is good to hear about the legislation on right to request remote working. Our towns are working hard to attract people to work remotely in their areas. I thank the Minister and we will speak again on some of these points.

**Senator John McGahon:** My whole thing in this debate over the past year is about perspective. I keep using the word time and again. On occasions, perspective is lost in the whole debate. The perspective is that we are performing at the most optimistic levels of where NPHET said we would be a number of weeks ago. The perspective is that this time last year, we did not have the use of vaccines, antigen tests or boosters. I refer to the communication strategy of the Government in recent days. It is perfectly acceptable, and it is the intelligent and smart thing to do, to make sure that those who are in scientific positions in this country are on the same pages as the Ministers and politicians of this country and that there is no confusion. I take this opportunity to say, from a personal point of view, that the irony was certainly not lost on me when elements of the media were criticising the Government for a mix-up in communications, when elements of the media played fastest finger first on Twitter in the past year and a half, which definitely added to the miscommunication and confusion.

**Senator Martin Conway:** Hear, hear.

**Senator John McGahon:** The irony is certainly not lost on me in relation to that issue.

**Senator Fiona O'Loughlin:** The Tánaiste is welcome to the House to speak about this important subject that has an impact on many whom we represent around the country. Despite what a colleague said earlier, there has been absolutely no lack of leadership in relation to the Government. Many difficult decisions had to be made and will continue to be made. The emphasis from the Government and Government parties at all times has been about saving lives and livelihoods.

I spoke to many business owners in south Kildare in the aftermath of last Friday's announcement. While many of them absolutely appreciate the importance and intent of the measure, there is no doubt that they are incredibly disappointed, as of course we all are. I refer, in particular, to the local county hotels that mean so much in our provincial towns, such as The Keadeen Hotel, Newbridge and Clanard Court Hotel, Athy, that are a lifeline and provide employment and tremendous services to the communities within which they serve. This is a complete body blow to such hotels. There is no doubt that Covid is continuing to cause a significant disruption to all our lives but we are as dependent on each other's actions and personal responsibilities now as we were in March 2020.

I am concerned with how divisive and combative the debate and chatter around Covid has become. The Government is doing its utmost to keep Irish people safe while trying to balance economic, social and educational liberties. I know it is a difficult job for the Government to find that balance. The NPHET advice does not leave much room for manoeuvring. No politician wants to be the bearer of bad news but, unfortunately, the Government cannot control the transmission or mutation of the virus and therefore must react swiftly when a new variant, such as Omicron, comes to light. Covid is the enemy; not those who come up with policies and regulations and who try to enforce them. We need to do everything we can to reunite our families, friend and communities behind the implementation of public health advice, be that in terms of vaccination, social distancing or mask wearing. The combative narratives we see and

hear and the negative framing of issues are sowing the seeds of division within our society. We do not need that and it must be tackled. There is a responsibility on all public representatives to do that.

Many years ago, I worked really hard with others to get a county arts centre in Kildare, based in Newbridge and we were lucky enough to have Riverbank Arts Centre established in Newbridge, which is in a central part of our town. It has been devastating, over the past 20 months, to see the lights off and to see it closed. Last Friday night, I was lucky to visit it to see our local amateur drama group. It was a pleasure to see so many people enjoying being on stage and behind the scenes, in addition to many punters like me who were there to support the arts. I know the reintroduction of restrictions is absolutely devastating for this sector. They will need many sectoral supports to remain viable; of that I have no doubt. Senator Black spoke eloquently about the issues and challenges faced, as did my colleague, Senator Malcolm Byrne. The arts have been severely impacted by the pandemic and they represent a fundamental section of our culture. We are proud in Ireland to be home to such a thriving and internationally acclaimed arts sector ranging from singers to dancers, actors, the orchestra and the opera. These people are devastated to see their livelihoods dwindle away once again. Unfortunately, we have heard ignorant comments such as “get another job” or “get a real job”. I want to be clear in the House that we appreciate their phenomenal contribution to Irish society. We are proud that our artistes have chosen to showcase their talents within this country. I, for one, will do everything in my power to represent the arts sector and ensure that adequate supports are made available, thus ensuring there is no brain drain from our arts and culture sector. I speak also about the smaller youth theatres, performing arts schools and local amateur groups.

I commend my Government colleagues, including the Tánaiste, for the swift action they have taken to reinstate financial supports, especially the pandemic unemployment payment. I am glad the PUP is more targeted than it was. I appreciate the adjustments to the Covid restrictions support scheme to support businesses whose trade is significantly impacted. I also welcome the extension of the rates waiver.

Tomorrow is the big shopping day of 8 December. I ask people to shop local because every €10 spent locally is worth €40 in one’s local community.

**An Leas-Chathaoirleach:** The next speaker is Senator John Cummins. It is my understanding that he wishes to share time with Senator Carrigy.

**Senator John Cummins:** Yes.

**An Leas-Chathaoirleach:** Is that agreed? Agreed.

**Senator John Cummins:** I propose that Senator Carrigy and I both speak for two and a half minutes.

I join with colleagues in welcoming the Tánaiste to the House. Exceptional times call for exceptional measures. There is no question that this Government and its predecessor, which the Tánaiste led, have put unprecedented supports in place since the onset of this pandemic. Schemes like the temporary wage subsidy scheme, the employment wage subsidy scheme, the Covid restrictions support scheme, rates waivers, restart grants, the pandemic unemployment payment, tailored schemes like the small business assistance scheme for Covid and the events sector Covid support scheme have been critical lifelines to businesses. They have sustained hundreds of thousands of jobs across the State.



I want to focus on the live theatre and events sector, which some colleagues have referenced. I note the comments made by the Tánaiste in his contribution that further supports will be required in this space. I probably sound like a broken record given that I tabled a Commencement matter to which the Minister of State at the Department of Rural and Community Development, Deputy Joe O'Brien, responded this morning and raised this matter during the Order of Business.

I am very concerned about local producers, not-for-profit organisations and community groups. This morning I referenced the Waterford Panto Society, which has a sold out run of 26 shows at the Theatre Royal, and the producers of *A Christmas Carol* at Garter Lane Arts Centre. These groups have bravely decided to continue with their productions even in the face of a 50% reduction in capacity. Not only do they face a logistical nightmare of choosing which 50% of their audience get to see their shows, they face the substantial losses of €47,000 and €25,000, respectively, as a direct result of the capacity limit. This situation is replicated across the country. I am fearful that if we do not support these local community organisations now they will not exist next year to put on much-loved productions at this time of year. I urge the Tánaiste to engage with his Cabinet colleague, the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media, Deputy Catherine Martin, as I know that he has done already, in terms of supporting these sectors. I am not for one second saying that we should not support the professional sector. Yes, we should but we must support the local community organisations if they are to exist this time next year.

**Senator Micheál Carrigy:** I welcome the Tánaiste and I will read a short excerpt from his introduction. He said:

Since the outbreak of Covid-19 here in March 2020, the Government has sought to save as many lives and as many livelihoods as possible. ... We have sought to keep workers connected to their employers and on the payroll. We have sought to help businesses survive through a robust and sustained programme of financial support from the Government.

After 18 months going through Covid, that is what this Government and the previous Government have done. On behalf of the businesspeople in my home county of Longford, I thank the Tánaiste for his leadership, the support those business have received through the past 18 months and the proposed support for the coming months.

In the past week, there have been many discussions regarding the hospitality sector, including hotels, and the new restrictions that are being proposed. I welcome the supports that have been put in place. On the tourism end of things, the advent of Omicron has led to cancellations by many inbound visitors who had planned to travel here in the coming months. A significant number of schemes were in place to provide financial assistance for strategic tourism businesses such as visitor attractions, outdoor activity providers, coach operators and golf courses. All those schemes are now closed and I ask that the Cabinet consider reactivating some of them in order to have them in place early in the new year.

I concur with the comments of Senator Cummins in respect of theatre and pantomimes. I am involved in Longford's Traditional Panto group. We had sold out shows but are now facing into an extremely difficult period. We cannot access the scheme announced two weeks ago as a result of the requirement relating to a minimum operating cost of €150,000. We are in a very difficult position and are pushing ahead and adding extra shows but we will not break even if we do not receive supports. I support the call of Senator Cummins for extra supports.

Significant supports have been made available in the context of online purchasing in the past 18 months. As Senator O'Loughlin stated, the big purchasing days are coming. I appeal to those buying online in the run-up to Christmas to do so from Irish businesses and to buy local.

**Senator Eugene Murphy:** Like many other Senators, I welcome the Tánaiste to the House. I acknowledge his role, along with the Taoiseach, the Minister, Deputy Ryan, and the wider Government, in trying to assist many people in business and employees in what I have described to the House on many occasions as extraordinary times, not ordinary times.

Before I speak about the hospitality and entertainment sector, despite the difficulties we have, it is very important to acknowledge the financial assistance that has been made available. In the course of three years, €48 billion has been laid out to support various sectors. The employment wage subsidy scheme has provided more than €5.5 billion in payments to employers and employees to date and €877 million has been foregone in PRSI payments. Of course, importantly, the EWSS will remain in place until April 2022. I acknowledge that many of us would like to tweak that scheme for businesses at the moment, but I am sure the Tánaiste might have some reference to make in that regard when he is summing up. As all present are aware, the number of employers on the EWSS has reduced, but it is now apparent that more people or businesses will probably be in need of it again.

Payments to date under the Covid restrictions support scheme have amounted to €704 million. The business resumption support scheme has been significant. Some 32% of registrants for the scheme were wet pubs, while 26% were other bars, restaurants, hotels or other accommodation providers. That reflects clearly the trouble the industry is in. More than 98,000 businesses have availed of Revenue debt warehousing. That is an important point. Several Members have mentioned the rates waiver. I acknowledge the latest announcement by the Government that the rates waiver will now apply for the first three months of 2022. It is very important and significant.

Like Senators Black, Malcolm Byrne and many others, I have grave concerns in respect of the entertainment and hospitality sector. The Tánaiste may correct me on this but I think I have the right figure. I looked up data on this last night. From memory, the hospitality and entertainment sector was worth approximately €5.18 billion in 2018.

*5 o'clock*

That is a very significant contribution to the running of our economy. One cannot even begin to think of the sector continuing to decline. Like Senator Black, I have several links to the entertainment business and have had down through the years. Our musicians and those who back them are in a lot of bother. As others have said, they, along with those in the hospitality sector, acknowledge the support given by the Government, but the reality of the entertainment business now is that nothing will recommence until late spring. Even at that stage, it will involve a whole rebuilding programme and take a long time. We should also remember that the entertainment sector is very much linked to the hospitality sector. Music weekends in hotels throughout the country are worth a fortune to the country and employ many people.

The latest restrictions have cut capacity in half, so it is a shutdown. The EWSS needs to be strengthened again, basically to keep staff. Following the most recent lockdown, many hotels and restaurants found their staff were gone and they had to go hunting for staff again. We cannot allow that to happen again. The capacity limit of six per table means extra staff are needed

in hotels and restaurants. There is to be no service at the counter in hotels and bars and, therefore, extra staff are also needed for this reason.

It is important that through whatever is announced in the coming days, which I am confident will be important, we ensure the EWSS will be back where it was for the coming weeks and months. I hope the new variant will not be as dangerous as was first thought. Maybe we will be able to lift the restrictions a lot quicker than we thought.

All in all, it is a challenging position for the Government. It is important that, in all the debates, we lay out what the Government has done, but there is no doubt that there is a challenge. I am deeply concerned about the hospitality and entertainment sectors.

**Senator Victor Boyhan:** I welcome the Tánaiste to the Seanad. Someone must have sat in my seat because the pen here states, “Vote Leo Varadkar No. 1”. I hope that is not an omen. I did not bring that in here; someone left that here.

**Deputy Leo Varadkar:** It states, “Vote Emer Currie No. 2”

**Senator Victor Boyhan:** Anyway, Miriam Lord might have a giggle about that on Saturday. That is a challenge to her.

The Minister is always very welcome here. It is great to see him here. He is the Tánaiste at the end of the day, and that is important, as is his being present to listen and engage. Communication is a two-way process. It is both internal and external. Sometimes we get lost communicating to each other in this little bubble in the Oireachtas, but the reality is that these are unprecedented times. We must follow the science and expert advice. Let us not rubbish the expert advice. Nobody here wants to close down anyone’s business, nightclub or theatre but we must follow the science and advice.

I apologise for not being here earlier. I was at a meeting of the Joint Committee on Housing, Planning and Local Government. It is important to discuss communication. There has been some speculation on whether NPHE and other bodies will be closed down or restricted in their communication. I do not subscribe to that. It is important, however, that we have clarity of message because the problem is that we are getting mixed messages across government and business and from the health sector. People are right to call into question how we are communicating with the citizens outside this House. It is not an easy task. I do not believe or suggest the Government is trying to close down anyone, but the messaging must be consistent in its clarity. There should be no ambiguity. People are expecting clear and, in many cases, harsh messages in the next few days. They realise that tough decisions must be taken. On the whole, they are with the Government. To be fair, I believe they are. These are difficult times. I am aware of many businesses that are very grateful for the help and very appreciative of the rate waivers. This is important. The assistance is going to keep the businesses barely ticking over but they will hopefully be ready to kick up again and recapture some of their business, support and trade. That is important. Local authorities must pay their bills too and operate their municipal districts. That is important. Local authorities are being compensated through rates, so we need to get that message out.

My message is that we should keep the messages clear. Let us have consistency of message across the tripartite Government. That is a challenge in itself in a coalition Government. My final appeal is to spend more time focusing on youth unemployment, young people who have done so much, and young people who feel isolated and left aside because of the pandemic.

They feel that some have suggested they were signing on for payments, ducking and dodging, and did not want to face work again. That is far from the truth for most of them. They want to be out working and to make a contribution. That is important to note. Young people have been left behind, however. These have been tough times for them. We must never lose sight of that.

I will not allow this opportunity, when we are talking about Covid, to pass without offering yet again a clear message of support to the health workers, the staff who work in our hospitals and services, put out the bins, push the trolleys and care for those who have fallen victim to the pandemic. The victims are sick and, in many cases, fighting for their lives. We owe a debt of gratitude to the staff who have worked in the health services on the back and frontlines for what they have done for our country. None of us in this room takes that for granted. None of us will ever forget. It must always be to the fore of our thoughts and good wishes. The staff in question have put their lives on the line for us.

I acknowledge what the Government has done in reviewing the position of undocumented people who have come to this country, sacrificed so much and left so much behind. Many of them are in our health services and have kept us going during Covid.

I thank the Tánaiste for his time and for engaging with the Members of the Seanad today.

**Senator Martin Conway:** I welcome the Minister to the House. As he knows, there is a storm hitting County Clare now. It is at its peak as we speak. I hope Lahinch will be spared the drumming it got back in 2014, simply because of the €12 million invested by a Fine Gael-led Government in the rock armoury. We are now in a far better position to weather the storm than we were. The lesson is that Ireland is an island nation. Investing in coastal protection is necessary. In this regard, we need to think in terms of investing billions rather than millions of euro to ensure the beautiful seaside resorts throughout the country are protected when conditions deteriorate, as at present. I wish all the people who are now battling the weather the very best.

In Lahinch, the €2.7 million the previous Government provided to Lahinch Seaworld is being spent. I hope we will have a state-of-the-art facility for the people who come to visit the town. The €500,000 the Minister provided when he was Minister for Transport, Tourism and Sport in 2013 saved the facility, which was about to close at the time. Therefore, we have a lot to celebrate. We are now in a better position as we move towards the end of the pandemic, but there are challenges. There are businesses that were established in 2019. A café in Ennis that was established in mid-November 2019 and that was doing exceptionally well now finds that, because it did not open two weeks earlier, it is not getting supports. Some tweaking will need to be done to support those people. They are in a position where they will be operating at 50% capacity. We do not want any business to close. We have provided billions of euro through the EWSS, the PUP and various other schemes that have kept businesses with a sign over the door in order that when we move past this dreadful disease, they will be able to trade, rebuild and contribute to our society with the offering our country gives to both the people who visit us and those who live here. Thousands of businesses are being sustained and will be able to rebuild into the future because of these Government supports.

I spoke to somebody with a business on one of the Canary Islands and he told me all that businesses there got was a waiver of rates. They got no supports worth talking about in the same way supports have been provided for in this country. That was made possible by the prudent management of our economy from 2011 until 2020. Whether people like to hear that or not, if we had not had a rainy day fund or been in a position where we balanced our books in

2019, we would not now be in the position to borrow billions of euro, as we did correctly when this pandemic hit.

We can learn from recent history about how to manage our economy and economic affairs. We do not want to see idle promises in a 1977-type scenario in the course of the next general election and having an awful position after that general election. People must be aware that we could act as we did because our economy was managed properly when Fine Gael was in government.

**Senator Barry Ward:** I dtús báire, ba mhaith liom fáilte a chur roimh an Tánaiste. Gabhaim mo bhuíochas agus ár mbuíochas leis as an méid atá déanta aige ar son muintir na hÉireann, gnóthaí na hÉireann agus tionscal na hÉireann chun tacaíocht a chur in áit dóibh ionas go mbeidh siad ann tar éis na srianta, ionas go mbeidh siad in ann níos mó gnó a dhéanamh, agus an-tábhachtach a bhaineann leis sin ionas go mbeidh an geilleagar in ann teacht chuige féin mar a tháinig le déanaí freisin.

I do not know if the Tánaiste had the opportunity to read the article written by Mr. Stephen Collins for *The Irish Times* last Friday about a book by Mr. Mark Henry called *In Fact: An Optimist's Guide to Ireland at 100*. It is an important article, primarily pointing out how pessimism is damaging our approach to things. The headline is “Narrative of failure has become so all-pervasive that it is a threat to our future”. I agree with much of what was mentioned in the article. Mr. Collins, for example, wrote about a UN study that put Ireland second in the world to Norway in a range of metrics to assess quality of life here. Pessimism has reached an all-time low in the course of this debate, where one Sinn Féin Senator appears to have insinuated that the Tánaiste alone is responsible for the deaths of thousands of people in the developing world, notwithstanding the fact that Ireland is one of the most significant *per capita* contributors of vaccines to the developing world. So let us not start with how bad everything is because we know things are bad. I have people ringing me every day telling me how awful it is just listening to “Morning Ireland” each day because there is nothing but a narrative of negativity.

We have in fact done incredibly well. We have one of the most generous schemes to support businesses, employees and people in general in the European Union, if not the world. This does not mean everything is rosy in the garden or we have done everything right. It does, however, mean we should give credit where it is due for a job well done. I acknowledge that to the Tánaiste in the first instance in this debate, although I agree with other Senators who have raised concerns. I know the Tánaiste is aware of them because I raised them with him personally. In fairness, he has always responded positively and effectively because I know he understands them too.

I recognise that my time is up, so I will conclude by saying that we have made enormous progress and we have in place an incredibly effective system. It is not perfect and of course it lets down certain people. Other Senators have referenced sectors that will suffer in particular. We should also recognise the enormous contribution the Government has made in incredibly difficult times.

**An Leas-Chathaoirleach:** After a record number of excellent contributions, it is my pleasure to call on the Tánaiste to respond.

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Leo Varadkar):** I thank Senators for their contributions. Storm Barra was mentioned at the outset and the

Government has been informed that a number of businesses incurred water and wind damage as a consequence of the storm. Most companies will be covered by their insurance but where companies were not able to get insurance, they will be eligible for financial aid from my Department. We have restructured that scheme, which was previously run through the Red Cross and the Department of Defence; it has been transferred to my Department and it will be run by local enterprise offices in each county. It will be funded through my Department. We will open that scheme in the coming days and certainly no later than Tuesday next week if it is required.

I have heard the comments of Senators today on the EWSS and also from the hospitality and entertainment sectors, where there is a strong preference that we restore the scheme to the rate paid in November. There is a difficulty in this. More than half the businesses and jobs supported by the EWSS are not in the hospitality, arts or events sectors but sectors that have not been affected by the reimposition of restrictions. These include construction, retail, administration and education. Ideally, we would like to make the EWSS sector-specific but the Minister for Finance and the Revenue Commissioners have told me that cannot be done. I told them to double-check that and come back to me as I do not want to find it can be done all of a sudden. The Minister for Finance, Deputy Donohoe, and the Revenue Commissioners are still working on that possibility as it stands. The current advice is it cannot be done on a sectoral basis. We do not want to give most of the money to companies that do not really need it or companies that need to have that financial support wound down over the next few months.

There is a bigger picture here that people should acknowledge. The performance of the Irish economy varies from sector to sector but in the round it has been extraordinary. The budget deficit this year will be a fraction of what we thought it would be. There are 2.4 million people at work in Ireland now, almost as many as before the pandemic. We are facing labour shortages across the economy and more business people are telling me they cannot get staff than the opposite. My Department is facing a major backlog of work permit applications because we have seen a surge in applications for work permits; not only can employers not find staff here, but they cannot even find them in Europe. They now have to go beyond the European Union and the European Economic Area to find staff. That is the broader context in which we operate. We must ensure that if we are to give wage supports to any companies, they go to the companies that need it and not just across the board. That would not make sense for reasons Senators will understand.

If we cannot use the EWSS on a sectoral basis, we will use the CRSS on a sectoral basis to target those companies, businesses and workers that are now adversely affected by these restrictions. We are examining the €5,000 cap, which is far too low for medium to large companies. We get that and we know the EWSS does not have a cap. The 50% turnover rule is not going to work, particularly because of the distorting effect of December. We are aware the figure of 30% was used for the EWSS. The Minister, Deputy Donohoe, is examining all this now and I hope he will be in a position to make an announcement tomorrow. It may require primary legislation but I am thankful the Finance Bill is currently before the Seanad, where it can be amended to provide for such a provision. It may well be that we need to use the Seanad to do this in the next couple of days. If not, we may be able to do it in the new year.

Even beyond that we will need some sectoral schemes. The Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media, Deputy Catherine Martin, and I are working together on a few possibilities, including reopening the live performance support scheme and the events sector scheme, as well as some bespoke tourism schemes. We are making some good progress on that.

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I took note of Senator Keogan's remarks on Covid-19 and I hear what she is saying. I welcome a debate on these matters and I do not like to see people browbeaten in any sort of debate on these matters. We have had to change our mind and strategy with Covid-19 so many times that we should never discount the possibility we might need to do so again. We are all still learning around the world about the right approach to Covid-19. Any country that appears to be doing the best in the world will find that within six weeks it will not be. This tells us we still do not know the right approach to dealing with Covid-19. It is only when the pandemic is over and we can look back at what worked and what did not that we will really know for sure. We are just trying to make the best decisions with the best advice and information available.

The science on this is changing and I try to keep an open mind on such things, facilitating critical thinking on Covid-19 strategies. People may come to me saying they want to impose new restrictions and these may cause a business to close, people to lose their jobs or individuals or families to have their freedom reduced. I will always ask questions. I will always ask for evidence. I will always ask whether there are alternatives. While some people may be critical of me for doing so it is a good thing that we have people in government, and it certainly is not just me, who will ask the questions, look for evidence, ask for alternatives and will need to be convinced of the facts before we agree to imposing restrictions that affect people's lives, businesses, jobs and freedoms.

With regard to the Covid pass and vaccine passes, there is good evidence that they have worked. At the very least they have encouraged more and more people to get vaccinated. I am not sure we would have reached so high a level of vaccination as 93% or 94% were it not for the Covid pass system. There is good evidence that countries that have it have higher levels of vaccination. At the very least, it has worked on this level if it has not, perhaps, been as effective as we hoped in terms of transmission. It has certainly been effective in encouraging people to get vaccinated. We see people who are not yet vaccinated still coming to get vaccinated for the first time and this is encouraging.

With regard to the pandemic unemployment payment, at its peak 650,000 people were in receipt of the payment. This has reduced to approximately 60,000 or 65,000. Nine out of ten people who needed the payment are back at work and it is important that we acknowledge that fact. When it comes to the 60,000 or 65,000 still on the pandemic unemployment payment, most of them for more than a year and in some cases almost two years, we are engaging with them individually to help them with job searches and to offer educational and training opportunities. The Department of Social Protection is doing its job making sure these people are still resident in the country because not all are and making sure people are not working and claiming at the same time. We all know there is a degree of this. Even if it is not a large number it is a number nonetheless. This group is different to those being laid off all of a sudden for the second or third time. This is why a different treatment is being applied.

With regard to 9 January, some Senators expressed the hope that restrictions could be lifted before then. I hope so too but I do not anticipate it being the case. Certainly my message to the industries I met yesterday was not to operate on the basis that restrictions would be eased before 9 January. We probably should not raise expectations in this regard. There are three reasons we have reimposed these restrictions. The first is increased social mixing in the run-up to Christmas, which may increase the caseload. This almost certainly will happen. The flu season is almost certainly going to happen. I hope it will not be a bad one but it will probably happen. There is also uncertainty about Omicron. I am not sure we will be certain about Omicron as soon as 9 January. We need to operate on the basis these restrictions will be in place at least

until 9 January. Generally in our experience with the pandemic when restrictions are imposed they tend to be extended and not reversed sooner than the date designated. This is why we need to bear this in mind. Any time I hear anyone say “it is just for a few weeks” in this pandemic I always ask them how many times they have said that and it has then turned out to be for a few months. This is why we should always make decisions mindful of the fact that what might appear to be a temporary measure can be one that lasts for months and even years. We must always bear this in mind.

Senator Crowe mentioned the idea of a task force on the long-term future of the hospitality sector. This is a good idea. Perhaps we should try to get a clearer picture of where we are going with the pandemic before we do so. It is something we should do in 2022. I hope that 2022 will be the year we move away from restrictions on business and personal freedoms and social life to what is called a vaccine plus strategy. This will use vaccines, the new treatments that will be available, isolating people who are sick, much more testing and we are doing this, more hospital bed capacity and more ICU capacity and we are doing these things, and things such as masks and ventilation. It will be about trying to use all of these together as enough to keep the virus and pandemic under control and, therefore, not having to use restrictions on business or people’s freedoms. I hope we get to this point in 2022.

I want to say there are no plans to close schools early. The plan is to open schools as normal in January. There is an active debate about the mid-term break in October. It seems the mid-term break in October for schools and colleges might have led to an increase in cases. The truth is that when children are in school they tend to only mix with the children in their class, their parents at home and their nuclear family. When schools are out there is an argument that people start mixing, travelling and encountering groups they would not otherwise mix with. It might be better to keep the schools operating until they are supposed to and not bring forward the break for this reason. Obviously there are arguments both ways on this.

On the issue of statutory sick pay, this is a personal priority of mine. One of the things I had the privilege to do as Minister with responsibility for social protection was to introduce paternity benefit and paternity leave. As health Minister I had the privilege of working with Kathleen Lynch to introduce free GP care for children aged under six. I hope in my time in office as Minister for Enterprise, Trade and Employment I will have the privilege to introduce the first statutory sick pay scheme in Ireland. It was delayed. It is not with us now but with the committee. As soon as the committee gets back to us we will get it to the House. I hope it will be enacted by the Dáil and Seanad without delay. I want to phase it in. We need to bear in mind that for many employers, particularly small employers, this will be an added cost. People running barbershops or small shops in rural, urban or suburban Ireland who have a member of staff out sick will have to pay them and their replacement. It does all add up and I want to be sensitive to this and understand this explanation from business. This is why I want to phase it in over time and the intention is to do so. I also need to bear in mind in particular businesses along the Border. We will introduce a sick pay scheme that will pay up to €110 a day. In the Six Counties of Northern Ireland it is £90 a week. South of the Border people will receive more in sick pay in one day than they would get in an entire week north of the Border. This is a risk for businesses along the Border in particular. I appeal to Sinn Féin in particular as it co-chairs the Government in Northern Ireland-----

**Senator Róisín Garvey:** Hear, hear.

**Deputy Leo Varadkar:** -----rather than saying we are not doing enough here maybe to do



the same in Northern Ireland. That might help to take away some of the arguments for a better scheme here south of the Border.

On the tips Bill, the intention is we will have transparency on service charges. Restaurants or anybody imposing a service charge will have to say what is done with it and whether it goes to staff or elsewhere. When it comes to tips or gratuities they will go to staff and cannot be used to make up wages.

On the issue of pay, generally speaking pay across the Irish economy has been rising for many years and rising ahead of inflation. We do not know whether this will be the case this year. Inflation is running at approximately 5%. There are some indications that in the round, and this is not the case for everyone of course, we will see pay increases of between 5% and 7% this year, which is significant. The claim that Ireland is a low-pay economy is a little misleading. If we look at our minimum wage and compare like with like it is one of the highest in the world. Compare what a nurse in Ireland is paid to the pay in Britain or elsewhere in Europe. For gardaí, doctors, cleaners or construction workers generally speaking our pay rates are at the higher level when compared with other countries in Europe and around the world. Yes, if we adjust it for cost of living it does not look so good because the cost of living in Ireland is high. If we then adjust it for personal taxes, which are relatively low in Ireland, it looks a bit better. To say we are a low-pay economy only stacks up based on relativities. This is not because we are a low-pay economy. It is because we have many people on high pay, generally working in multinationals, and this distorts the picture. The claim that Ireland is a low-pay economy is misleading. When we compare like for like it is really not the case.

On the EU minimum wage directive, the Government is broadly supportive of the current text. There have been some changes made that have largely allayed our concerns.

On the issue of vaccine equity and global vaccine justice, I want to state for the record the Government is a very strong supporter of vaccine equity in the world. Morally we need to make sure the world is vaccinated. How did we defeat smallpox and polio? We did not do it in one country, we did it on an international basis. This is what we need to do with Covid also. It is also in our interests to do so. Any country that is not fully vaccinated is a reservoir for potential reinfection. It is the right thing to do even from a self-interest point of view. What is the evidence for this? We have donated 2 million vaccines to other countries. They have already arrived in Uganda and Nigeria. Irish people have been enormously generous through the UNICEF campaign to get a vaccine donate a vaccine. I did it myself. We are contributing to COVAX. The Department and I have consistently opposed export bans. Other countries that have been a little bit preachy recently, such the United States and other European countries, supported export bans. They would not allow vaccines to be exported from their countries. We were always opposed to export bans. Through our aid programmes we are helping in practical ways with refrigeration, distribution, administration and regulation because all those things are necessary in a vaccine programme. I agree that Western governments need to do much more.

We need to remember this is a European competence and not an Irish competence. As part of the European Union, we are very strong advocates of what is called compulsory licensing, which allows governments to license the production of vaccines on a generic basis, whether the pharmaceutical companies like it or not. It could be very useful for countries like South Africa and India, which have vaccine-making capacity, to be allowed to license the production of those vaccines in the plants in their countries, irrespective of whether those companies like it. That is what we, the European Union, support and advocate.

I have an open mind on the alternative suggestion of a TRIPS waiver. I have always said that if we receive a WTO proposal in writing, we will look at it. That has not happened yet. I met the United States Trade Representative, Katherine Tai, and said we would happily look at a proposal if one lands; it has not yet. I believe it is being somewhat misrepresented as a panacea and a bit of a magic wand. The truth is that a TRIPS waiver will not result in a single vaccine plant being built in Mali, Mauritania or Malawi this year, next year or the year after. It takes two or three years to build a vaccine plant which then needs to be staffed and quality controlled.

What is needed is capacity, know-how, qualified scientists and technicians, capital, and experienced medicine and safety regulators. All those things are needed to get the vaccine from the lab into people's arms. That is why it is better to have governments and pharmaceutical companies working together to find a solution rather than trying to create conflicts and turn one against the other. I do not think that is the right approach.

We need a global solution that is comprehensive, intelligent, workable and that does not disincentivise innovation. We will be asking these companies to produce the vaccines against the variants. Therefore, we do not want to disincentivise innovation. Picking up on Senator Ward's remarks, I hope that when we have a debate on these things, it can be a reasoned and factual one. We should not need to question each other's motivations or bona fides, which demeans us all.

I very much agree with what Senators had to say about the arts sector in this debate. Yesterday's meeting with representatives of the sector was a very difficult one. We were greeted with more of a sense of dismay than anger, a sense that certain sectors, including the arts and entertainment sector, have faced one of the longest lockdowns in the world, uncertainty about what will happen next spring and summer, and a feeling that they have been left behind and may be sacrificed to save other sectors in the economy. As I said to them yesterday, when it comes to the hospitality sector, arts, events and entertainment are not to blame in any way for the pandemic; the virus is to blame.

It just so happens that this virus transmits in settings where many people are gathered. Unlike education, healthcare, childcare, food production and manufacturing, these are sectors that public health officials describe as being discretionary activities and therefore can be closed. In many ways they are sectors that are now taking the hit to protect the rest of society. That is why we have a moral obligation to protect them financially and to ensure they can survive and come through the other side.

I find the term "discretionary activity" very hard to stomach because to me and many other people in this House, life without music, sport, comedy, drama, nightlife and festivals, is not a life worth living in the long term because it is culture and sport that makes us human. It makes us feel that we belong and allows us to express ourselves. It allows us to escape, something we really need to do from time to time. It allows us to explore and to engage with people with whom we would otherwise never engage.

We really need to get these sectors open as soon as it is possible and safe in the new year. That may involve testing, ventilation or other things we have not thought about in the past. If capacity is restricted, as it may well be throughout the course of the winter, we need to put in place subsidies to allow performances to go ahead even if that means paying half the ticket price or something like that. Representatives of the sector have told me that if a venue can accommodate 100 people standing, it will only fit 30 sitting down, which is just not viable. We

need to consider subsidies and financial supports to at least allow these sectors to operate and people to practise their art. People need to enjoy art and culture again in the new year because it has been far too long.

I again thank Senators for their comments.

**An Leas-Chathaoirleach:** Gabhaim buíochas leis an Tánaiste as ucht na bhfreagraí cuimsitheacha sin. I thank the Tánaiste for his positive engagement with the suggestions raised and especially for his announcement about those who are uninsurable in the context of Storm Barra.

*Sitting suspended at 5.35 p.m. and resumed at 5.43 p.m.*

### **Finance Bill 2021: Second Stage**

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

**Minister of State at the Department of Finance (Deputy Sean Fleming):** We are here to discuss Second Stage of the Finance Bill 2021. I understand that Senators have been sent a summary of the Bill addressing its individual sections. I do not intend to go into that level of detail now. Instead I will consider the overall Bill and the principles behind it. As we know, the Finance Bill gives legislative support for the budget measures introduced by the Government in October. The Bill makes a number of other important changes to tax legislation. The 2022 budget addressed the major issues facing Ireland, that is, Covid-19, climate change and housing. In the 2022 budget the Government continues to support households, families, individuals and businesses to deal with these challenges and to look to the future with optimism.

The Government has brought in an income tax package for next year that will have a value of €520 million. As the Minister announced on budget day, the standard rate income tax band will increase by €1,500 and the personal tax credit, employee tax credit and earned income credit will all increase by €50. These changes will benefit everyone who pays income tax. The Finance Bill also contains changes to the universal social charge, USC, which will ensure that a full-time worker on the minimum wage will remain outside the top rates of the USC and that medical card holders will continue to pay reduced rates of the USC in 2022.

Since the onset of the Covid-19 pandemic, the Government has provided unprecedented supports for businesses and workers. Some of this support, including the temporary wage subsidy scheme, the employment wage subsidy scheme, EWSS, the Covid restrictions support scheme, CRSS, and the business resumption support scheme, has come under the aegis of the Department of Finance. This demonstrates a swift and effective response from the Government to provide timely and ongoing support under these schemes to those whose livelihoods have been impacted by Covid-19. This support has been as important to individual employees as it has been to businesses. As of 2 December, a total of 694,000 employees were supported by payments under the employment wage subsidy scheme, with €5.7 billion now paid out by the Revenue Commissioners in addition to the €893 million in PRSI forgone.

The Government has always emphasised that there would be no cliff edge to business supports, and the Finance Bill provides for the extension of the employment wage subsidy scheme. The scheme will remain in place in a graduated form until 30 April 2022. No change was made to the scheme for October and November. Businesses availing of the scheme at end of the year

will continue to be supported until the end of April. For the three months from December to February, a two-rate structure of €151.50 and €203 will apply. For the last two months of the scheme, March and April 2022, a flat rate of €100 will be put in place and the reduced rate of employer's PRSI will no longer apply. The scheme will close to new employers from 1 January 2022.

The Government is bringing in new measures, with effect from today, which will impact the hospitality sector at a time of the year when the sector would be gearing up for its busiest period. The EWSS, as an economy-wide scheme, will continue on the path laid out on budget day and provided for in the Finance Bill as passed by the Dáil. Taking account of the impact of the new measures on the hospitality sector, the Government is introducing a revised Covid restrictions support scheme for businesses in the hospitality sector that are subject to restrictions on operating. The revised scheme will provide targeted and timely support to the hospitality sector to supplement the support it is receiving under the employment wage subsidy scheme. The revised scheme will adjust the CRSS to support businesses whose trade is significantly impacted and which are subject to regulatory restrictions on operations. This will involve a weekly payment of 12% of turnover for qualifying businesses. Officials in the Department of Finance and the Revenue Commissioners are working on this at present and further details will be available later this week.

There will also be a further extension of the current targeted commercial rates waiver for the first quarter of 2022. This will be put in place at an additional cost of approximately €62.3 million. The Government is also making available additional funding of €25 million, in addition to the allocation of €25 million already provided for in budget 2022, to support the live entertainment sector. The Government has also agreed to a limited reopening of the pandemic unemployment payment, PUP, for workers who are temporarily laid off due to the impact of these public health restrictions.

The Government made significant changes to vehicle registration tax, VRT, last year in line with Government commitments to reduce emissions radically. The Finance Bill 2021 will continue this important work. The Bill makes further changes to the upper bands of the VRT table and extends the €5,000 relief for battery electric vehicles to the end of 2023. It also extends for three years the accelerated capital allowance scheme, ACA, for gas vehicles and refuelling equipment, and extends the scheme to include hydrogen-powered vehicles and refuelling equipment. The Government is committed to reducing radically emissions from road transport. Part of that involves providing incentives for motorists to purchase cleaner, lower emitting vehicles. The policy changes introduced in respect of VRT in the Finance Act 2020 are working. This year's statistics to date show a clear trend towards the uptake of cleaner vehicles following the change to VRT rates. A significant increase in the number of electric vehicle, EV, registrations has been mirrored by a decrease in the number of high-emission vehicle registrations. The middle emissions bands have also experienced a shift towards lower emission vehicles.

The Bill exempts from tax the first €200 of income arising from the domestic generation of electricity supplied to the national grid. This is intended to remove a barrier to entry for those who engage with the clean energy guarantee scheme.

The Government is committed, through Housing for All, to achieving progress on housing as a matter of utmost priority in the interests of the people of Ireland. A key element of this strategy is the need to release land for construction of housing. The Bill addresses that objective by introducing a zoned land tax. This seeks to facilitate public policy requirements that,

when suitable land is zoned and serviced for housing, it should be made available for residential development at the earliest opportunity. The Bill provides a rate of 3% to be applied to the market value of such land.

Finally, it will extend the help-to-buy scheme in its current, enhanced form for a further year to the end of 2022. The scheme will be comprehensively reviewed in the course of the next year. In addition, the Bill will extend the relief for pre-letting expenses for landlords for a further three years. This measure is aimed at increasing the supply of rental property and is consistent with the Housing for All strategy.

The Government continues to support industry and innovation and the Bill will introduce a new tax credit for the digital gaming sector. The relief will support digital game development companies by providing a refundable corporation tax credit for qualifying expenditure incurred on the design, production and testing of a new game. The relief will be available at the rate of 32% on eligible expenditure up to a maximum limit of €25 million per individual project. As European state aid approval is required for this credit, it will be introduced subject to a commencement order as soon as possible. To assist new and recently established start-up companies in the aftermath of the pandemic, the relief from corporation tax for start-up companies in their first three years of trading relief will be extended for five years.

The Bill provides the legislative basis for the budget and makes a number of other changes to tax legislation. I look forward to discussing its details on Committee Stage and I commend it to the House.

**Senator Pat Casey:** I welcome the Minister of State. The Bill, the second Finance Bill of this historic coalition Government, aims to give the people value for the money they pay in taxes by investing wisely in public services such as health and education and to invest strategically in the needs of our people, particularly in the area of housing. Moreover, the Government has agreed a climate budget required to make a meaningful contribution to the global problem of climate change. As if achieving these tasks was not serious enough, we have also to take into account the catastrophic effects of the Covid-19 pandemic on our society and economy. The value of our front-line workers in the health service and those in essential economic services such as food production has been brought home as never before. The people have risen to this challenge with a remarkable solidarity and that solidarity must be reflected in Government policy. That is exactly what the Bill, which backs up budget 2022, does.

Fianna Fáil in government has to deal with the reality of the ability of the economy to provide the taxation income that drives our investment policies while ensuring our economy will remain attractive for economic growth and business opportunities. The guiding principle of Fianna Fáil has always been and remains the common good of all Irish people. Childcare supports, an increase in fuel allowance, social protection payments and pensions are proof Fianna Fáil and the Government are delivering for all our people and not just promising fairy-tale stories that have no basis in reality. The increase in the income tax band will give a tangible and progressive reward to all Irish workers and help those who are the backbone of our economy thanks to the ability of their work and their contribution to our tax base. We do not demonise any part of our great nation but rather value the contribution of all business workers, farmers and public servants. Housing, healthcare, climate change and the cost of living are all being heavily invested in through the Bill.

Unlike many others in this House or on the front line of Irish politics, I know what it takes

to run a business in Ireland. I know the sacrifices a family-run business must make to create sustainable jobs, pay taxes and grow business from year to year. I have lived through several recessions and been involved in the tourism industry. I know better than most the shattering consequences of the economic shutdown caused by Covid-19 on the tourism and hospitality sector. I understand the Government's position that we must put public health first and foremost, and I acknowledge the supports the Government has provided for businesses up to now, without which my business would not be here today. Equally, we should not waste that investment but look at ways we can survive as we move into the future. The implications of the messaging in recent weeks and the announcement of Friday last relating to the hotel and accommodation sector concerned almost €250 million in advance bookings. Between December this year and February next year, 2.3 million bed nights or room sales will be dropped. That is significant for the industry and will have consequences.

One of the greatest supports the Government has provided to our industry and other industries is the employment wage subsidy scheme. I heard the Tánaiste speak just before I came to the House about a legal issue with sectorising that scheme. We must do everything possible to reinstate the EWSS for the hospitality sector, as well as sectors such as arts and entertainment that have been devastated by this. It is the single most important payment, and I say that because our greatest asset is our staff. The EWSS allows us to keep our teams together. We have suffered an incredible loss of staff out of our sector because of the inconsistent and unreliable nature of the business, owing to the continual closure and reopening or restrictions and lifting of restrictions, and they have moved to other sectors because of job insecurity. We are now trying to build again, and we were looking forward to this winter but again it has not happened. We are back, almost, to where we were last year.

I cannot stress enough how important and valuable the EWSS is. I ask whether a €350 payment is better as an EWSS payment or as a pandemic unemployment payment, PUP. Is it better to keep the person in employment or to let him or her go and receive the PUP? I think that, from everybody's point of view, remaining in a workplace and being part of a working team is much better for everybody. Between now and next week, whatever can be done to reinstate the EWSS has to be done. We in the House will sit next week to debate amendments to the Bill and we can table the required amendments to allow it to happen. It is the single most important support to businesses.

There is one anomaly that has to be addressed. Hotels that close on a seasonal basis will be taken off the EWSS because they will not make a claim in December and, therefore, will become new entrants in January, when the scheme will not be open to new entrants. They will try to build up their staff for the season but they will not qualify. It is an anomaly that has been recognised by Ministers but it needs to be addressed.

I acknowledge the work being done to try to make the Covid restrictions support scheme, a substitute for the EWSS but it never will be. It will not do so in the format that has been proposed. I acknowledge the requirement has fallen from a turnover of 50% to 30% to bring it in line with the EWSS and that there is an attempt to cap the payment at €10,000, but that will not be at the rates for certain businesses within the hospitality sector. Another figure of €15,000 was mentioned in respect of CRSS, but that will not have the same reach as the EWSS. We in the House are available to make the appropriate amendments to the legislation to allow this to happen. Will the Minister of State convey to the Ministers for Finance and Public Expenditure and Reform that we are willing and able to make the necessary amendments to the legislation to allow the EWSS to be reinstated in full for the sector? Employment is booming and people are

moving from our sectors to the other sectors, which is making it increasingly difficult to build our teams and keep them together.

I thank the Minister of State for budget 2022, which is a very balanced and fair budget. I urge him to do whatever he can about the challenges we face.

*6 o'clock*

The challenge is trying to keep our core asset, our staff. They are the key asset in our industry. They are more valuable to us as an industry than financial assets.

**Acting Chairperson (Senator Eugene Murphy):** I thank Senator Casey for his very passionate contribution.

**Senator Maria Byrne:** I thank the Minister of State for coming here for this important debate. The Finance Bill will affect all of us, right across every sector. There is increased spending within the budget, which will affect all sectors in society. I welcome the increase in the tax bands for both employees and employers. That is very important and puts a little bit more money into everybody's pocket. We had a debate earlier with the Tánaiste and Minister for Enterprise, Trade and Employment with regard to supports. Senator Casey has just spoken very passionately about these. I have been dealing with small and larger businesses in my own neck of the woods, Limerick, including hotels, restaurants and gastropubs, and with people in the tourism industry such as coach providers. As a result of the Omicron variant, not as many people are coming into the country now. People do not yet know a lot about it. Some people have cancelled their trips, including golf trips, to Ireland. Many businesses have been affected by Covid.

I compliment the Government on the supports that have been put in place to date. They have certainly helped keep many businesses afloat. I told the Tánaiste a little story earlier. I was talking to a small business that employs 45 people. The 50% threshold definitely does not work for it. I give that as an example. It maintained its business just above that 50% threshold, business being down by 46% or 47%. It did this by doing such things as selling vouchers to support this Irish business and encouraging people to buy takeaways. That is how it increased its business. It would not normally have gone down that road. The 50% threshold needs to be looked at. I welcome the fact the Minister of State's Department is in negotiations with the Revenue Commissioners and that it has had meetings with the industry and with small businesses in the performance industry.

The Minister of State mentioned the issue of housing and Housing for All. I will raise a few matters in that regard. A parent who bought an apartment for €200,000 years ago whose son or daughter cannot afford to buy a house may gift that apartment to his or her child to be used as the principal private residence. However, if the value of the apartment is now €250,000 or €280,000, the parent will be taxed on the difference between the two figures. The Minister of State needs to look at this. We hear of many people who are on housing lists and of parents giving loans to family members to help them raise the deposit for a home. I understand these areas have not been looked at in more than ten years. They really need to be looked at properly because more and more parents are now helping out family members but are being penalised for doing so. There is also an issue with parents gifting farms to young farmers. Perhaps the Minister of State could look at that. With regard to the ten-year period, it is probably unlikely that a definitive estate planning period would be allowed but perhaps the Department of Finance

could look at the issue of tax on gifts from parents to children. I have raised the issue around increases in the value of a premises.

With regard to the proposals on climate change, I welcome the €5,000 in respect of electric vehicles, but we also need to look at how we are going to bring in charging points. People living in terraced houses or apartments might want to buy an electric vehicle, but there are not a lot of charging points around the country. This needs to be taken into consideration.

I have covered pretty much everything I wanted to cover. There is just one other thing. With regard to a parent giving a gift to a family member, the total value of all gifts over a certain period is aggregated. Once the ten-year period is up, does it start again? That is something that needs to be looked at. When a parent passes on and leaves an inheritance to a family member, it can sometimes count against them if they have already received a gift of a house or apartment. That is another area I would like the Minister of State to look at.

**Senator Paul Gavan:** It is nice to see the Minister of State. I thank him for coming in. We are going to oppose this Bill, as I am sure he would expect us to. I will outline the reasons over the next few minutes. However, I will welcome a couple of aspects of it because I want to be balanced and fair, if I can. I particularly welcome the ring-fenced funding for childcare. My union, SIPTU, has campaigned for this for years. I was part of its Big Start campaign six years ago. The fact it has managed to win ring-fenced funding is really encouraging. It is a tribute to its members throughout the country. I urge the Minister of State and his Government to ensure this is implemented. We need a sectoral employment order to bring about a new status, dignity and decent wages for those working in the sector. Funding has been ring-fenced, which is wonderful. Let us get that sectoral employment order in place and do something transformative for childcare. I pay tribute to my colleagues in SIPTU who campaigned so vigorously for that for so many years.

As the Minister of State will know, we also welcome the extension of the employment wage subsidy scheme, albeit in a graduated form, to the end of April 2022. I acknowledge the point Senator Casey made with regard to those anomalies. We will work constructively on that issue with the Minister of State next week.

Having got the good news out of the way, I will now focus a little more on why this budget does not deliver. I do not want to correct the maths of my colleague, Senator Casey, because I was not great at maths myself, but this is actually the sixth Fianna Fáil-Fine Gael budget. Fianna Fáil backed the previous four budgets before it came to power. These did absolutely nothing for housing. Unfortunately, it was very much part of that. This is not a new Government but very much an extension of the old Government. Unfortunately, it has the same ideas and the same failed policies. The reason we will oppose this budget is that it really is out of touch with how people are struggling today. I will give the Minister of State a couple of examples. I would welcome his comments on them.

First, the real spike in energy prices is shocking. I have some details here. Over recent months, there have been more than 30 energy price rises, which are expected to increase average annual household energy bills by more than €400. In the 12 months to September, energy prices rose by 22%, electricity prices by 21%, gas prices by 14% and home heating oil prices by 46%. These prices will increase further in the months ahead, putting great pressure on the finances of low- and middle-income households. The Finance Bill could have responded to these challenges by giving workers and families support and providing an immediate cut to



their energy bills. Other governments in Europe have taken this action. In Spain, where there is, of course, a progressive left government, VAT on electricity was slashed, reducing prices by 10%. In recent weeks, the Czech finance minister wrote to the EU Commissioner for the Economy seeking authorisation to zero-rate VAT on household energy bills.

Sinn Féin would immediately engage with the Commission to remove VAT on domestic energy bills for a three-month period this winter, thereby reducing the cost of lighting and heating homes for lower and middle-income households by 12%. That is what should have been done but, unfortunately, this Government is just as out of touch as the previous one. It does not seem to understand how families are being hammered by these rises in energy prices. Indeed, it has added to them via carbon taxes.

This Finance Bill comes amid a wider cost-of-living crisis, with prices rising by more than 5% for workers and families in the last 12 months. This is the biggest annual price hike in 20 years. The Central Bank expects prices to rise again in 2022, by 3%, further eating into the purchasing power of households. Budget 2022 and this Finance Bill needed to respond to this cost of living crisis. Quite simply, it did not do so. Increases in core social welfare rates have failed to keep pace with rising prices. We have, as centrepieces of this budget and the Finance Bill, a tax package that was untargeted and an irresponsible use of limited resources.

Section 6 of the Bill would increase the standard rate band by €1,500 with a €50 increase in each of the personal, employee and earned income tax credits. The change to the standard rate band comes at great cost but will provide no benefit whatsoever to 80% of taxpayers who fall below it. Overall, this tax package will provide €2 a week to a worker on a salary of €30,000 but will benefit those on a ministerial salary to the tune of €415 a year.

This Finance Bill provides tax relief to those on high incomes and even further tax relief to landlords through section 16 but offers nothing to renters. These renters have seen their rents rise to astronomical levels yet have a Government that is determined to see them rise even higher. Dublin city now has the highest rents in Europe. Where I live in Limerick, rents for a very average three-bedroom house in my village are up to €1,400 a month and this budget has done nothing to address that issue. In fact, the Government clearly does not understand the depth of the problem because it has not even acknowledged that rents need to be frozen and then reduced. The Government just thinks it is okay to reduce the cost of how much rents go up by each year. Talk about missing the point. People cannot afford the rents they are on at the moment. We need to reduce rents. We could have done that if the Government had followed the Sinn Féin proposal to, first, freeze rent for three years and then give a one-month tax relief, which would have made a significant difference. Again, and not for the first time and just like in the previous five budgets, the Fianna Fáil-Fine Gael partnership rejected that option.

I want to talk about investment funds. Under Fine Gael and Fianna Fáil the deck is stacked against renters and struggling home buyers. There are no provisions in this Bill to end the speculation and financialisation of housing that is driving up rents, locking workers and families out of home ownership, and allowing the bulk purchase of homes by investment funds. Fine Gael introduced tax advantages for investment funds that allow and encourage them to push up prices and rents. Sinn Féin would end that by the doing the following: applying the full rate of capital gains tax on the disposal of property by investment funds just like any other business; applying a 17% stamp duty surcharge on the purchase of all homes, including apartments, by these funds; and hiking the rate of tax paid on dividends to 33%. This Government carries on the tax breaks for vulture funds. I have yet to hear an explanation from this Government as to

why 2,600 of the promised social housing units next year are going to come about by insisting that councils lease those homes from vulture funds as opposed to buying them. What a complete and utter waste of money. Of course what that does is create a new income stream for vulture funds and gives them incredible leverage because they will rent these houses for 25 years. What will they say at the end of that period? They will say that they are not sure whether they should give these homes back or sell them to the State and will ask what else the State will do for them. This is an incredibly ideological decision. I have always associated this hard right ideology with Fine Gael and, unfortunately, it now seems to be just as prevalent with the Fianna Fáil Party, which is a huge shame.

In my last minute I will talk about the residential zoned land tax in section 77 and related sections. The stated purpose of the tax is to encourage the activation of zoned and serviced residential development land. While the failed vacant site levy was set at a rate of 7%, this will be set at 3% of the market value of the land and will only apply from 2024 so, in other words, after this Government has pretty much finished its term.

We welcome the fact that the tax will be administered by Revenue to ensure effective enforcement and collection. This reform could and should have been made of the vacant site levy, which has now been left as an abject Fine Gael failure. Once again, this is an example of the Government not taking action. Taxing people who own vacant sites is something this Government, just like the last one, will always shy away from. The Government has scrapped the original tax, brought in a lower one and said it will not introduce that until 2024.

**Senator Pat Casey:** The original one was not working.

**Senator Paul Gavan:** I ask the Acting Chairperson to tell his Fianna Fáil colleague to allow me to speak.

**Acting Chairperson (Senator Eugene Murphy):** I am in the Chair and rule that exactly. I urge the Senator to continue.

**Senator Paul Gavan:** I know that I am hitting some sore points but that is okay.

I ask the Minister of State to tell us why the Government has backed the special assignee relief programme that

rewards existing millionaire executives with up to €110,000 each in tax relief? The Government has set this scheme in place now. The former Minister for Finance, Mr. Michael Noonan, introduced it originally and the Government has backed it again. Fianna Fáil backs tax cuts for millionaires while people who are struggling to pay their energy bills and rents get nothing from this Government. That is the reality.

**Senator Marie Sherlock:** I thank the Minister of State for coming to the House. I am conscious that the Finance Bill has spent many hours under consideration in the Dáil and will confine my remarks to a small number of specific issues.

Senator Casey very eloquently talked about the need to fix the EWSS. Many of us across this Chamber have fielded calls from hoteliers, and from those who work in the night-time economy and in catering who are devastated by the cuts to the scheme. What has struck me over the last number of weeks is that when a cut was made to the pandemic unemployment payment, we were told that there were plenty of other jobs and that the people who work in

the night-time economy can get a job somewhere else. That response showed a huge lack of respect for musicians, bouncers and everybody who works in the night-time economy. Again, in the past week we have heard the line that there are companies that get the EWSS but are they entitled to it as they have been open on a full-time basis for the last number of months? It is the role of Revenue and the Government to monitor who gets the EWSS. There is a clear and real need now because of the restrictions and, indeed, arguably the necessary restrictions, that the Government must up its game in the way that it supports people who are going to be put out of work or suffer a massive cut to their working hours because of the restrictions. It is incumbent on this Government to restore the EWSS to where it was.

Section 3 deals with the income tax relief for remote working and the increase to 30% in respect of the costs that are to be claimed. I welcome that small progress on the current position for those who work from home and the utility costs on which they can claim tax relief. I find it hard to understand why the provision would not be backdated to 2021. I ask that because in the budget that was announced in October last year the increase in the tax relief for those working from home was backdated to 2020. As the Minister of State and I know, the working from home guidance has never been fully lifted. In fact, companies, workplaces and workers were encouraged to very gradually return to the workplace well into Spring 2022. Of course, from 16 November we had the guidance that people should work from home unless absolutely necessary. Therefore, it makes no sense that one has a relief that only kicks in in 2022 when in 2021 people are being asked to work from home if at all possible. It is only a very small measure but an important one in the context of the energy costs faced by households and workers at this point in time, which was referred to by Senator Gavan. We are looking at an annual increase in energy costs of 24%. The data on inflation in this country dates back almost 40 years and energy prices have never ran as high.

I am particularly disappointed that in this budget and Finance Bill there is very little or nothing for those households who do not qualify for the winter fuel allowance but must face extortionate increases in their utility costs. In particular, I think about the communities where I live and, indeed, where the Minister for Finance lives in Dublin 7, where 22% of households have homes with a F or G building energy rating, BER. That means those households live in the least energy efficient houses and these houses tend to be occupied by the least well paid or least comfortable of households. We know that the difference in a utility bill for a F or G BER rated 2-bedroom apartment relative to one that is B2 BER rated is €2,500 in a year and for a 3-bedroom, semi-detached house the difference rises to over €3,500 in terms of the annual fuel bills. There was nothing in this budget for those households. The final set of issues that I want to raise today relate to apartment living in this city and across the country. The future of living and development in this city will be in building apartments. The bulk of those hoping to buy or rent new units in the future will be in apartments because of cost, access and proximity to the city. Right now we have two massive problems relating to apartment building. The Finance Bill fails to address them and we will be putting down amendments. The first problem is the bulk-buying of apartments. We had a massive outcry during the summer when it was realised that institutional investors were bulk-buying houses. Bulk-buying of apartments has been going on for years in Dublin and that did not seem to be a problem but the bulk-buying of houses provoked an outcry. This resulted in a change in stamp duty but apartments were excluded. That is going to have a devastating impact for those wanting to buy an apartment in Dublin. There is no incentive now for a developer to build a house in Dublin city because of the stamp duty and planning arrangements. Any developer worth their salt is going to look to build to rent as opposed to building conventional apartments. We are already seeing that. People talk

about the lack of supply in Dublin. In the area where I live there is plenty of supply. There are 4,500 co-living, build-to-rent and student accommodation units going through the planning and construction system and only 2,500 conventional apartments. It means there is no access to affordable apartments in the city.

The second problem with regard to apartments relates to construction defects. The Government has spent a lot of time on the mica issue over the past year and rightly so. As the Minister of State knows, the issue of construction defects in apartments in respect of fire safety standards is also significant. I am aware that there is a working group within the Department of Housing, Local Government and Heritage and that there will be a report next year. At the very least there could have been a tax relief or tax credit for those who are facing massive remediation costs in respect of construction defects in their apartments. Where I am based in Dublin Central, there are at least six apartment blocks covering 1,000 apartments. Apartment owners are facing costs that have to be met immediately. It is not something for which they can kick the can down the road. I know one apartment block where they are facing a bill of €15,000 that they have to pay between now and Christmas to help to meet the remediation costs of their apartment. The least the Government could have done was ensure that there was a tax relief for those facing such enormous vital costs in the short term.

**Senator Ollie Crowe:** I welcome the Minister of State to the house. In fairness he has been here on a number of occasions at this stage. I welcome the tax changes in the Bill. With inflation and rising prices in many areas it is essential that the Government reduce the tax burden for people, as this Bill does. The budget is also progressive in that those on the highest incomes will gain the least while the most vulnerable 30% of families gain the most. Fianna Fáil said before last year's general election that any budget with it in government would prioritise the most vulnerable from an income tax standpoint and I am proud to see that commitment is being honoured. We must continue to do that.

Senator Casey raised the hospitality sector earlier. We are concerned that the 9% VAT rate is in place until September while naturally we need it for all of 2022 at the very minimum. As the Minister of State is aware, that rate is applied in many countries across Europe. Removing it would impact our competitiveness against European neighbours. Following the restrictions today the hospitality sector will need every support possible as it looks to rebuild over the coming 12 months. As I noted earlier, a long-term task force needs to be set up to examine the viability of our industry. It is unique in respect of tourists across the world and attracts tourists to our country. It is absolutely paramount. I know the Minister of State is not far from the Cabinet table. I ask him to use his influence to ensure that a long-term hospitality task force is established at the earliest opportunity and by early February at the very latest.

We hear all parties and none in this House and the Lower House saying that they cannot understand the position that is being taken in respect of the EWSS. Employers in Galway, which is the capital of the west and a tourism city, are begging me in respect of the EWSS, which is reduced from €350 to €203. I have asked those working in the highest office why it cannot be sector specific. If it cannot be, we should be told the reason. When I am going back to owners and managers who are significant employers in Galway I cannot explain it to them. I do not have the information and they cannot understand the information. If there is a 40% reduction in the wage subsidy scheme why are we not told exactly? It is very frustrating. I am sure the Minister of State is getting it in all parts of County Laois. It is a significant reduction of €147 per employee per week. It is causing consternation. It has been raised by all Members. It is absolutely vital. The restrictions have increased and the support has decreased. It is just not

adding up.

The introduction of the zoned land tax is welcome at a high level. Its purpose is to encourage the timely activation of zoned and serviced residential development land for housing rather than to raise revenue. We must make every effort to ensure that land is developed for housing with the greatest speed possible. I also welcome the extension of the help-to-buy scheme in its current form for a further year. No more than any other Member of either House, I have been contacted by many young couples in Galway. I am trying to give them hope and show them that there is opportunity down the line. The scheme is very welcome. I have concerns in respect of cities and rising inflation, Brexit, the cost of materials and the cost of properties. I wonder how we are going to address all that. It is a double whammy really because if they go over the threshold they lose the incentive. It needs to be looked at.

I welcome the introduction of the pandemic placement grant, PPG, a payment of €100 per week for full-time student nurses and midwives on clinical placements as a supplemental financial support in carrying out this placement during the pandemic. We all welcome that. I expect and hope that the payment will be maintained following the pandemic as acknowledgement of the valuable work that all student nurses and midwives do.

**Senator Seán Kyne:** I welcome the Minister of State to the Chamber and the arrival of the Finance Bill 2021 before us. It has to be enacted before Christmas to implement all the very positive changes contained in the budget announced a couple of months ago. I particularly welcome the changes ensuring that the increases in the minimum wage will not be gobbled up by the universal social charge, USC. This is the eighth such increase made by a Fine Gael-led or Fine Gael coalition government. The latest increase of 30 cent brings the minimum wage to €10.50 per hour.

I also welcome the tax relief for remote workers. This will be most positive for remote working. Because of the pandemic we have seen a new impetus to remote working. The option to work from home will be legislated for in the coming period, as the Tánaiste said earlier.

I welcome the income tax exemption for the pandemic placement grant for student nurses. I also welcome the extension of the help-to-buy scheme which has been most positive and popular when it comes to getting people onto the property ladder. It is to provide up to €30,000 or 10% of the house price bill up to 31 December 2022. I am sure that scheme will be kept under review for possible future extensions, as required. On the changes to tax bands, sometimes people are critical of such measures and argue that we have not put all our focus on increasing the spending in the Departments. If you do not touch tax bands, eventually everyone will end up paying a higher rate of tax. The tax bands have to be increased to allow for the increases in inflation and to ensure we raise the cut-off point on a phased basis. It is a specific policy that Fine Gael has promoted. I welcome that the personal tax credit has been increased by €50.

Other positive measures that have been introduced include the changes under section 7 of the Finance Bill, which will make it easier and less expensive for employers and businesses to provide the flu vaccine and other health checks to workers by formally exempting the cost of the flu vaccine and other health and well-being benefits from benefit-in-kind taxes. The measure dates back to the start of this year and is a positive in terms of business supports for workers.

I also welcome the €5,000 VRT relief for electric vehicles, which is to be extended to the end of 2023. I am sure that is something that will be kept under review as we move towards

phasing out petrol and diesel by the end of this decade, unless that it is extended.

Section 56, which extends stamp duty relief to young trained farmers, is a positive measure. I am aware that it is a measure that is enacted every year, but it still has to go through the formal process. It has to be supported and voted through and there has to be a commitment by the Government for that to happen. I hope that future governments understand the importance of those reliefs and continue to apply them. According to the Bill, the relief will be extended to 31 December.

The bank levy is being extended for a further year to recoup some of the costs that the banks have received from the State and to ensure that financial institutions will contribute to the recovery in recognition of taxpayer assistance going back many years.

The zoned land tax is a measure that is intended to try to encourage movement in relation to the market. It is not about collecting revenue; it is about acting a stick to ensure that we get zoned land up and running and available, planning permission is granted and, more importantly, houses and apartments are built on that land. That is important. We must look at how we can force those who may be hoarding zoned land to build on it after a period of time. That is something that is going to be hugely important. We are familiar with the situation where people see lands that may be serviced or whatever else not being developed and yet we are crying out for houses and there is an absolute need for houses. It is absolutely vital that this measure goes ahead as an incentive and encouragement to free up that land. I welcome the changes I have mentioned and the many other positive changes that are being enacted in the Finance Bill this year. I look forward to its passage over the coming weeks.

**Senator Aisling Dolan:** I welcome the Minister of State to the House to speak on the Finance Bill. There are some very welcome changes to the Bill from the budget of this year. The increase to the USC is a measure that is particularly welcome.

We are always trying to look at the issue of remote working from rural perspectives, with a view to encouraging people to live and work in more of our towns and villages across the country. The income tax deduction amounting to 30% of the cost of vouched expenses for electricity, heating and broadband is really important. Broadband has been a really big issue. People want to ensure that they are getting quality from their provider. Usually, if they want to get a better download speed, they will have to pay higher rates. Therefore, it is most important that those in commercial areas who want to access really good broadband can do so and can get the rebate for it.

I am aware that the Minister of State's Department is not directly responsible for the promotion of the message about remote working and the reductions, but I am curious about how we are spreading the message and how we can ensure it is going out. We hosted a Grow Remote weekend in Ballinasloe last weekend. There was a heritage tour of the town. It was all about showcasing the region to people who may be considering a role in remote working. When I was speaking to people, they did not seem to be aware of the incentive I have mentioned. We should look at how we can work on promoting it.

The extension of the deduction of pre-letting expenses for landlords for a further three years is very welcome. I assume that applies to vacant properties. Perhaps the Minister of State can clarify that. I know that many people in my region are looking to renovate apartments, etc., above shop and retail units. The challenge they face relates to renovation costs, particularly

now that certain costs are higher. What is there to support them? The extension I have mentioned is very welcome for landlords in terms of rental properties.

On how we are going to support research and innovation, I welcome the extension for a further five years of the corporation tax relief that the Minister of State has mentioned for start-up companies in the first three years of trading. This provides support to entrepreneurs who are setting up their companies and looking for support from the State. I welcome the measure.

The Minister of State mentioned the supports provided under the EWSS and what the Government has put in place in terms of PUP over the last year and eight months, which is very topical. I understand that this scheme will run at a graduated reducing level until April 2022. The challenge we have is that it will close to new employers from 1 January 2022. The Minister of State might like to comment on it. I know that the hospitality sector is looking for supports to be put in place. However, how do we have a level playing field if the scheme is going to be closed to new entrants? I understand that the CRSS has been brought in to support those employers and employees in ways. I thank the Minister of State for his time.

**Senator Paddy Burke:** I welcome the Minister of State to the House. The Finance Bill comes around fairly quickly. It does not feel like it has been 12 months since the last Finance Bill. I have a few questions for the Minister of State. I missed the opportunity to ask some of them of the Tánaiste when he was in the House earlier. The Department of Finance estimates that we will have spent €48 billion helping businesses and workers by the end of 2022. This is the largest intervention by the State since the bank guarantee scheme. In relation to that €48 billion, the impression is given that the supports are all provided to businesses and workers. I would like to know how much of that €48 billion is in State supports for the State sector. I am sure that some of it is for the State sector. We have seen a huge expansion in the health service. There are vaccination centres and extra staff in hospitals and other areas. I would like further information on the breakdown in relation to the €48 billion. I believe that some of that is going to State services and the State sector.

The Tánaiste also said that the Department is carrying out a review of the popular and over-subscribed future growth loan scheme with a view to introducing a new loan product to replace it in 2022. That is to be welcomed. I must say I believe that there is too much State involvement in every aspect of society now. The State has taken a huge interest in, and is providing significant funding for, the housing sector. I am not sure it is healthy for the State to have such an influence. Is there any option other than State intervention? I have heard Senators today giving out about vulture funds coming into the State and buying up apartments. We cannot have the State funding all the houses in the country. There are problems with the provision of housing and with our own pillar banks in relation to the provision of funding for small developers and small builders. I ask the Minister of State to consider, along with other Ministers, whether there is over-reliance on State funding in all sectors. I have highlighted two areas in which I believe the State should not have such an influence and should not have to provide such levels of support.

The Tánaiste referred to the small companies administrative rescue process, SCARP, legislation for small companies. As the Minister of State is aware, the legislation is very welcome. I welcome it because I have previously raised the issue of redundancy in the context of small businesses, sole traders, subcontractors and so forth. There is no doubt about the fact, alluded to by the Tánaiste, that there will be many failures of small businesses such as shops and pubs that will never open again. The owners will be left with a redundancy package and will have no

choice but to pay it. The State will step in and pay but, eventually, it is taken out of the estate of the business owner. It is a very sad day when the finest employers in the country, sole traders who employ people all their lives, are the only sector in society that could end up having their house taken from them. The State probably will not go down that road and it is only right that employees get their two weeks' redundancy pay per year, but when the person dies and his or her affairs are settled, any funding that is owed to the State in the context of redundancy payments to former employees will be taken out of the estate. There could be a vulnerable family member in the house. This is an area that should be considered. I am bringing forward a Private Member's Bill on the issue. This is an area in which the family home should be protected. The Tánaiste brought in the SCARP legislation that will protect some areas of business from going into liquidation or all their assets, including their homes, being taken from them. I would welcome the Government considering the Bill I will be bringing forward and ensuring that family homes are protected.

**Senator Emer Currie:** I am out of breath from running down the stairs. I welcome the extension of the temporary Covid-19 waiver for Republic of Ireland cross-border workers in the context of the transborder workers' relief. If it were not for that extension, Republic of Ireland workers were going to be facing a cliff edge in terms of double taxation. They were being told that from a public health advice perspective they had to work from home, but the tax rules stated they had to go to the office or face a financial penalty. Although it is a positive step, it is not a permanent one. I am seeking reassurance that the issue is still on the Government's agenda and that it will find some sort of permanent fix for this issue. The language at the moment is that it is an emergency measure and will not be addressed in the long term. We know the culture of work has permanently changed. I do not think cross-border workers should be left behind in that regard. The tax strategy group examined the issue and referred to equity. I believe the report focused on the problems rather than the solutions. One of the problems it identified was the question of why would one household have access to a different set of tax levels to another household. Why should certain households have access to flexibility and quality of life while others do not? Did the group look at pay and pay levels as well? It referred to competition and stated that it would make it more attractive to work for employers outside the State. In my view, we should not be in competition with the North; we should be in harmony with it. We should be doing everything we can to encourage an all-island economy and reducing the barriers, not overseeing new ones. We need to think about this in terms of investment in areas that need it, such as areas that we know have been economically vulnerable through the years. If we can come up with solutions such as the protocol where there is dual market access in the North, can we not find a solution here? Is there a scheme that could be introduced? I am seeking reassurance and creativity. The message needs to go out that we are committed to finding a solution for cross-border workers and having no barriers North and South.

**Acting Chairperson (Senator Sharon Keogan):** I thank the Senator. She is welcome back. I am very sorry for the loss of her father, Austin.

**Minister of State at the Department of Finance (Deputy Sean Fleming):** I join the Acting Chairperson in offering condolences to Senator Currie on the death of her father. I do not think we have spoken to each other since that sad event. I know all present join with me in offering condolences.

I thank the Senators who contributed to the debate. I appreciate all the points that have been made. I will go through the issues raised in sequence. Obviously, the issue of the hospitality sector was singled out as a key one for consideration today. The issue is now about



how to survive at this stage, in light of the recent restrictions. The EWSS was mentioned by many Senators. The Minister has made clear that he wishes to deal with the sector through the CRSS method rather than the EWSS. I know it has been stated that the EWSS cannot be made sector-specific. It is probably the way it was drafted. I do not have the legal answer to that but I suspect it was because of the way the scheme was originally drafted. The CRSS is one way of providing some benefits to people in that sector. As I stated in my opening remarks, officials from the Department of Finance and Revenue are in detailed discussions on improving that. When the scheme came out first, it was on the basis of businesses that were closed. It is now being revisited on the basis of businesses that are open but suffering a reduction in trading income because of the restrictions that exist. We are remodelling the scheme specifically for that sector. As I stated, there will be announcements on that later this week. We do not have it today. I cannot pre-empt the process. Those discussions are ongoing and I am sure the Minister, Deputy Donohoe, will clarify all those issues as the week progresses. Beyond that, I am not in a position to comment. I hope that issue will have been well clarified by the time I come back here next week on Committee Stage. It may be another Minister who comes to the House for that Stage. The issue was raised because people are leaving the sector, in which there is good employment. Staff are a core asset, especially in that sector. The buildings, menus and products are there but what makes a business work is the actual staff. It is important that these measures are put in place very quickly to make sure the core assets of the business, which are its staff and reputation, are protected.

Reference was made to several budget measures across the board. I refer to the whole question in respect of coach providers and people affected in the area of tourism. I do not have a particular response on that but I acknowledge the point and will take it back to the Department of Finance.

A big issue mentioned is the question of capital gains tax on properties transferred by parents to their children in circumstances where there is a capital gain between the time of the purchase of the property and its ownership being transferred to another family member such as a son or daughter. As it is not the principal private family residence, that is the situation in the context of capital gains tax and there is no change in that regard in the Bill. It has been more of a feature in society in recent times. It has not always been the case that people had a second property they could hand over. It is a First World problem. I do not mean that in a bad way. It is a sign that people had an extra property they could transfer. That said, it is an issue that can be examined in future but no commitment can be made here tonight on that particular issue.

The issue of aggregation of capital gains tax was raised. We know it is accumulative over a person's life. People who could do so took measures and then they were not taken into account in the final amount. People did it at stages rather than at a later date.

I thank the Senator who supported the SIPTU claim, as many of us did, with regard to childcare funding, and the fact we need a sectoral employment order concluded as urgently as possible.

The issue of energy prices has been mentioned. It is an issue that is much wider than the Finance Bill. It is an issue germane to almost every political debate in the country at present. Through social protection and other measures, the Government has given the free fuel allowance for an extended period. It can be given to people in two lump sums during the course of the period or on a weekly basis. There has been a reasonable increase. It does not cover the full cost of heating but it was always meant to be a contribution to the cost.

There was a suggestion that it is a waste of money for councils to lease homes for people to rent. I understand the councils do not own the properties at the end of the day. I agree with the philosophy on this but I do not believe it is a waste of money for the council to re-lease properties so people can have a roof over their heads. I disagree with the philosophy that it is wrong to do this if a council only has the funds to lease in the short term. It should at least do that much and give people a roof over their heads. The other issue of ultimate ownership is an important debate but it is not one that is any good to a person looking for a home at this time of the year.

Many people mentioned working from home. In the past, there was a small provision in place. It was very minor. Enhanced provision is now in place but it is coming into effect from now on. I acknowledge that it would be nice if it could be backdated but effectively it will not be. The old scheme was on an administrative basis and this will be on a legislative basis. It is a small step in the direction. There may be incremental moves on this depending on the working from home situation as time goes on and people get a clearer cost base and Revenue collects information on the sources of the expenses. It will vary quite a bit when the new measure is introduced.

People mentioned the extension of the help-to-buy scheme in the provisions of the Finance Bill.

The pandemic placement grant for student nurses was also mentioned. I will give no commitment on whether it should be a permanent placement allowance but it is good that it is in place for Covid. We are dealing with situations in this regard.

Senators also mentioned that they support the tax changes and the changes to the minimum wage, which are separate issues. There are measures to ensure people are not caught for the higher rate of PRSI.

There was also a welcome for the stamp duty for young trained farmers and the continuation of the bank levy.

Senator Dolan mentioned the issue of pre-letting expenses. There are major cash flow difficulties involved for people who do not have the cash. People can get tax relief for the expenses after the fact. I accept that there can be issues financing it in the short term. It is not a grant system, which would be neater. It is in respect of a business expense where there should be a stream of revenue down the line. A good accountant might be able to work with a bank to structure the tax benefit over a period of time when the costs will have to be repaid if bank financing is involved.

Senator Burke mentioned the €48 billion in Covid costs. This is for employees by and large through the EWSS and the PUP. The point he made very clearly was that a large amount of the extra €48 billion was not with regard to dealing with Covid in the health services and the additional costs in the health services. I do not have a breakdown of the figures. It is information the Department of Health should be able to provide as part of its normal business before Oireachtas committees with regard to how much of the extra €48 billion was for improvements in the health service and how much was strictly related to Covid and education. Clearly the Department of Education will be able to give a figure for the costs of Covid. It was not all handed out to employees or businesses through the PUP, the EWSS or rates relief. Much of it went on direct front-line services through these areas.

The Senator also mentioned cross-Border issues. As a result of Brexit, temporary measures

were put in place. We did not ask for Brexit but we have it. This is one of the by-products of Brexit. It would not have been our choice to have to deal with this issue but it is there. In fairness, for the first year or so after Brexit, we can only deal with things on a temporary emergency basis. We do not know how it will evolve in future. It is important that it is there for now. Beyond that I cannot give a further response. I can only acknowledge the points that have been made.

Many people mentioned the zoned land tax. I covered it briefly and I am sure we can have a discussion in more detail on Committee Stage with regard to how much it might raise. It is not designed to raise money. The perfect land tax will be one people do not want to pay so they will get on and build houses and never get levied with the zoned land tax. I want to see movement on houses in order that no serviced site fully zoned for housing is sitting idle. It will be a failure of the building and construction industry if there is a large levy.

I thank all of the Senators for their contributions. I look forward to dealing with the various amendments on Committee and Report Stages.

Question put:

The Seanad divided: Tá, 22; Níl, 8.	
Tá	Níl
Ahearn, Garret.	Black, Frances.
Blaney, Niall.	Boyhan, Victor.
Burke, Paddy.	Boylan, Lynn.
Byrne, Malcolm.	Gavan, Paul.
Byrne, Maria.	Keogan, Sharon.
Carrigy, Micheál.	Moynihan, Rebecca.
Casey, Pat.	Ó Donnghaile, Niall.
Cassells, Shane.	Warfield, Fintan.
Conway, Martin.	
Crowe, Ollie.	
Cummins, John.	
Currie, Emer.	
Dolan, Aisling.	
Garvey, Róisín.	
Hackett, Pippa.	
Kyne, Seán.	
Martin, Vincent P.	
McGahon, John.	
Murphy, Eugene.	
O'Loughlin, Fiona.	
O'Reilly, Joe.	
O'Sullivan, Ned.	

Tellers: Tá, Senators Fiona O'Loughlin and Seán Kyne; Níl, Senators Niall Ó Donnghaile

and Paul Gavan.

Question declared carried.

Senator Lorraine Clifford-Lee has advised the Cathaoirleach that she has entered into a voting pairing arrangement with Senator Eileen Flynn for the duration of Senator Flynn's maternity leave and accordingly has not voted in this division.

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

**Senator Pat Casey:** Next Tuesday.

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

Committee Stage ordered for Tuesday, 14 December 2021.

*8 o'clock*

### **Maternity-Paternity Leave for County and City Councillors: Motion**

**An Cathaoirleach:** I welcome the Minister of State to the House and thank Senator O'Loughlin for proposing this motion. This is one of the initiatives we began this term where issues that affect the various panels and the nominating bodies for the panels are discussed by the Senators on the panels. I again thank Senator O'Loughlin and other colleagues on the administrative panel for putting forward this proposal for discussion.

**Senator Fiona O'Loughlin:** I move:

That Seanad Éireann calls for action in the area of maternity/paternity leave for county and city councillors.

I thank the Seanad Office, the Cathaoirleach's office and my colleagues on the administrative panel for supporting this motion and co-signing it. I appreciate the help and support of all members of the administrative panel, Senators Wilson, Ahearn, Conway, Moynihan and Ó Donnghaile, in getting this motion to the floor of the House. I thank the Minister of State for being here to listen to the debate on the motion and to take on board what we, collectively, have to say. I also thank the Minister, Deputy O'Gorman, who sent me a letter earlier this evening advising me that he hopes to have a meeting soon to see how he could play his part in this regard.

The innovation and addition of the panel motions within the Seanad operation is very welcome. I commend the Cathaoirleach on his leadership in that regard. This is the second such panel and we look forward to many more.

The work of local government is extremely important to all of us and to the lives of all citizens. The decisions made by local councillors ranging from planning to housing to local

amenities impact on the lives of everyone who lives within the communities they serve. We must support those who wish to serve, ensure there is diversity with respect to those who have the opportunity to serve and address equality issues within that.

Often we see how the culture and organisation of politics can present barriers to women and, indeed, men, who are the primary carers of children, seeking electoral office. A key barrier is caused by the demand of combining responsibilities with the demands of public life, which tend to require long and frequently antisocial working hours. Those barriers may be reduced by measures which make the role of local representatives more compatible with child rearing responsibilities, particularly the provision of maternity-paternity leave, and by pairing administrative support. etc. To truly reduce the barriers, these measure must enable mothers and fathers to take temporary leave from their role as local representatives with minimal negative consequences either professionally or financially. Other measures can and should be focused on altering the organisation and, ultimately, the culture of politics by, for example, changing the times of meetings, allowing proxy or remote voting, etc. The bottom line is that the lack of proper maternity leave provision for elected members has been identified as a major barrier to attracting women to, and retaining them in, public life. When I refer to maternity leave I am also referring to paternity and adoptive leave.

The Minister for Justice, Deputy McEntee, showed many of our colleagues around the country that being forced to sacrifice on maternity or family leave is not an acceptable trade-off or an acceptable expectation. Her taking of maternity leave has shown that even at the highest levels of political life maternity leave can be facilitated and must be prioritised. Her maternity leave certainly brought this issue to the attention of the public but the realities of the situation are well known to all of us in this House and to all our colleagues within local authorities.

I commend the tireless work of Councillor Mary Hoade who, during her term as president of the Association of Irish Local Government, AILG, spearheaded a comprehensive report entitled Pathway to the Provision of Maternity/Adoptive/ Paternity leave for Local Authority Elected Members. I thank the focus group the AILG put together comprising cross-party councillors, Carly Bailey, Clodagh Higgins, Jane Horgan-Jones, Mairín McGrath, Aoife McCooey and Danielle Twomey. I also reiterate the commitment of the new president of the AILG, Nicholas Crossan, of his support and work in this respect. I am very pleased to support and endorse the recommendations put forward in that report. Those recommendations notably are that there should be an amendment to section 18 of the Local Government Act 2001 to provide for maternity leave as an excused absence from a local authority where members can take maternity-paternity leave without the necessity of a resolution from the elected council, and that their allowance remains. We constantly talk about increasing the diversity of our body politic, and we have imposed welcome reforms, such as the gender quota system. If we truly want to see our political discourse transformed, however, we need to ensure our political apparatus operates in as open and inclusive a way as possible. Access to basic rights, such as maternity and family leave, is a key aspect of this.

I have engaged extensively over recent weeks with councillors from right around the country, by email and telephone. I hosted an online councillor consultation last week. I thank colleagues for their engagement and support in that regard. The message from councillors is very clear: they need to see action in this area. The level of pressure and stress faced by many colleagues around the country, especially those who become parents during the term of their mandate, is very clear. I spoke to a member of a local authority who, just hours after giving birth, had sat upright in her bed to take part remotely in council business concerning a development

plan out of fear that a lack of engagement would be used against her by opponents at the next election. She had worried more about packing her laptop bag and ensuring she would be ready to work in hospital after birth than about packing her birthing bag. That is just outrageous but it shows the pressure women are under. Parents get only one opportunity to experience the birth of any child, and they have the right to experience it to the full and to be fully present.

Another point of note was the financial burden placed on many councillors due to the unsociable working hours. Many councillors noted the incredible expense of childcare and late-night babysitting to allow them to attend out-of-hours meetings, both virtually and around their constituencies.

We have all fought tooth and nail to see the recommendations of the Moorhead report implemented. I am proud that Fianna Fáil has played its part in delivering long-overdue reform of conditions and pay for councillors. The remuneration of local authority members is modest, however, and the imposition of high childcare costs puts even more financial pressure on our colleagues.

While new mothers take maternity leave, there should be secretarial support to assist with the workload. At the height of the pandemic, remote attendance and voting were facilitated at statutory meetings of local authorities. An elected member on maternity, paternity or adoptive leave should have this facility continued. Pairing, as done in the Seanad and Dáil, should also be introduced to facilitate this type of leave.

I thank the Oireachtas Library & Research Service for its research on my behalf on 16 European states to determine how they deal with maternity leave. Not all local government systems are the same, and the numbers of people and sizes of areas vary. The competencies and policy areas that fall under the remit of councils vary significantly. There is an obvious difference where there are directly elected mayors. In ten of the 16 states, councillors are considered paid employees for the purposes of remuneration and benefits. Their entitlement to maternity and paternity leave, therefore, is a right under law. In seven of the states, councillors are formally substituted for the duration of their leave. In five of the states, councillors lose their allowances for the duration of the leave. In my view, this is not acceptable given that many make financial sacrifices to be public representatives in the first place. The two best examples of what happens abroad are in Portugal, where councillors may avail of substitution and continue to receive allowances, and the Welsh Assembly, which sets out in law the rights of councillors to take maternity, paternity and parental leave without requiring the formal permission of the council. Ireland should play a leading role and provide an example of best practice to other countries in respect of how to support parents who are also public representatives.

On family leave, I want to mention the real-life experiences of many across society, including elected members of local authorities, in respect of the need to give care to loved ones. Many have family members, be they parents, siblings or children with complex additional needs, who need to be cared for from time to time. If we want to ensure our democracy is truly representative, we need to find a way to support these people in getting and staying involved in the political process.

In my consultation with councillors of all parties and none, their immense pride and dedication to their role, community and job came through very strongly. Politicians are public people. We choose to put ourselves before our peers and to be held to account if elected, but we are also people with the same basic needs and responsibilities as others. We have families, children and

parents, and we have bereavements, and we need to ensure that those who are brave enough to step into the arena are supported in doing their very valuable work fully.

**Senator Garret Ahearn:** I second the motion. I thank the Cathaoirleach for facilitating the sort of debate we are having today. It is very much welcome, and I hope we will continue in this way. I acknowledge the good work of Senator O’Loughlin on this debate and the fact that everyone on the Administrative Panel supports it.

I remember talking to my family at home in the 1980s when my mother was a politician. She had two children when she was a councillor but took no leave from the council at the time. She was asked to run in the 1987 general election, which was in the middle of February, but did not run because she was pregnant and due to have my brother in early February. At that time, it was basically the case that someone who was pregnant could not run. That was my mother’s feeling at the time. Two years later, in 1989, she ran and was elected. The minute she got elected, having more children was just not an option for her. She had four children — four boys — but she would have liked to have more if politics had not prevented her. There was no opportunity at the time to be a mother in the early months. It was so frustrating. Although that was in 1987, essentially nothing has changed in law since. What is new is the perception that something needs to be done. Much of this comes down to the courageous leadership role of the Minister for Justice, Deputy McEntee. When it was announced that she was pregnant, she did not hesitate in taking six months’ maternity leave, and it and it was the job of everyone else to figure out how it was to be done. She was taking the leave, and that was it. It is important to commend her husband, Paul, also because he took a leadership role from a male perspective in the sense of taking time off to support the family. Everyone will speak about maternity leave for councillors and its importance, but men can play a role in promoting paternity leave for them.

I have one young boy, who was born in December 2019. I was a councillor and candidate for the imminent general election, which happened to be a month later. I did not even consider paternity leave. Even if had been available, I would not even have considered it. The Minister of State has a young family also. The job and the way we perceive the job sometimes dictate that we cannot take any time off. I remember when I was in the delivery room of the hospital when Jimmy was being born. One is still kind of working as well as actually going through this. Men need to take a leadership role. We have a role to play and an opportunity to play in supporting that family network and taking paternity leave. As councillors, we talk about equality all the time but we need to take that role as well. In fairness to the Minister of State, in his first year in office, he made a commitment to support councillors in terms of fair pay and remuneration for the work they do and delivered that on time as promised. This is another element where we can support councillors and that would make a huge difference to so many councillors across the country. I acknowledge the excellent work of the AILG in terms of putting up the proposals. They are very legitimate requests in terms of giving six months leave of absence for maternity and paternity leave with a 50% reduction for the following six months, a third period of six months unpaid leave and secretarial support. These are obvious things that could be supported. I acknowledge the really good work of the AILG on this issue. I look forward to listening to the Minister of State’s contribution.

**Senator Rebecca Moynihan:** I pay tribute to Senator O’Loughlin for taking the initiative on this issue as a panel discussion. It is appropriate that we are discussing this issue at this time of night because this is the time that an awful lot of full council meetings take place. On many occasions, I have held many babies in the council chamber and assisted their mothers with newborns outside. It always seemed crazy that when newborns had to sit in a waiting room in

a council chamber when they should have been wrapped up at home while their mothers, who were just recovering from childbirth, had to go inside to vote or speak. It is not just one baby I have done that for. There have been many babies, many councillors and many friends of mine. It is the 21st century and local councillors should have the supports they need to have children. I welcome this discussion. I welcome the AILG recommendations and the Bill on the floor of the Dáil from Deputy Cairns, which is a very simple measure to amend the Local Government Act to expand it.

I believe the Bill should be enacted without delay but I have looked at some of the wider issues contained in the AILG report. As somebody who was a city councillor, I know of the huge workload involved and how every single thing is one's responsibility and one's responsibility alone. In here, we have secretarial support that allows us to do our work. I have an office where there is a meeting I must attend but I also have my secretarial assistant, who is on another meeting for me and doing notes for me so that I am able to read and catch up with them. If I was a councillor, I would be doing every single one of those things by myself. One of the better innovations from the UK was the provision of a locum MP for Stella Creasy MP when she was on her first maternity leave who assisted with casework on her behalf. The UK equivalent of SIPO would not let that happen or allow her to do that again. The locum MP did not vote in the UK Parliament but assisted with casework, which allowed Stella Creasy to be able to take maternity leave. She was recently told that she could not take her child to the chamber to breastfeed. She should not be in there. She should not be breastfeeding in the chamber because she should be able to take maternity leave. Later on, if she is coming back to work, there should be breastfeeding facilities.

Attendance is another issue. Every woman should have the right to physically recover from childbirth and spend quality time with her newborn to bond. I welcome the AILG recommendation which calls for new parents to be exempt from the rule that requires members to attend more than 50% to 80% of meetings. We can do much to improve the family-friendly times of councils but this is much more difficult when councillors are holding down full-time jobs. During the pandemic, we managed to employ new technology to allow people to attend remotely and to be able to vote remotely. If we can do that because of Covid and to keep us all safe, we can do it to give dignity back to mothers, who should be physically recovering from childbirth, and allow them to breastfeed their children and to be fully engaged with the council after maternity leave is up. Many people breastfeed beyond a year or two years. If there are breastfeeding mothers who need to be facilitated, we should employ all the tools available to us.

This is a very timely discussion. It is particularly timely when it comes to so many councillors around the country who have said that they cannot continue with the job because they do not have the support they need. Could the Minister of State have a look at providing secretarial support and the UK example of a locum MP for women going on maternity leave? That was a really good innovation. Unfortunately, the UK discontinued it but it was a good way of ensuring that people have representation and young mothers have the dignity of being allowed to recover from childbirth.

**Senator Martin Conway:** I commend Senator O'Loughlin for this excellent initiative. As somebody who shares the panel with us, I know the Cathaoirleach is very much committed to achieving as much as we can for the community that elects us to the Seanad. It is very appropriate that the Minister of State is here. We have been in government for a year and a half. During that period of time, we have seen the package of benefits for councillors and the Moorhead report. The additions have come about because the Minister of State has been com-



pletely committed to resolving the issue. This is a first step. As we move on, there is so much more that needs to be done. It speaks volumes that the issue of maternity leave has not been addressed up to now. For some reason, female politicians do not require maternity leave, be they Ministers, Deputies, Senators or councillors. Thankfully, within the past 12 months, we have seen the Minister for Justice take her maternity leave, which set an example that, hopefully, will percolate down the political chain. We have seen in recent times that the situation is a lot more fluid that it was. People are choosing to go into politics but when they see the terms and conditions presented to them, some of them are choosing to leave. We need to look at the reasons for that. The lack of maternity leave is a major roadblock to young females getting involved in local politics. It is shocking to think that those who decide to get involved in local politics and become councillors do not have the benefit of maternity leave. This issue needs to be addressed. I urge the Minister of State to look at it as part of a further suite of measures to make local politics and local democracy attractive. I would also urge him to look at paternity leave because young men who have been fortunate to have partners who have had children should be able to take some paternity leave.

I agree with what has been said about the suite of non-financial supports that need to be provided to local councillors. I would start by saying that councillors should, if they deem it necessary, have access to legal advice that is independent from the council law officer. If they feel that there is an issue on which they need to procure independent legal advice, they should be able to do so and it should be paid for if it is legal advice that is required in the course of their work. Similarly, if they need to get engineering or planning advice in engaging in the local development plan and council development plan process, they should have access to it. When I became a councillor in 2004, I was straight into dealing with the Clare county development plan and the north Clare local area plan. It was technical, difficult and challenging. Certainly, if independent engineering and planning advice had been available at the time, it would have equipped me better to do my job. To this day, that independent advice is not provided. Councillors are reliant on the expertise that is provided by council executives that have their own agendas.

I believe that a pool of secretarial assistants should be available to councillors, should they wish to avail of it. That is what is expected in any modern workplace. That should be available to all councillors. In addition, if expert financial advice is required at budget time, it should be available to councillors so they can consider the budget they are about to adopt to the degree they feel they need to. If part of that process means that they need to access independent financial advice, that should be available. These are things that should be available to our councillors up and down the country to help them do their jobs. Money and resources are very important because people need to be paid a living wage to do the job, but the supports to help them do the job are equally important. I believe that the measures I mentioned would not cost a fortune but would certainly equip our councillors to do the job. They should be provided with financial, legal, planning and secretarial resources if they need them. Finally, if our councillors need to publish reports, there should be a facility to help them draft reports and submissions. These resources should be provided. Councillors will not materially benefit financially from such a suite of measures, but they will be able to do a better job and stand over the job they do because it will be done with the best possible advice.

I thank the Minister of State for what he has done to date. I know he is committed to ensuring that we have the best equipped councillors in the world to operate and run our local government and authorities.

**Senator Niall Ó Donnghaile:** Ba mhaith liom fáilte a chur roimh an Aire Stáit agus roimh an rún atá os ár gcomhair. I welcome the Minister of State and indicate my own support for the motion. I am delighted to co-sign it with colleagues from the administrative panel. I also note the hard work and dedication of Senator O’Loughlin in bringing the motion before us, and the initiatives she has taken, such as last week’s engagement with councillors which, unfortunately, I was unable to attend because I had commitments in the Chamber. I know that it was of great benefit and use to all in attendance.

I want to make clear Sinn Féin’s position on the issue of maternity and paternity leave. The history of the issue in recent years is reflected in a number of debates in the Dáil and published documents like the report of the Forum on a Family Friendly and Inclusive Parliament. Clarity, as well as consistency, is required to resolve the matter satisfactorily to meet the needs of the elected representatives affected. I believe that elected representatives, whether they are Deputies, Seanadóirí or councillors, should be entitled to paid maternity and paternity leave. The Oireachtas and local authorities must ensure that the necessary workplace supports are in place to make this entitlement meaningful. Elected representatives should be afforded the same maternity, paternity, parental and adoption leave entitlements as other workers.

At a time like now, when the nation is in the eye of Storm Barra and people are stressed about the storm and its consequences, elected representatives, especially councillors, will be on the streets and the front line, helping people and getting in touch with local councils and the relevant statutory agencies on their behalf, fulfilling their obligations as representatives elected by the people. We saw, and other colleagues have referenced, how councillors - again, on the front line - stepped up during the pandemic, not least in the immediate early days when we saw them out and about involved in the delivery of food parcels where it was safe, checking on elderly and vulnerable neighbours. On many occasions, they were the link. We, and the Government, relied on them to deliver messages and information in very uncertain times. Many of them were asked to step up, as they very often do. Local, county and city councillors did indeed step up.

We are coming into the winter again and, unfortunately, the reality is that Storm Barra will probably not be the last adverse weather event we will encounter. Councillors will be out there again, doing what they do. That is on top of everything else that they are expected to do from day to day in their lives as elected representatives, and indeed, in their lives as workers. My experience of being a city councillor in Belfast was certainly vast and in many ways, unique. I know that perhaps our circumstances are slightly different, but I know that people across the Chamber who have been in local government will be able to relate to my experiences. In my own circumstances, I could be at a council committee meeting one day, and the next day, I could be standing on the front line of a contentious parade, dealing with riot police. There is an expectation that a councillor will be at all places at all times. I know everyone can relate to that expectation and that work. I have no doubt that even with the provision of maternity and paternity leave, given the public service spirit and nature of local councillors, many of them will not actually stop working. They will probably carry on. However, it is about providing the reassurance and the support to councillors so they know they can step away and have the space to do so, and minimise the work and expectation that is on them. We all know it is a demanding job. Councillors should be entitled to the same rights and protections as other workers. The irony is that many councillors find themselves lobbying on behalf of workers’ on rights issues. That is the nature of the work. Many people come to their local council if they are dealing with such issues. Many councillors go in, work hard, advocate and lobby on rights to be afforded to others that they are ultimately denied themselves.

Although today's debate is focused on leave for councillors, I want to touch on the wider arena to get across the importance of this issue being resolved speedily and effectively. Across Europe in 22 chambers, the vast majority of which are members of the EU, provision is made for maternity, paternity and adoption leave, childcare and child protection for elected representatives. Therefore, the issue we are debating here is a live one across Europe. Each of the parliaments has introduced various schemes particular to their own needs. All of the schemes have one objective in mind, which is to ensure that the parliamentary system is family-friendly, and not only family-friendly, but also woman- or mother-friendly. That will make it easier for women to stand for elected office to the council, the Dáil, the Assembly in the North, the Seanad and the European Parliament. I would like to commend the Ceann Comhairle and the Cathaoirleach for producing the report of the Forum on a Family Friendly and Inclusive Parliament. The report addresses the need for maternity and paternity leave to be made available to elected representatives in the Oireachtas as part of a wider programme of reform to make the Oireachtas a family-friendly and inclusive institution. The observations the report makes on the issue of leave apply to councillors as well. The following line from the report is a very pertinent one that is easily recognised by all elected representatives: "After sitting hours, the lack of an equivalent to maternity, paternity, sick leave and other protective leaves for Members, is the second greatest impediment to a family friendly, inclusive and gender-sensitive working environment for Members". Public life must be altered to reflect the fact that more and more women are being elected at all levels. The remaining barriers that are curtailing women who are already elected, and those who are interested in being elected, must be removed.

I have a fair bit more to say, but I will finish on the following point, with the indulgence of the Chair. The key recommendations from the Citizens' Assembly on gender equality included: the introduction of maternity leave for all representatives by the end of 2022; the extension of gender quotas for party candidates to local, Seanad and European elections; an increase in penalties for parties that do not meet the quota; and an increase in the threshold from 30% to 40% for both women and men. The issue of maternity and paternity leave requires urgent attention, none more so than for our city and county councillors.

**An Cathaoirleach:** I wish to make Members aware that, in this unique format, it is the panel members who go first. Unlike all other motions and debates, this motion is signed by all the panel members from different parties. Therefore, like in committees, they are the ones who go first, and then we revert to the rota.

**Senator Malcolm Byrne:** I commend my colleagues, who are members of a panel with which you are quite familiar, a Chathaoirligh, on bringing forward this proposal. This is a useful debate. This Chamber works in a very collegial way, and having debates on these issues that have cross-party support is an important way of doing business. It speaks to the broader principle of the importance of our getting good people into local government.

I was very struck by a series of interviews "This Week" on RTÉ Radio 1 did around the time of the local elections in 2019 with those who had been first-time councillors, some of whom were very capable young councillors and who, after one term, had decided to quit. In most jobs, if you decide to quit, there is an exit interview. There is no real formal exit interview process in politics, bar, obviously, the electorate making its decision. Questions have to be asked about the many people deciding to quit after one term. One of the reasons is that the workload continues to increase. It is funny that in this Chamber we talk about the right to switch off. Councillors and other elected representatives in many ways do not have the right to switch off. Because of social media in particular, they are switched on 24-7 and there is an expectation that they

respond immediately. We have seen the increase in online abuse.

Another reason is the question of parental leave and support for those who wish to become parents while serving in elected office. We have to rethink radically the career of the councillor. It cannot be an either-or in that people have to choose between spending time having children and bringing up a family and devoting themselves to the local community, no more than it should be a challenge for national politicians. Senator Ó Donnghaile is correct that this is a live debate in many other European countries. Sweden is possibly the most progressive in that all elected representatives are entitled to 480 days' paid leave and 90 days can be allocated to each parent. Similar moves have been made in Canada and other jurisdictions.

We need to consider this in the context of the electoral commission legislation coming forward. Could we consider not just parental leave but also substitute members stepping in to do the work? Often there is a fear on the part of elected members that if they take time out, their rivals will gain ground on them and they will have a huge workload when they come back. They ask how they will be able to catch up in those circumstances. Therefore, in the same way that if somebody steps down from a local authority, his or her political party or somebody else nominates somebody to take his or her place, we should have a provision that, during parental leave, a substitute member may be put in place on the part of that elected representative. That could apply in a broad range of areas, for instance, when it comes to compassionate leave or somebody who has health difficulties. People should not feel they have to sacrifice their entire lives outside of politics to be able to go on. I think the Minister is very much committed to real local government reform, but that has to be about more than just looking at the structures and the powers. It has to be about how we can ensure that we have a diverse, representative local and national parliament and that we get the best people and as diverse a group of people as possible into politics. That includes ensuring we have family-friendly measures and parental leave and ensuring that if people go on parental leave, they in no way feel their political careers will suffer as a result.

I will make just one other point. It is a more general point about these Houses. We often talk about a family-friendly environment. It is completely unfair, not just on elected Members but also on the staff, that the Houses of the Oireachtas sit late into the night, by which I mean after 9 p.m. or 10 p.m.. In addition, after a long day's work, people are cranky and not necessarily as focused. We, therefore, need to reconsider seriously the sitting hours of these Houses. They are not conducive to good legislation or family-friendly. This is a welcome debate, however, and I commend the proposers of the motion.

**Senator Maria Byrne:** I thank the Minister of State for coming before the House and thank the members of the administrative panel for bringing forward this timely debate. Thinking back to my time on the council, young females never came forward. While we had young males, there were never young females. Much of the time they said it just was not a family-friendly choice. That is obvious from what is coming out in this debate. It is time we encouraged young females to get involved. I am not taking from males, and I know the Minister of State is committed to this. He set up a committee not so long ago. Maybe he could tell us how that is going and if it is considering options. New Zealand has set a very good, robust example in respect of young females and maternity leave for female councillors. This all came to a head when a Green Party councillor resigned back in February. She cited the fact that being a councillor was not family-friendly and that she had time off from work but not from the council. That highlighted the whole issue.

I pay compliment to the councillors and the AILG, which has been involved in this. They have been looking for these measures for quite a while. It is time we looked at the sitting hours of council meetings. In some councils the sittings are in the evening. Maybe councillors' respective husbands or partners or whatever are still at work. Some of the councils sit early in the morning. The life of a councillor has become so busy. It is a full-time job, as has been said. Especially when a baby is born, the best time is the first couple of weeks, when the mother and other family members spend that time with him or her. It is time we acted on this. We need to encourage more female participation in local government. Unless we introduce maternity leave, we are going the wrong way about it. I know that the Minister of State is committed to that and I look forward to hearing what he has to say. I thank him for his time and thank everyone who brought forward the motion.

**Senator Emer Currie:** I commend my colleague, Senator O'Loughlin, on bringing forward the motion, not just in her role on the administrative panel but also as chair of the women's caucus. She does a fabulous job.

Politics, as we know, is not a normal job. Public service does not start at nine, finish at six and come with leave entitlements. Our families know and accept that, all too often, politics comes first, but there are times when it should not and cannot. However, we allow ourselves to be part of a culture in which women who have just had children, a life-altering event in our lives, feel they have no choice but to protect and mind their seats when they should be protecting and minding their newborn babies. I would not underestimate the inner conflict that causes. The last thing I want to do is have us introduce provisions that support councillors with leave and they can say that it is great but it is for somebody else and not for them because they fear losing ground to somebody else, losing face, being judged or allowing competitors to take advantage. There must be choice and flexibility in what we bring forward so people can find what works for them. As somebody has said, that may be that such people continue to work with a support network behind them.

I commend the Association of Irish Local Government proposal to amend section 18 of the Local Government Act 2001, which seems the way to go. The people can decide themselves how long they wish to take with full remuneration for the first six months, 50% up to a year and unpaid if they decide to go to 18 months. Vouched expenses for those who are still working should be available and the possibility of remote attendance from here on is a must. People should be able to vote remotely so those who choose to keep working do not need to bring newborn babies into a chamber and men on paternity leave are not being pulled away from forming a support network. Pairing should be part of this process but it does not work in all councils. It would be interesting to give the option of a substitute to people for the full period, although not everybody would be comfortable with that. The most impactful action we could take would be to give administrative and secretarial support so the work could still come from the councillor but it is done through the office.

I also have another suggestion, which is that councillors should be able to decide not to take maternity leave in full at that time. They may have just been elected or perhaps an election is upcoming. Such people could take a month and then be able to take five months at a later stage. That should not be interrupted by the term and there should be a time-specific period in which they can avail of maternity leave. They should have options similar to employees who are not officeholders, such as for parental and unpaid leave as well.

It is my first time speaking in the House since my father passed away. I wanted to come

because this is about life-altering leave. I thank the people working behind the scenes for me during my bereavement leave. I have two fantastic secretarial assistants who job-share, Ms Geraldine Hogan and Ms Evie Sammon. They were able to keep me going and gave me peace of mind when I was trying to find peace with what happened as well. I was paired in the House. One cannot underestimate that kind of support. I really miss him and I feel pride and loss in equal measure. I thank everybody for the kind words they said in this House, outside this House and in the media to me. I thank the people who turned up and gave me the support I needed. He was an uncomplicated, brilliant Irishman and father. I will be proud of him every day for the rest of my life.

**An Cathaoirleach:** Thank you, Senator. You summed it up. He was an amazing Irishman and did extraordinary things when called upon. He could have and did suffer serious consequences because of his bravery.

**Senator Sharon Keogan:** I welcome the Minister of State to the House. First, I thank my colleagues on the administrative panel for bringing this motion before us. I also thank the Minister of State for delivering for city and county councillors throughout this country over the past year and half in government. I appreciate the lengths gone to to recognise the value they bring to local government, and we made their pay almost a living wage.

We must be realistic. It is all very well saying we would love to see these recommendations realised but we must be realistic in telling women what this job entails and the demands put on one's life. When in politics, people are open to the public 24-7. We might not like to be but, unfortunately, we are. It is all about trying to protect one's seat and position. I recently had an illness and I was only out of theatre before I was online responding to people. We are all very conscious of the role we have as public representatives but we do not give ourselves time out to even recuperate after operations. It is really important the recommendations put forward today, particularly the work of the AILG, is listened to by the Minister of State. He should take on board these eight recommendations.

I will read some of them for the Minister of State. The first is there should be, "Amendment to section 18 of the Local Government Act 2001 to provide for maternity leave as an excused absence from a local authority and where elected members can take maternity leave without the necessity of a resolution from the elected council and therefore it will eliminate any risk of an elected member having deemed to have resigned [the] seat". The second recommendation is a "Solution to provide paid maternity leave for elected members would be to provide for no reduction in our members' remuneration payment for the first six months of absence for maternity/adoptive/paternity leave, a 50% reduction in [the] payment for the subsequent six months and no payment thereafter up to the maximum of 18 months' absence".

The third recommendation is that, "The provision of secretarial support has been identified as a necessary aid for members taking maternity leave". The fourth is that, "Consideration needs to be given to exempting the attendance rule requirement for payment of the annual expenses allowance for members on maternity leave to ensure payment of this allowance to fund the cost of additional administrative/secretarial support". The fifth recommendation is, "Examining meeting times, duration and appropriate flexibility with scheduling meetings to accommodate elected members on maternity leave". The sixth is, "Continued facility of remote attendance and voting at statutory meetings". This was absolutely crucial during the pandemic and it would be a very welcome move to continue that.

The sixth recommendation is that “Consideration [...] be given for the introduction of a voting pairing system”. This works really well in here and there is absolutely no reason it cannot work in local government. It is something we should really push for. The next recommendation is, “The option of a substitute/replacement system would be desirable for a member who would wish to avail of it in order to take a complete break while on maternity leave”. That could present problems but I do not believe it will. The public are very forgiving and understanding of what it takes to make it into local government. I know this best of all because I ran in two areas but I could only take one seat. Therefore, the person in the second seat was somebody I nominated. The people trusted me to be able to put somebody into the position who would work for them in my absence. It can work if we have the right person and the seat can be handed back after the time is up.

We recently saw the introduction of expenses for councillors of €5,200. Some of the councillors have wondered if they could use some of that for childcare. All the criteria for drawing down that allowance have not been published.

Babies having parents around in the first year of their lives is really important. The possibility of maternity and paternity leave is really important for young babies and children. It is really important for us to look at best practice across the EU. We should do whatever that best practice is. Could we consider compassionate leave for people with miscarriages or stillbirths, as this is important? Perhaps that could be sorted out in some part of the legislation. Some people go full term but lose their baby very soon after birth or have a late miscarriage.

We must make this process more family-friendly. We must ensure we can get young people into politics and we want to keep them there. I have seen so many young women coming in over the years and they are gone. I might see them breastfeeding a child and six months later they do not run again in local elections.

*9 o'clock*

We want those young women to stay, so we need to create an environment that will be good for them. We need to pay them right and ensure they have the appropriate resources behind them, and I think the Minister of State will do that. He will review this in a few months and ensure these recommendations are met.

**Senator Paddy Burke:** I welcome the Minister of State and congratulate him on the work he has done on the restructuring of facilities and payments for local authority members. I thank the Cathaoirleach for bringing forward the provision whereby panel-elected Senators can table a motion. It is a great idea because, in this case, more than likely, the motion has had cross-party support from the moment it was put on the Order Paper. Given the five panels in the House, it is a great idea. The Seanad was set up in the first instance in order that educational panels could jointly bring forward motions. Finally, I thank and congratulate the Senators who tabled the motion, namely, Senators O’Loughlin, Wilson, Ahearn, Conway, Moynihan and Ó Donnghaile. It is a great initiative and I welcome it.

It has been almost 20 years since I was a councillor and there have been some huge changes in those 20 years. At that time, there were town councils and county councils. The former dealt mainly with larger towns and so on, while the latter deal with more rural areas and rural towns. The issues, too, were completely different back then. While there were some housing loans and issues like that then too, today it is completely different because housing is a bigger issue

altogether. Planning is also a different, bigger issue because if someone applies for planning permission today, it could well be five years before the project comes to fruition. Councillors have to deal with all that, as well as many social issues. I welcome what the Minister of State has done for councillors thus far. It was unprecedented and it took much courage on his part to raise those issues, given that councillors' pay is not a popular issue.

Moreover, the areas covered by the local authorities are much larger than they were in my time. Councillors represent a larger hinterland and bigger populations, and in that regard, they face different issues. I agreed with Senator Conway when he suggested legal advice be provided to councillors. They are completely on their own. They are sole traders, whether we like it or not, regardless of whether we introduce maternity or paternity leave for them. A councillor is a sole trader and is on his or her own. Issues can arise in respect of legalities and it is only right, in line with the proposal made by Senator Conway, that they would have legal advice available to them. It is a lonely place for a councillor on his or her own, without legal advice and having to dig deep into his or her own pocket, as many councillors have had to do to protect their good name, even though many of them win their cases.

I do not fully agree with Senator Malcolm Byrne's points. I think there would be problems if a person was directly appointed in somebody's place at a council meeting. I could foresee legal issues there, particularly if a county development plan was in place. It is a document with much legal weight and that could cause great problems. As other Senators outlined, secretarial services should be the least councillors get. They should be able to conduct their meetings on Zoom or whatever medium is in order. There should be a facility whereby there could be some councillors in the chamber and others on Zoom who are on maternity or paternity leave. That is the least we should expect.

The Minister of State is a very capable man and I know he will take a serious look at the problems councillors will face over the next 20 years. They will face many problems and they need those supports. They need to be able to attend meetings, whether in person or through Zoom, because they have to be up to speed and the only way they can be is by attending them. It is all well and good to read the minutes of meetings and all the documentation that is sent to councillors, but when they are in the chamber listening to other councillors, they can learn an awful lot. That is why secretarial services are the way forward and they should have the other facilities as well, such as legal advice and so forth.

**Senator Frances Black:** I welcome the Minister of State. I thank my colleague Senator O'Loughlin and all those on the administrative panel for introducing this topic for debate. I thank also the Cathaoirleach for introducing this additional format whereby we can discuss and debate matters of importance in this House.

The matter of providing for maternity and paternity leave for county and city councillors is vital. That we are even in the position to debate the issue in this way is almost disappointing. In this day and age, you would assume this is already there for councillors. That said, I welcome the opportunity to discuss this important issue with my colleagues and I hope we will see progress in this area in the not-too-distant future. I agree with my colleague Senator Malcolm Byrne about the irony of this debate being scheduled at what is an unfriendly time for parents and families. Senators who are parents have spoken during the debate and there are also the staff who are working in the House. We need to do more to ensure we improve representation in politics in Ireland in general, and making the business of both Houses a little more family-friendly would surely be a good place to start.



It is brilliant that two female legislators have taken maternity leave in the current legislative term. I commend the Minister for Justice, Deputy McEntee, and my Civil Engagement Group colleague Senator Flynn on leading the charge in this way and paving the way for more women to take maternity leave while in elected office. Even so, we should not have to commend individual women or men on taking maternity or paternity leave. It should be provided for each elected representative as standard to ensure we will support our elected representatives in starting or growing their family. The current system, wherein there is no formal provision for maternity or paternity leave, is not only an issue for our elected representatives but also a major barrier to entry for politics for many people, especially women.

Ireland is often referred to as a setter of standards in regard to the legal provision of maternity and paternity leave and of maternity and paternity benefit, but what does it say about us that we do not make the same provisions for those entrusted with the responsibility for making our laws and policies and overseeing the provision of our public services? It is an anomaly that needs to be urgently addressed. At present, councillors in our local authorities who wish to take maternity or paternity leave must do so under the provisions of section 18 of the Local Government Act 2001. My interpretation of this provision is it permits a six-month leave of absence in the event of an illness or another reason in good faith. This period of six months can be extended by resolution on two occasions, although I understand councillors receive a 50% reduction in their pay during this time. While it is positive that a workaround provides for councillors to take this paid leave of absence for six months, making an explicit provision for maternity and paternity leave would demonstrate we welcome a diverse range of individuals into political life in Ireland. Furthermore, while it is welcome the six-month period can be extended, I do not agree with elected representatives, especially young women, having to seek permission to take extended parental leave.

As for remuneration, it is welcome that a councillor's pay is unaffected in the first period of six months in which he or she takes leave, but we must acknowledge councillors are not well paid in the first instance, earning less than the living wage for what is a really important job. Councillors have access to an additional allowance budget, but mothers or fathers taking parental leave will see their allowances reduce significantly due to the fact they are unlikely to fulfil the attendance requirements for this allowance. Councillors who take parental leave are placed at a financial disadvantage and this is extremely problematic in terms of pay parity between existing elected representatives. It also creates a significant barrier to entry into local government as only certain people can afford to run for office. This means we do not get the diverse representation we require in local government and the voices of minority groups are not represented on many county and city councils. At present only 37 of 160 Dáil Deputies are women. We are doing a little better in terms of representation in the Seanad, where 23 of 60 Members are women. In our local authorities, only 20.6% of councillors are women. There is such value and importance in promoting the voices of women in national and local politics. Saying to young women in Ireland that they can have a role in public life while rearing a family will go some distance towards ensuring that more female voices are heard in our political spaces.

I welcome the publication of the report on the provision of maternity and paternity leave for elected members by local government by the Association of Irish Local Government. I endorse each of the recommendations it makes. We should make explicit provision for parental leave, ensure financial stability for new parents and adjust the work of our local authorities to ensure that it is better suited to new parents and families. The work of local government is important

to parents and families, to our local communities and our society as a whole. It can only be improved on by creating more space for diverse voices. I thank my colleagues for introducing this important matter this evening and look forward to hearing the response from the Minister of State on how we can promote more diverse representation in political life in Ireland, especially through the provision of maternity and paternity leave. I also agree with Members who have said that councillors could do with more secretarial support.

**Senator Barry Ward:** I welcome this debate. I have been listening to what Senators have had to say and agree wholeheartedly with their comments. Ironically this is the very first issue I raised as a Senator after my election in the summer of 2020. I raised the issue because when I went out to Dún Laoghaire-Rathdown County Council for the meeting at which the seat I had occupied was being filled by the co-option of Councillor Maurice Dockrell, I met Councillor Lorraine Hall, who had just had a baby, Conor. He was with her in the meeting, which took place not in the chamber but in the cold, draughty ferry terminal at Dún Laoghaire. Because of Covid they were not able to meet in the chamber at that time. There was no remote working facility and no facility to accommodate her with a young son. She still had to attend in person. It struck me that it was absolutely archaic to be in that position. I raised the matter 18 months ago or more. I am certainly delighted to see the debate happening today. It is, however, ridiculous that we are this long in and still have no action on this issue.

I also agree with what has been said about the general approach to local government and the need to provide more facilities, supports and generally more updated attitudes towards local government. I have also noted on many occasions in this Chamber the need to increase the powers and responsibilities of local authority members. This is a key aspect of being a councillor. We talk all the time about the importance of local government. It enjoys a particular position in Article 28A of the Constitution. It is recognised as being a vital part of the government of this country. I say that because it is constitutionally and legally the case. With no disrespect to the Minister of State, who has made great strides in his position, central government in Ireland over the last 20 years has had a very regressive approach to local government and has stripped away successive powers from members of local government.

I refer to the elected councillors who actually go out, knock on doors and ask people what their opinions are. The officials on the council, the executive, are never going to knock on a door and ask somebody what they think. Very often we see the opposite of what the public wants being effected by officials when in fact the councillors were opposing it but did not have the power to stop it. We talk about the importance of having people get involved in local politics and particularly about young blood in local politics and the importance of bringing young people into elected politics where they can contribute to their communities and work for their neighbours, friends and local community. Young people are the very people who are affected by maternity and paternity leave. The profile of local government is, on average, an older group than society as a whole. I think of my young colleagues on councils, particularly women, people like Councillor Bridin Murphy in Wexford and Councillor Evie Sammon in Kildare, who works here in the Houses of the Oireachtas, and Councillor Clodagh Higgins in Galway. They are there throughout the country but they are in the minority, young people who have gone out and got involved. They are in the minority because there is very little there to facilitate them. If they do decide to have a family they are in a very difficult position, just as Councillor Lorraine Hall was at that meeting of Dún Laoghaire-Rathdown County Council in July or June of 2020.

As to what can be done about it, it is a really easy fix. It is not about money or providing for the facility to leave the position. The reality is that an elected person is not an employee.

Elected representatives do have the power to step back from their positions and take up to six months out. However, that is not what elected people do. They do not run for office and put their lives on hold to become councillors and invest all the time, effort, money and resources that it takes to get elected, only to walk away and sit elsewhere for six months looking after a child, rewarding though that may be. They do not do that. Instead they take on all the burdens of the world and try to do everything at once. That compromises their ability to be a parent as much as it does their ability to be a councillor. They cannot do both things to 100%.

It is not even about that. It is about putting in place a facility to replace that person in the short term. It is about having a modern, progressive system, not unlike the European Parliament, that allows a list of substitutes. When I was on Dún Laoghaire-Rathdown County Council, in order to replace independent councillors we required them to give a list of three names, sealed, to the executive, so that if they vacated the seat for whatever reason there was a list of people to whom that seat would then be offered in circumstances where the Local Government Act did not cover the scenario. Something similar for parents and prospective parents would make absolute sense. The councillor can step back and in his or her place there is a person who can step in, somebody the councillor trusts and knows will do a good job, possibly even somebody who is known to the electorate beforehand. We could do it in the same way that there is a list of alternates for the European Parliament. We could notify the electorate at the time of the election. Either way, it would provide for an opportunity for a councillor to step back, take seriously and dedicate themselves to their role as a parent but also know that their role as a councillor and representative of their local community is not compromised. There is a simple legislative solution to this. It is something we should be doing as a matter of priority.

The Minister of State has a very positive, reformist attitude to local government. I hope he will take the message back from this Chamber to the Minister, Deputy Darragh O'Brien, that this is what we would like to see. We say that on behalf of councillors around the country. Let us be modern and progressive. Let us change the system and recognise the fact that if we want young people to contribute in politics, we need also to facilitate their right to have a family.

**Minister of State at the Department of Housing, Local Government and Heritage (Deputy Peter Burke):** I thank those who have contributed to the debate, and Senator O'Loughlin and her colleagues for proposing the debate, which is very important in terms of where we are in the process. I want to reflect on where we were on July 2020 when I took office as Minister of State with responsibility for local government and planning. We had the local elections in 2014 where around 21% of candidates elected were women. In 2019 that increased marginally to 24%, which was still significantly out of kilter with the European average of about 35%. In 2019 the number of women candidates who came forward was 562. Remarkably, that was only 28% of all the candidates who ran in the 2019 local elections. That speaks volumes in itself. Before I had the privilege of being elected to the Dáil in 2009 I was a councillor. I served as cathaoirleach of my county council in Westmeath and as chairperson of the old town council, which was abolished. I want to be absolutely certain that I have done everything to ensure that society in general is governed by the chamber that serves it and is reflected like a mirror image by that chamber in terms of gender and diversity. That is why I really want to implement policies that make a reality. When I entered office, I met with the National Women's Council of Ireland and engaged with the AILG and LAMA, a number of elected representatives and Women for Election. I heard their views about what the most pressing issues were in attracting women into politics for the betterment of society. As we all know, and we saw this through the pandemic, the more women we have to reflect society in the decision-making process, the better

those decisions will be.

The current position is that councillors are officeholders. They are not employees and, therefore, are not covered by the framework of maternity supports in legislation. As was pointed out, the Local Government Act 2001 provides no specific clause for maternity leave. If someone goes on maternity leave, gets sick or is otherwise unable to perform his or her council work, if he or she does not get a vote or resolution passed by the council for six consecutive periods, he or she is deemed to have vacated his or her seat. This is exceptionally crude. What is more unacceptable and abhorrent to me as Minister of State with responsibility for local government is the fact that a young mother would have to seek a resolution or approval from her peers to look after a newborn infant. This is totally unacceptable in a modern democracy and I have made that very clear from the day I entered office and had the privilege of doing this job.

The first issue on my desk was getting the Moorhead report sorted. There was an exceptional debate in this Chamber that assisted me in trying to push that agenda of reform. In 2014, the number of local authorities reduced from 114 to 31 covering larger geographical areas, which is another major challenge for elected representatives trying to serve those communities. In addition, 80 town councils were dissolved and, therefore, a layer of local government was taken away. Again, this meant more work for county councillors. We were done one third in the number of councillors who were brought back under the revised slimmed down programme. What struck me was that in terms of the work councillors must do outside the chamber, there are 360 statutory bodies that for which they have nominations and 400 non-statutory external bodies provide approximately 2,140 nominations that are outside their work within the chamber. This shows the gravity of work our local authority members must do on a daily basis. Each local authority has more than 350 affiliated community and voluntary groups that work through the PPN network that local authority members provide support to working long hours every day. This is why at that juncture, I was very keen to get the Moorhead report over the line and get that increase that is now linked to the local authority grade. As of last October, in line with the public service, they got their increase and will get others in February and next October. This means their pay is linked to public service agreements, as it should be.

After getting the pay element of the Moorhead report agreed, my next job was to set up a group to look at the non-pay elements of the report, which I did quite quickly. It concerned how councillors do their business, the supports they have, the way meetings are run and how a better environment can be created for councillors to discharge their duties. In March 2020, the major concern I had concerned maternity leave and, therefore, I established a subgroup of that group that was comprised entirely of female councillors from across the country from every party and none, engaged with all the general secretaries of the different parties and heard their views. The subgroup met a number of times both with and without me. One thing that was very clear was that it is not one-size-fits-all. Some people say there is a very simple solution that involves amending legislation. Many fears women have were rightly articulated by Senators about what happens if they vacate their seat or take maternity leave. For example, if someone says we should just amend the Local Government Act 2001 and provide for maternity leave, what happens if a woman is at home caring for her newborn and a significant vote is going through the local authority such as a material contravention that is very tight? Is she to feel under pressure to be in the chamber if that vote is very tight? Do we expect her to do work, study and research the motion going through the local authority? We must consider all these issues when we are formulating the response. The easiest thing to do is to amend legislation and put maternity leave on the Statute Book but nobody might use it. That was my biggest concern

from the outset. I want to resolve that aspect with their support and try to help the women who are going through this. Many women in the group have had babies recently and it is important to hear their experiences because lived experiences are so important in this debate. This is why we are trying to formulate a set of proposals on the back of that.

Three interwoven Acts will resolve this problem - the Local Government Act 2001, the Maternity Protection Act 1994 and the Social Welfare Consolidation Act 2005. This involves three Departments with which we must work. I have liaised with the Attorney General's office and those Departments over the past number of months. I expect to bring proposals for approval to Cabinet with a suite of measures that in the first instance will be supports for councillors and, second, will provide legislative change. I want to be very clear. One thing I have learned since I entered office in 2020 is that being given deadlines over which I have no control is a very dangerous business. We are trying our best to get them through as quickly as possible. I am relying on the work of the Attorney General and the co-operation of the various different Departments, which I am getting, and, in turn, getting the best proposed legislative change but, equally, I must get the supports because they are so important, as was articulated in the debate because we really need to have the supports for our local authority members. In terms of engaging with different women's groups, as Senator O'Loughlin will know as chairperson of the caucus here, we have worked and supported the caucus network through local authority members and made it more useful for them in the work they can carry out. We have met many women's groups. It was great to have the pleasure of seeing Michelle Maher and her team take first prize at the European Innovation in Politics Awards in Brussels. Europe was amazed at the work that group did in getting women interested in politics. We must look beyond this. This is about trying to get women who may not want to run for election involved. It could be a campaign manager or backroom member of a team for another woman who is going for election. We want to see our society reflected in our local authority chambers. This is what we need to work collectively to do and I am committed to that. What really bothers me is any woman having to seek permission to go on maternity leave or get extended leave. That is totally unacceptable.

Issues such as sick leave were mentioned. We are trying to look at this in the round. Hopefully, over the next few months, we can say that we have achieved an awful lot of work in local government to make it a better place for councillors to operate in, that they have better supports to do their work and that we have all worked together to do that because I do value the work of all Senators. All of them have been positive in terms of suggestions throughout this process. We will continue to work with and update Members as we, hopefully, progress to a proposal to go to Cabinet. It is imminent but when deadlines are given in politics, sometimes they are not met and sometimes they are beyond a Minister's control but we are working to achieve that. I hope I have covered the matter and, again, I thank Senators for raising these issues.

**Senator Gerry Horkan:** I thought I missed the boat. I was at another meeting online. I am really happy that I am able to contribute. I thank every Senator from the administrative panel. I am aware that the Cathaoirleach's name is precluded from being officially on the motion, but I do not doubt that he would be the first to sign it, if he was not in his position. Equally, it is great to see Senators O'Loughlin and Ahearn, and everybody else involved on the administrative panel, putting it forward, and it is the correct panel to do so.

I rise as somebody who was a councillor for 12 and a half years. Indeed, I and the Minister of State, Deputy Burke, were chair and vice-chair of the HSE forum for south Dublin and mid-Leinster for a period of time. We worked well together. No Minister could have as in-depth a knowledge of the work involved in being a councillor, and of being a young councillor with a

young family. If I am correct, I believe it was December 2015 when the Minister of State, who was then a councillor, rang me to tell me that his wife was just about to have a baby and asking if I could cover the chair for December. He subsequently called to see if I could cover the chair for February due to an election, and on a further occasion because he had been elected. Then I got elected.

**Deputy Peter Burke:** It worked well for the Senator.

**Senator Garret Ahearn:** It worked for both of you.

**Senator Gerry Horkan:** It worked well for both of us. All of a sudden the chair and the vice-chair were in Leinster House. I remember at the time that a councillor in our area in my own party who was on maternity leave from work but was not on maternity leave as a councillor. While she was willing to come in she felt that her workplace would see her in the council chamber and that she was well enough to go there but not well enough for, or on leave from, her job. She was finding it difficult. She was expected to turn up at one of her positions while she had perfectly accurate and appropriate leave from her job.

I welcome that this motion also calls for paternity leave. In the 21st century very few people would imagine it would not happen anyway. If a councillor's wife or partner has a baby that councillor would need time to help with the bringing up of the baby and to help out a wife or partner in the circumstances they find themselves with the great new arrival. I was the chairman of the Fianna Fáil councillors' forum for a number of years when this did come up as an issue.

There are other issues that also need to be considered, which is not to take away from this debate. The aspect of the "officeholder" can be very confusing. The person does pay PRSI but gets absolutely nothing for it. This has been slightly changed for councillors, but it still applies to other officeholders, including Members of this House. Members pay the pay related social insurance, which is actually on all of the income, and then get absolutely nothing for it. That is daft. It is a supertax on officeholders. It came from the time when PRSI was at 0% so we would have paid nothing and got nothing. Now we pay something and get nothing.

Why are councillors the only people in the entire public service who do not get a pension? They might get a lump sum, but they do not get any pension. There are councillors from the Dún Laoghaire-Rathdown Council who have been there for 29 years, 36 years, or 40 years. They have given their whole lives in public service, at a time when councillors were barely paid at all. There was nothing for them but a lump sum at the end of it all and "Thank you very much, off you go". The lowest paid public sector worker who is permanent or part-time will get a pension. It might not be a brilliant pension because it might not be a brilliant salary, but they will get something until the end of their days.

**An Cathaoirleach:** I ask the Senator to speak to the motion please.

**Senator Gerry Horkan:** Yes. We are trying to attract people into the profession. We are trying to attract members to represent society. We are looking at the terms and conditions for councillors. We need to look at the paternity and maternity leave, we need to look at all of the barriers. People are already sacrificing, potentially, part of their career. They are opting out, having to go to council meetings and having to turn up. The times of these meetings in different parts of the country may suit different people but generally they are held during the day. This means that anybody in a full-time job cannot do it. In this instance, maternity and paternity leave is absolutely something that should have been dealt with 20, 30 or 40 years ago. It is

certainly the right thing to do. The Minister of State, Deputy Burke, will not be found wanting in this. I believe this House will unanimously endorse this.

Anybody who puts their name forward for public office does so because he or she wants to help and serve in the community. For anybody who is lucky enough to be elected in their area by their peers, friends and families, it is a huge honour to be a member of a local authority. Many of the Members, in fact almost all Members in this Chamber, were members of local authorities, some for many years and some for shorter periods. It is a wonderful thing to be elected and it is wonderful to be re-elected, but one must consider what they sacrifice. Many people do not realise that local authority councillors are out three and four nights per week. This can be party meetings, residents' group meetings, council meetings and meetings to discuss development plans and budgets. Some people, maybe even some Members in this House, thought that being a councillor was only going to take a couple of meetings per month. They realise that it is much more than that, and to get re-elected it is certainly much more than that.

This is the least we can do for our councillors. It is part of the journey towards making a councillor's position one that people feel they can do, and for which work they would be acknowledged. Very few people become councillors for the money because it is generally an opportunity or cost foregone. I was a member of the old Dublin regional authority. Many people left that because they could not afford to do the work anymore. They were losing too much time out of work, using up all their holidays, taking too much time off and losing time with their families. If we want people involved, and we do want and need them to be, then this is the least we can do. I thank the Minister of State for his time. I thank Senator O'Loughlin and all of the Senators who put this motion forward. I hope the issue can be resolved sooner rather than later.

**An Cathaoirleach:** I call Senator O'Loughlin. I thank the Senator for the work she has put in and the consultation she has done for this panel and for the debate. I believe that everyone found it beneficial. I hope the Minister of State did not set timelines but I hope he will be back very shortly.

**Senator Fiona O'Loughlin:** I thank the Minister of State for being here to listen to all of the contributions. I thank my fellow Senators for their very pertinent thoughts and suggestions. There is no doubt that the role of the councillor is very much valued in this Chamber. It is very much valued also in the communities where councillors serve. It is nearly fashionable to slate public representatives, but when it comes down to the kernel of it, when people are looking for solid advice and when people are in a situation where they need support and a pathway to help them, they will turn most definitely first of all to the local councillor. Anyone who is in that privileged position acknowledges it as a privilege and wants to do his or her very best for the person who has reached out a hand looking for help. All too often, the sacrifice is made at the family end. It is something that many of us have been through. Like the Minister of State, I was the mayor of my county, I was the chair of my town council, and I was a councillor for many years. I derived great experience from it and great humility. When a person is in such a position it is a humbling experience, and it continues to be.

We have all spoken about how under-represented women are in local government. Ireland is significantly lower than Europe in this regard, even though nowhere in Europe has reached that true equality of 50:50. We must continue to work to keep changing that. There are many different ways to do that. I congratulate the See Her Elected campaign. It was wonderful to see that work acknowledged. I have been on a number of calls with Dr. Michelle Maher and her group. They are absolutely fantastic, as are Women For Election. They really are tremendous.

They got together and saw in very practical ways how they could help to support female candidates, first of all to have the courage to run, then to help them through the selection process, then to get elected, and of course to help them stay the pace, which is very important.

I acknowledge that the programme for Government is committed to increasing greater diversity and female participation. The Minister of State is certainly playing his role and I thank him for outlining the measures that are being taken. I have had extensive conversations with the Minister, Deputy Darragh O'Brien, as the senior Minister. He too is very committed, as is the Taoiseach. Just prior to coming into the Chamber we were on a call with the Minister, and he completely sees the value in providing supports for councillors, particularly for females. As I said earlier, I also received a letter from the Minister for Children, Equality, Disability, Integration and Youth, Deputy Roderic O'Gorman, about maternity leave. As has been said, there are three different Departments involved and the Minister, Deputy O'Gorman, has assured his support on the matter.

I feel that with our collective supports and our collective energy we will be able to do this. It is necessary. It is wrong that it is 2021, with three weeks of the year to go, and nothing is in place. There is work to do but I have no doubt the commitment is there.

Senator Moynihan spoke about Stella Creasy, of whom I am a huge fan. I have been following that story. It is interesting that in Westminster an MP cannot breastfeed. We changed that in the last Dáil so that a woman could come in and breastfeed her child as a Member, which is only right. Separate to this, it is very important that facilities are in place in Leinster House to support mothers and fathers with family-friendly rooms and breastfeeding rooms. This is also for the staff, many of whom work late at night. This was how the family friendly forum was established. I represented the women's caucus on it. It made very strong recommendations, including on the hours. A number of Senators mentioned the unfriendly hours. Key recommendations were made on this.

With regard to the formal substitute and replacement system, there was much debate at the AILG on this. The consensus was that all female councillors respected their own democratic mandate. Their constituents had voted for them personally and it is very difficult to hand this mandate over to someone else. For some people it may work. The key word is "flexibility" and the Minister of State mentioned it. We need a suite of measures whereby women can choose what suits them at a particular point. Most definitely, maternity leave can and must be facilitated and must be prioritised. Extra administrative support would be very important.

With regard to the consultation that took place with councillors of all parties and none, all of the councillors take pride in their work and the role they play. I commend the number of men who came on the call and the number of male councillors who responded by stating we need this. This is important. Male councillors and Senators must support bringing into place maternity leave and support paternity and adoptive leave. I thank everybody for the opportunity to have the debate and the Cathaoirleach for scheduling it. We look forward to the next phase.

Question put and agreed to.

**An Cathaoirleach:** When is it proposed to sit again?

**Senator Fiona O'Loughlin:** At 10.30 a.m. tomorrow.

The Seanad adjourned at 9.43 p.m. until 10.30 a.m. on Wednesday, 8 December 2021.