



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Dé Céadaoin, 26 Eanáir 2022

Wednesday, 26 January 2022

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

*Machnamh agus Paidir.
Reflection and Prayer.*

Gnó an tSeanaid - Business of Seanad

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

The need for the Minister for Health to provide an update on the implementation of the report of the national psychology project team on the establishment of a national psychology placement office and workforce planning.

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

The need for the Minister for Finance to introduce mechanisms to prevent the depreciation in value of vouchers due to maintenance fees.

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

The need for the Minister for Justice to amend the Juries Act to provide for the payment of serving inquest jurors.

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

The need for the Minister for Housing, Local Government and Heritage to provide an update on the conduct of the audit of all water treatment plants.

I have also received notice from Senator Jerry Buttimer of the following matter:

The need for the Minister for Health to make a statement on the provision of additional neurology nurses at Cork University Hospital.

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

The need for the Minister for Agriculture, Food and the Marine to introduce a requirement that applications for tree felling licences be subject to a road condition survey.

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

The need for the Minister of State with responsibility for planning and local government to make a statement on the funding of a civic amenity centre in north Kildare.

Of the matters raised by the Senators deemed suitable for discussion, I have selected Senators Currie, Maria Byrne, Boylan and Malcolm Byrne, and they will be taken now. I regret that I had to rule out of order the matter raised by Senator Buttimer on the ground that it is a repeat of a Commencement matter raised on 25 January 2022. I regret that I also had to rule out of order the matter raised by Senator Keogan on the ground that the Minister has no official responsibility in the matter. The other Senators may give notice on another day of the matters they wish to raise.

Nithe i dtosach suíonna - Commencement Matters

Mental Health Services

An Cathaoirleach: I welcome the Minister of State at the Department of Health, Deputy Butler, to the House. She has had a busy few days and we appreciate her taking time to come to the House to deal with these Commencement matters.

Senator Emer Currie: I thank the Minister of State for being here this morning.

It has been a turbulent January. We had Covid spiking. Now a lot of people are nervous about society re-opening so quickly and that will be stressful for many. We also had the tragic events in Tullamore which rocked us all, as well as tragic suicides. I want to send my condolences to all families affected by loss and premature loss.

This is an opportune time to talk about our mental health and specifically, the resourcing and management of psychologists in the HSE, of which there is a shortage in acute care, in community health teams and in disability and social care. There also needs to be a wider focus, not just on HSE resources, but also on mental health resources in education, higher education, Tusla, the Irish Prison Service and acute hospitals. They all need psychologists and a HSE plan will not take into account the breadth of the resource requirements.

We must address the current shortages while also focusing on the future. A recent Government disability capacity review projected that in 2030 there could be a need for an increase of 107% in the number of psychologists for child disability services alone and a national project office report estimated that there was a need for 500 additional psychologists. That is an enormous number but at the moment, we have only 66 clinical psychologists coming on stream. The additional complication is that even if the allocated funding in this year's budget for additional training places on professional training programmes was to be increased, the psychologists would not be on the front line before November 2025. It takes four years to qualify so whatever we do, we must do it now.

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When I raised this issue previously, I was told that a project team was tasked with considering the preparation of a workforce plan for psychological services in the HSE, including an examination of the current framework for training psychologists for the health service and the type and skill mix required for the future. The report would also set out the significance of a review of the current funding model for future psychologists. I note a report, entitled *The Report of the National Psychology Project Team: Establishment of a National Psychology Placement Office and Workforce Planning*, was published last January. What recommendations contained therein have been implemented or progressed since then? What is the plan?

It was recommended that a placement office be established to make sure that trainee and qualified psychologists are recognised and accredited. That was deemed urgent in 2018. I raised the issue previously of trainee psychologists and the inequity they face in their training. Trainee clinical psychologists are paid €34,000 per year for their placements and get 60% of their fees paid by the HSE but trainee educational psychologists do not, even though they are working side by side. Educational psychologists pay their higher education fees and work for free on the front line in education settings, in the National Educational Psychological Service, NEPS, and in section 38 organisations. These people work three years for free on the front line and pay to do so, while their colleagues and peers are supported through that period, as they should be. We gave a commitment to review that. It is vitally important that we do not oversee a system that is so difficult to get through. I speak to people who are absolutely committed to their vocation. In the way that I am committed to this job, they are committed to theirs and they have sacrificed so much. They must step away from a career they have invested in because they cannot afford to do this. A recent petition by the Psychological Society of Ireland was signed by 2,400 people. I hope I will hear a positive update today.

Minister of State at the Department of Health (Deputy Mary Butler): I thank Senator Currie for giving me the opportunity to update the House on this important matter. I acknowledge the enormous contribution made by psychologists in the healthcare system during the challenging times of the Covid-19 pandemic and before that as well.

In February 2019, the HSE community operations unit convened a project team chaired by Dr. Cathal Morgan to consider the preparation of a workforce plan for psychological services in the HSE, including an examination of the current framework for training psychologists for the health service and the type and skill mix required for the future. The work of the project team has been informed by a thorough stakeholder consultation process. Unfortunately, due to the Covid-19 pandemic, the work of the project team was delayed.

The report of the national psychology project team, titled *Establishment of a National Psychology Placement Office and Workforce Planning*, was completed in January 2021. In line with its terms of reference, the project team report sets out proposals to establish a national psychology placement function within the HSE. The report outlines considerations for a workforce plan for psychological services in the HSE. A recommendation on the consideration of funding of counselling psychologists along the same lines as clinical psychologists was also included.

Currently, clinical psychologists in training are funded for 60% of course fees and are employed as trainee psychologists for the duration of their training. This is unlike any of the other health and social care professionals. A chapter of the report, titled *Psychology Services into the Future*, identifies a number of the key drivers that are likely to produce significant changes to the way and extent to which psychological services are delivered. It also notes the implications this will have on workforce planning and the future psychological workforce.

The projected global shortfall of healthcare workers by 2030 means consideration should be given to alternative and flexible approaches to how health services are delivered. The changing role of professions and greater fluidity in skill mix will require a greater alignment of skill sets to work tasks. This is critical in the context of community-based working through different modalities. While new technology is unlikely to impact on the demand for mental health professionals, its effects on service provision can be transformational. The psychological workforce will increasingly work in tiered arrangements and the workforce will require robust governance and supervision structures. Memorandums of agreement and programme boards in higher education institutes will need to align with innovations and change within the healthcare landscape.

While it is a matter for the HSE at operational level to determine the level of recruitment required across staff categories, given the level of workforce expansion required, it is likely that there will be additional posts available for professionally trained psychologists. Implementation of the report's recommendations and the creation of a national psychology placement office must take priority.

I take this opportunity to highlight that there has been a significant reduction of over 19% among under-18s waiting more than 12 months to be seen by primary care psychology staff. This follows an allocation of €4 million I secured last August to address such lists through targeted initiatives, enhanced capacity of mental health need and ease pressure on and reduce waiting lists for specialist mental health services. This will ensure that children and young people will get the support they need when they need it. The second key part was the announcement earlier this month of the establishment of the psychology assistant post on a permanent basis. This also marks a significant achievement in promoting enhanced access to vital primary care psychology supports, which I know was very much welcomed by the sector.

Senator Emer Currie: I thank the Minister of State for the update. The report is a year old and now that Covid is, hopefully, coming to an end we need to prioritise this matter. The solutions are there. We need to increase the number of psychologists, address the inequities and support people through the process. The Department should look to the North and what it does in the area of funding because there are examples there that we could use.

Under our current system, someone could become an assistant psychologist and be paid but trainee psychologists must pay for their degree or doctorate and work for free. We need to adopt an holistic approach to this and address the shortage of posts. A placement office is essential because we must co-ordinate. I think there is a cliff-edge date where someone who has not worked in all three areas will not get the same qualifications. We need to sit down with representatives of the Psychological Society of Ireland and we need a timeline for implementation. We also need clear direction on who is responsible. We need to know whether the Minister of State, the Minister for Health or the Minister for Education are responsible for this. I would appreciate if the Minister of State could clarify the matter because different people have sent emails back and forth seeking clarity.

Deputy Mary Butler: I have met representatives of the Psychological Society of Ireland.

Sláintecare reform supports the implementation of Sharing the Vision 2020-2030 under the enhancing community care workstream. The need to build a more accountable and transparent health service is a focus of Sláintecare. It is also a key objective of the new Sharing the Vision policy in the context of mental health service delivery.

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There has been an unprecedented investment in recruitment across the health service, including for health and social care professionals, in response to the Covid-19 pandemic. This has included an increase in capacity of primary care psychology services recently through the introduction of two initiatives, as previously mooted. When I took up my post a year and a half ago I was concerned that approximately 10,000 under-18s were waiting for psychology supports. I learned that 5,000 of them had waited in excess of 12 months. Last September, I secured €4 million and we ran a programme for four months under which each community healthcare organisation, CHO, had to see what it could do. Some hired locums, some provided for overtime and others outsourced. We managed to have 19% of those on the waiting list seen, which is a good proportion. However, 81% remain on lists. I will roll over the initiative again for the next four months. The Minister has spoken about a targeted approach to waiting lists and we have made a submission on a long-term approach.

Earlier this month, there was a second announcement on the permanent establishment of a psychology assistant grade. The establishment of these positions on a permanent basis marks a significant achievement in promoting enhanced access to vital primary care psychology supports. I look forward to the scheme being implemented as it will make a significant change. I thank the Senator for her interest.

Gift Vouchers

Acting Chairperson (Senator Ned O’Sullivan): I welcome the Minister of State at the Department of Justice, Deputy James Browne, to the House to discuss the need to introduce mechanisms to prevent the depreciation in the value of vouchers due to maintenance fees.

Senator Maria Byrne: I thank the Minister of State for coming to the House to discuss this important issue.

In 2018, I voted for the legislation - Senator Ned O’Sullivan was here at the time - covering gift vouchers and expiry dates. People were delighted because some people were losing out on the value of vouchers on the basis that they were only valid for one year and there was no means of extending the validity period. Sometimes companies did not honour vouchers. An example would be where someone named Mary had her second name written on the voucher. The legislation changed all of that, which was very good. At that time, another issue was raised with regard to gift vouchers. I refer to the company One4all and its application of maintenance fees. Where a person does not use a voucher within one year, thereafter One4all applies a maintenance fee of €1.45 per month. I have been contacted by people who live in a small town where there is only one shop that accepts One4all vouchers. These are elderly people who could not use their voucher during the pandemic as they were not going out and somebody else was doing the shopping for them. To use the voucher in other ways, they would have had to go to the city or to another town. They recently discovered that the value of the voucher has depreciated and they have lost quite a bit of money. If someone has a €50 voucher, it falls down behind a heater or whatever and he or she finds it four years later, it will be of no value. This is not acceptable.

Ireland was the first country to regulate in regard to the expiration timeframe for vouchers, which was extended to five years. At that time, the Minister, Deputy Humphreys, wrote to the European Commission, which gave a commitment to review this matter and to consider how the problem could be overcome. I have heard since that some shopping centres and delivery companies are applying a maintenance fee in respect of vouchers not redeemed within a re-

quired amount of time. Employers give employees gift vouchers as a means of thanking them or for another particular reason. People should be entitled to the full value of the voucher.

Minister of State at the Department of Justice (Deputy James Browne): I thank Senator Maria Byrne for raising this important issue. According to the Consumer Protection (Gift Vouchers) Act 2019, the term “gift voucher” means any voucher, coupon, document or instrument, including in electronic form, that is intended to be used as a substitute for money in the payment in whole or in part for goods or services, or otherwise exchanged for goods or services. This legislation, which provides requirements in relation to gift voucher contracts, was brought into Irish law in December 2019 by the then Department of Enterprise, Trade or Employment. Many vouchers or gift cards purchased and used today now meet the definition of “electronic money” and are subject to regulation under the European Communities (Electronic Money) Regulations 2011, as amended, commonly referred to as the EMR.

Officials in the Department of Finance will consider the issue of reducing balance fees as part of future discussions on the electronic money directive.

Senator Maria Byrne: I thank the Minister of State. I welcome that the Department will consider the issue of reducing balance fees. These companies are regulated by the Central Bank. I understand that they cannot defy what is set in European law, but many people are not aware that the value of their vouchers is being reduced as the information in this regard is in tiny print at the bottom of the voucher. One would need a magnifying glass to read it. Many people are not aware that this has happened until such time as they present their card or voucher and are told that the value of it is less than they expected. That is embarrassing.

I welcome that this matter will be considered by the European Commission. We need to keep the pressure on for proper regulation in this area. As I said, when people give a gift card they expect that the recipient will get the full value of it. I know the companies involved are not breaking the law, but the recipient is not receiving the full value. People are not aware of that. In the meantime, we may need to run an awareness campaign.

Deputy James Browne: I again thank Senator Byrne for raising this important issue. We all know people who have been affected in terms of reducing balance fees. It is often only when a person presents a gift card given to him or her by a loved one that he or she realises the value has been reduced to a low amount or, in some cases, zero. It is incumbent that people purchasing vouchers are informed of the application of these fees. On behalf of the Minister for Finance, this issue will be raised with the European Commission in the context of the laws that are being put in place. It is important this is done. Not every voucher scheme applies such fees. In the meantime, I encourage people, when purchasing, to choose a voucher to which no fees are applied. In some cases, these fees are disproportionate, in my view.

I thank the Senator for the opportunity to speak to the House on this issue. This is an important matter for consumers. As stated, there is legislation in place in Ireland that ensures that these consumers are protected. Firms that are providing gift cards or vouchers under electronic money regulations must comply with their regulatory obligations. In this case, they must ensure consumers are informed of any fees or charges applicable to the vouchers they are purchasing and-or using. As correctly point out by Senator Maria Byrne, in some cases this information is in very small print. Companies have a duty to ensure the information they are providing is accessible and readable, as I understand the law on the matter. In addition, developments are under way at EU and domestic level to enhance the existing electronic money framework in

order to align it with more stringent legislation such as the revised payment services directive.

Legislative Measures

Senator Lynn Boylan: It is 22 years since an independent working group published a very detailed report and findings on the coronial system in Ireland. That working group called for radical reform and major reconfiguration of the coronial system and stated that a clear strategy for change was essential. In April 2021, the Irish Council for Civil Liberties, ICCL, published research that showed that no significant reform had occurred in either policy or practice.

11 o'clock

In fact, its research showed that bereaved families were, and still are, consistently failed by the State. One of the clear failings in inquests is the manner in which the jury is selected. Reform of this process was outlined in the ICCL's recommendations. Jurors in inquests are often used repeatedly, are known to the bereaved families and are selected by An Garda Síochána, even in cases where the Garda is party to the inquest itself. The fact that the inquest system has not been reformed at all in the 20 years since the independent working group made its findings is shameful and means that bereaved families continue to be failed by a system that is just not human rights compliant.

On Friday, 25 September 2019, the Attorney General granted the families of those who lost their loved ones in the Stardust fire a new inquest. He rightly found that a new inquest was not only warranted for the families who had been so badly let down by the original inquest, and the damaging inquiry reports that followed that inquest, but he also found that it was in the wider public interest that a new inquest be held. As soon as that decision was taken by the Attorney General, the legal team representing the families, other elected representatives from various parties and I repeatedly sought and got assurances from the Minister for Justice that the inquest would not only be adequately funded by the State but that it would be human rights compliant. What has happened to the families to date has been anything but human rights compliant. Legal aid was denied the families earlier last year. They were asked to submit deeply invasive information about their financial circumstances and some of them were refused legal aid. This is despite the fact that they have waited 40 years for justice. Recommendation 22 in the ICCL's report had already flagged this issue.

In recent days, the matter of jury selection at inquests has once again come to the fore. Under no circumstances should the Garda Síochána be selecting the jury for the Stardust inquest. It is a party to this inquest. The ICCL's recommendations 44 and 45 state very clearly that jury selection should be randomly made from the electoral register and that in high-profile cases lawyers should be able to challenge the make-up of that jury.

The other issue with jurors in inquests is the fact that their income is not protected by law. Is the State seriously going to ask jurors to sit for at least a year on the most significant and largest inquest in the history of the State without any income protection whatsoever? Will the Minister of State give a commitment that the Juries Act will be applied to the coronial inquests? While radical reform is still needed, surely that very small but highly significant reform could be applied in time so that it takes effect for the Stardust inquest.

Deputy James Browne: I thank Senator Boylan for raising this very specific question on

amending the Juries Act to allow for inquest jurors to be paid while they serve. I understand that the Senator is raising this point in the context of the Stardust inquests. The Stardust fire was a national tragedy that has left a particular legacy of pain for many families and communities. I again offer my deepest sympathy and condolences to the families of the 48 young people killed in that fire over 40 years ago.

As the Senator may be aware, there is no requirement for an inquest to have a jury. That decision is a matter for the independent coroner. Furthermore, there is no current statutory authority to prescribe fees or expenses to jurors for service at inquests when summoned to do so by a coroner. Most inquests are completed within a short period. The provisions of the Juries Act 1976 expressly do not apply to coroner inquests. Thus, the expenses provisions in section 29 of that Act do not apply. The Minister for Justice has received a letter from the legal firm representing many of the Stardust victims' families last week concerning matters to do with the inquest. My Department is currently considering this letter and the Minister is committed to ensuring that the new inquests into the Stardust deaths, and the families involved, are provided with all relevant supports.

Senator Lynn Boylan: With all due respect, and this is not directed personally at the Minister of State, the families have had enough of sympathy from Ministers. They have had enough of the tea and sympathy from Ministers for Justice. What they want is a human rights compliant inquest. While the Minister of State said that the provisions of the Juries Act expressly do not apply to coroners' inquests, section 31 of the Act could be amended specifically to allow for it to apply to the Stardust inquest. That was the case with legal aid as a regulation was changed to be specific to the Stardust inquest. To even suggest that there would be no jury for the largest and most significant inquest in the history of the State, to say to the families that they have to go into a system akin to the Special Criminal Court and not have their case, their facts or their findings heard by a jury of their peers, is an insult. I do not mean any disrespect to the Minister of State, who has come here to take this matter, but the families have had enough of this treatment by the State.

Deputy James Browne: I again thank the Senator for raising this very important matter. The conduct of inquests is entirely a matter for the senior Dublin coroner, Dr. Myra Cullinane, and her independence in the context of such matters is set out in the Coroners Acts. Nine pre-inquest hearings have been completed to date. The ninth took place last week, on 19 January. My Department is committed to ensuring that the new inquests into the Stardust deaths, as well as the families involved, are provided with all relevant supports. To this end, Government funding of up to €8 million has been allocated for the new inquest, including for legal aid for the families. My Department and the Government are committed to ensuring that a new venue is in place as soon as possible, in order to permit the inquest to be continued by the Dublin coroner. As stated previously, Department officials are considering the matters raised in the recent correspondence from the legal representatives of the families to the Minister and a response will issue from her in due course.

Water Quality

Senator Malcolm Byrne: I thank the Minister of State for taking this matter. He will be familiar with the fact that last summer there were two very serious E.coli outbreaks, one in Ballymore Eustace, which provides much of the water supplies of Kildare and Dublin, and the

other in my home town of Gorey. There were 52 confirmed illnesses, and potentially more, as a result of those outbreaks and the difficulties that happened at the time. There has been an examination by the Environmental Protection Authority, EPA, of what happened. My understanding is that Wexford County Council's report on the matter has been finalised but has not yet been published because it must first go to a number of the parties that were identified. I hope it will be published in the very near future because it is important for the people for Gorey and everyone else that there is transparency in this process. There must be an understanding of what happened, accountability and, more, importantly, assurances that the events that happened will not happen again, either in Gorey or anywhere else. I am glad that a lot more precautionary boil water notices are being put in place. It is not very pleasant for people to be subject to such notices but I think they would rather receive notices than risk drinking water that is far from good quality.

At the time of the outbreaks, the Minister for Housing, Local Government and Heritage, Deputy Darragh O'Brien, acted swiftly and ordered full inquiries. I was very happy with that. As part of that, he insisted on an audit of all the water treatment plants around the country, including the one in Gorey. The audit identified the changes that were necessary at Creagh. A commitment was given that there would quickly be an audit of the 20 largest water treatment plants in the country and that that would then be extended outwards because, of course, we have several hundred other treatment plants. One of the basic things any individual expects is that if they turn on their tap, they will have access to a good, reliable and clean water supply. I ask for an update on the audit of the 20 largest plants and where we stand regarding the audit of all the other plants. A clear indication was given to local authority and Irish Water staff that there would be refresher courses on this. I appreciate that the Minister of State cannot give an absolute guarantee that what happened before will never happen again. At the same time it is important for people in Gorey and others who have been affected that it be indicated clearly that everything is being done to ensure that lessons were learned from the events of last summer and that any discrepancies that have been picked up in Gorey and nationwide, are addressed.

Minister of State at the Department of Housing, Local Government and Heritage (Deputy Malcolm Noonan): I thank the Senator for bringing this matter forward as a Commencement matter. I addressed it previously, and the Minister, Deputy Darragh O'Brien, also has addressed it previously. It is an unfortunate incident and unacceptable, that must be said. In regard to an update, the Minister, Deputy Darragh O'Brien, met the managing director of Irish Water, as well as the chief executives of both Dublin City Council and Wexford County Council on 8 September 2021 to discuss the incidents at Ballymore Eustace and Gorey water treatment plants and held a follow-up meeting on 13 October 2021. In those meetings the Minister requested Irish Water to undertake immediately a number of improvements, including audits of the water treatment plants throughout the country. In November 2021, Irish Water provided an update to the Minister. While initially prioritising the largest 20 treatment plants, the list was expanded to the top 25 water treatment plants to cover the largest for both population served and output volume. With the addition of the Gorey plant this resulted in the top 26 water treatment plants being assessed. These plants serve approximately 65% of Irish Water's customer base.

To conclude, Irish Water, local authorities and their staff have responded to the serious incidents at Gorey and Ballymore Eustace by putting in place a range of measures to provide greater assurance around the management of our water treatment plants including 24-7 monitoring of plants that serve the majority of the population. It will be important to continue to monitor

the effectiveness of these measures as Irish Water continues along its evolution to become a fully integrated company with full control over its own staffing resources. It is important, as the Senator said, that we learn lessons from these incidents. There were serious public health breaches that we must ensure will never happen again. In regard to the point the Senator made in regard to Wexford County Council's report, I agree that should be published for transparency purposes. All the outputs of the investigations into what happened should be publicly available for elected Members, the wider public, Irish Water and the local authorities to learn from the lessons of the mistakes on these two unfortunate incidents.

Senator Malcolm Byrne: I thank the Minister of State. I welcome his stance and that of the Minister, Deputy Darragh O'Brien. We were proactive in addressing this issue and we have seen progress from Irish Water as a result of the audit of those 26 water treatment plants. When will it be extended to all of the other water treatment plants, many of which serve smaller communities? I note that 35% of the population still has not experienced this audit. It is important for us to be able to guarantee to everybody in this country that they have access to a good, clean, reliable water supply. I appreciate that the Department will continue to monitor this and the lessons are learned. I welcome the Minister of State's commitment to full transparency about the events that happened last summer.

Deputy Malcolm Noonan: The point is well made about the further 35% of smaller water treatment plants that serve Irish Water customers. I will take that point back. It is important that there be a full audit of all water treatment plants because there is the potential for further incidents. There is potential for that in those smaller plants. Since the formation of this Government, one thing we have done is put in place record capital funding for Irish Water to be able to meet its water service delivery programme and to ensure as it is a basic human right that when people turn on their taps they have access to clean, potable water. From that point of view it is critically important that as a Government, we work with Irish Water to ensure it is delivering on that and once it moves into being a fully integrated company with full control of its own staffing, that will be an important aspect of that work. There is no doubt but there are lessons to be learned in this regard. It is important that there is transparency. All reporting of the incidents and what led to those incidents should be made available to Senators, elected Members, local authorities and to the public generally. I hope we will move on from this and learn our lessons and ensure that we have clean drinking water for everybody in this country.

Sitting suspended at 11.16 a.m. and resumed at 11.30 a.m.

An tOrd Gnó - Order of Business

An Cathaoirleach: Before I ask the Deputy Leader to outline the Order of Business for the day, I remind Senators that, as we discussed yesterday, there will be a minute's silence before she responds in order to mark the 50th anniversary of Bloody Sunday.

Senator Lisa Chambers: The Order of Business is No. 1, statements on the roll-out of broadband, to be taken at 1.30 p.m. and to conclude at 3.30 p.m., with the opening contribution of the Minister not to exceed ten minutes, those of group spokespersons not to exceed eight minutes, those of all other Senators not to exceed five minutes and the Minister to be given not less than ten minutes to reply to the debate; No. 2, statements on the final report on the impacts

of Brexit of the Seanad Special Select Committee on the Withdrawal of the United Kingdom from the European Union, to be taken at 3.30 p.m. and to conclude at 5 p.m., with the opening contribution of the Minister not to exceed ten minutes, those of group spokespersons not to exceed eight minutes, those of all other Senators not to exceed five minutes and the Minister to be given not less than ten minutes to reply to the debate; and No. 3, Private Members' business, Local Government (Surveillance Powers in Relation to Certain Offences) Bill 2022, Order for Second Stage and Second Stage, to be taken at 5.15 p.m., with the time allocated to this debate not to exceed two hours.

Senator Seán Kyne: I thank the Deputy Leader. There is much pent-up demand within the country to travel abroad and, whether at the Easter break, the elongated St. Patrick's Day break or in the summer, Irish people will avail of opportunities to travel to Europe or further afield. While we always encourage people to take staycations and to experience the great offers we have in this country in hospitality and tourism, we can understand that, given the pandemic, people have not had the opportunity to travel and there will be an appetite to do so.

The issue of passports is one that, as public representatives, we all experience. We have all experienced the fear, dread and upset felt by people when they find their passport has expired, or will do so presently, after having booked holidays. The Passport Office does great work to expedite and assist public representatives and people in general to get passports processed, but there were issues last year and, based on all the evidence, there may be issues again this year. We need urgently to have a debate on the plans of the Minister for Foreign Affairs to assist in the processing of, in particular, first-time applications for citizens to avail of passports. We appreciate the relief when a passport application can be expedited, but we have also heard of cases of people who have had to cancel holidays or rearrange plans or where one group is able to travel while another has to stay behind because they cannot get their passports. It is a great cause of stress.

I have said previously that, with all the modern technology we have, it should not be beyond the bounds of possibility for a reminder text or email to be sent to remind people that their passport will expire in, say, five or six months' time and to encourage them to get online and apply. Obviously, applying online is the most efficient and easiest way to apply and it allows for a quick turnaround time, so we have to encourage people in that regard. Nevertheless, assistance needs to be provided to those who cannot apply online or who do not have the wherewithal to do so, and there could be a role there for Citizens Information or other State agencies to assist those people because online applications are faster and more efficient and allow for quicker processing. I ask for a debate, therefore, on the issue of passports at the earliest opportunity with the Minister for Foreign Affairs.

Senator Victor Boyhan: I raise a substantial report that was produced in 2017, *Finite Lives*, by the then Senator, Marie-Louise O'Donnell. It was a substantial body of work, supported by the then Taoiseach Enda Kenny, and its launch was one of his final farewells. It was his largest gathering in the House, with many people packed into the Chamber. The report, which was extensive, examined dying, death, bereavement, the challenges in that context and the need for a major conversation on the subject.

I was reminded of the report in the context of Covid, when many of us lost loved ones during the period and many of us did not have the opportunity to say goodbye. I thank all the people who spent time with people who were dying and coming to the end of their lives. I suggest we have a conversation about the report. I do not believe in rehashing reports. We should dust it

down. It is an extensive report and I acknowledge the work that Marie-Louise O'Donnell, the then Senator, carried out in producing it.

One matter that jumped off the page at me when I had another look at the report yesterday related to elder abuse. We need to begin that conversation about dying, death and bereavement, and we need to see it and talk about it in the context of elder abuse. The report quotes somebody as stating, "The older, the poorer, the sicker the higher the level of abuse." What a terrible thing to have to say, but at least it is out there. It is a challenge and we need to examine it.

I call for a debate in the House on this subject, and this report may be the basis for statements and discussion. Let us examine where we are. The report contains chapters specific to each Department, setting out the aims, objectives and key recommendations for them, and it is as relevant today as it was in 2017.

While on the issue of Covid, I pay tribute to the many healthcare workers who have battled on the front line during the pandemic and saved so many lives. We have lost many people and did not always have the opportunity to say goodbye, and that is something we have to acknowledge and perhaps address as part of our wider debate.

Turning to the Community Call campaign, local government shone at its brightest during that period, when people collaborated and worked together, whether in the case of State agencies or, in particular, volunteers and workers on the front line. I refer to the front line throughout not only the health sector but also the community sector. They came together and gave hope, assistance and practical support. They stood in solidarity with people who were vulnerable and alone, who needed that extra support and encouragement, and I acknowledge that.

I reiterate that the report is the basis for a really good discussion and debate in the House, and I ask the Deputy Leader to consider it.

Senator Malcolm Byrne: I will start by agreeing with Senator Kyne. Several of us have been calling for debate on the Passport Office. It is now becoming a matter of serious urgency, so it could be arranged in the next week or two, it would be appreciated.

Yesterday, I referred to the appointment of the expert panel that is due to be set up to examine how an individual complaints mechanism could operate with the office of the online safety commissioner that is due to be established as part of the online safety and media regulation Bill. On "Prime Time" last night we saw further development of the story around Eden Heaslip and about how Eden Heaslip's bullying continued in the online space. Very clearly, his family desired that there would be some form of individual complaints mechanism. It is something that the Ombudsman for Children and children's rights organisations have all sought. In addition, as I pointed out yesterday, our Oireachtas committee recommended this as well.

I was a little concerned when the Minister appeared on "Prime Time" last night. She indicated that this legislation will be coming to the Seanad very soon, and I welcome the fact that we will finally be debating it. However, we may be debating it in the absence of the report coming from the expert panel that is charged with setting up the individual complaints mechanism. My concern expressed yesterday was around the terms of reference that were given to that expert panel.

The Oireachtas committee recommended it because we found the testimony of Ms Julie Inman Grant, the Australian eSafety Commissioner, compelling. I have engaged separately with

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her office. This being Australia Day, it is appropriate that we look and learn from our Australian cousins in respect of what they have done in this space. There is a model that works very clearly in Australia and it is the model we want to see followed.

If the legislation is brought in here before we have any clear picture of what an individual complaints mechanism might resemble, I will propose an amendment to the legislation that will require the new online safety commissioner to introduce such a scheme within 12 months of his or her appointment. Many of us have spent much time on this legislation, including on a cross-party basis. Senators Cassells, Carrigy, Warfield and I have all worked very hard on this to get it right. It is one of the most important items of legislation that this House will debate over the next number of years because it will talk about shaping our society, culture and, indeed, our democracy.

I urge that adequate time be given for this and that there be active engagement by the Minister in the Department with officials on this issue.

Senator Lynn Boylan: I wish to raise the report that was sent to the Committee on Environment and Climate Action yesterday by the European Court of Auditors, ECA. The ECA is the body that is charged with ensuring taxpayer funds are spent wisely. Historically, the ECA had very strong words for the Irish Government about the way it does energy efficiency upgrades.

In 2020, the audit revealed that, incredibly, over half of the funding given out in residential schemes resulted in no energy rating improvements. In the latest audit, which was released yesterday, the ECA turned its attention instead to energy efficiency upgrades in enterprises, which include public sector buildings.

The Government, again, does not make it through this audit unscathed. In fact, no financial data were available. The State did not plan any funds and it had no financial information to report for enterprise energy efficiency projects. The EU programme allocated €2.4 billion in total and the funds were divvied up between 12,000 projects across the EU. Not a single penny of that money was allocated to Irish enterprises, neither businesses nor public sector.

While Government was wasting EU funds in 2020, this time it is wasting the opportunity to spend EU funds and failing to plan to spend them at all. Ireland was one of only three countries to not avail of funds for this priority. This is despite being in the middle of a climate crisis. Commercial and public sectors make up 18% of the primary energy use, according to the Sustainable Energy Authority of Ireland, SEAI, Energy in Ireland report. There is massive room for emissions reductions through efficiency improvements and these sectors need to be showing more leadership in setting an example of how energy efficiency should be done. Instead, the opportunity to avail of funding to address the climate crisis has been squandered and potentially hundreds of millions are spent elsewhere within the EU.

We are in the midst of an energy crisis and it is not just households that are facing increasing energy bills, as SMEs are feeling the squeeze as energy prices skyrocket. One of the best things they can do to protect themselves from these price shocks is to insulate those buildings and make them more efficient. Yet, not a single penny of the EU fund was spent on enterprises here.

Why is the Department allowing such prime opportunities to pass it by? There was a Fine Gael Minister at the helm of climate change for the period in question. Can the party representatives keep straight faces when they claim the mantle of economic prudence?

What change has the Minister, Deputy Eamon Ryan implemented to make sure that the mistakes of his Fine Gael predecessor are not repeated? Does the Department of the Environment, Climate and Communications have enough resources to make sure that it does not miss other opportunities going forward?

Senator Mark Wall: I wish to raise, once again, our community first responders and the wonderful work that they do throughout all of our communities. I am sure the Deputy Leader is well aware of the work that they do her own community. I raised this matter previously in the House through a Commencement matter, namely, the need for a national register of automated external defibrillators, AEDs in this country. At the time, the Minister reported that such a register would be carried out through the out-of-hospital cardiac arrest strategy, which is obviously currently being carried out.

Surprisingly, the Minister for Health, in a follow-up parliamentary question - which is what I stated last time I spoke on this late last year – said that there were no plans to carry out such a register. However, I am glad to report that this has since changed again. The most recent reply through parliamentary questions to my colleague, Deputy Duncan Smith, and in a Commencement matter here in the Seanad yesterday, confirmed that this much needed register will be back on the table and will be implemented through that particular register.

Of course, there are some wonderful examples of groups throughout the country that have already completed an audit of their community AEDs and their locations. For example, it has been done in Enniscorthy, County Wexford, and in County Laois. I hope the current review will talk to those involved and gather their experiences which have improved a life-saving device in relation to their local communities.

A very important add-on matter that I would like to highlight as well is the urgent need to deal with criminal damage to our community-located AEDs that colleagues have highlighted to me. This is an horrendous piece of criminality. My colleague, Councillor Carrie Smyth, has recently highlighted a number of AEDs that were damaged in her area. The national first responder network has also highlighted a number of other locations throughout the country where life-saving devices have been damaged. We never know when somebody in our community will need that AED. We need to do more to highlight this crime. It is just simply not acceptable.

I also would like to highlight the proposed military exercise by Russian military forces off our coastline. It was highlighted here yesterday and I wish to add my voice to the growing cause to highlight this particular matter. We are all aware of what we can and cannot do about these proposed exercises. I note the concerns last night, again, of our fishing fleet in the southern part of the country, who feel that its livelihood and, indeed, its environmental fishing rights will be directly impacted by these training exercises. I note from the reply from the Russian ambassador that such military moves will be no threat to Ireland. However, that obviously contradicts what our own fishermen are actually saying.

It is incumbent to us as a neutral State to use every avenue open to us to highlight this. I welcome the fact that the Minister for Foreign Affairs has highlighted this matter with his European counterparts and raised it again with the Russian ambassador. We need to further, more often and consistently. It is simply not good enough that this environment and area, which is within our exclusive economic zone, EEZ, could be damaged by any such exercise. I, again, ask the Deputy Leader and this House to continue this very important matter.

Senator Lynn Ruane: I do not know why the Cathaoirleach was looking over there for me.

Senator Rónán Mullen: The Government has a large enough majority.

Senator Lynn Ruane: First, I would like to note the reports from the Minister, Deputy O’Gorman’s Department this morning in relation to the recent debate in this Chamber on care and those who have experienced the care system. In addition, I tabled a Commencement matter specifically on the issue that was announced this morning, where the Department and the Minister have launched the largest ever research and data collection project on those who have experienced care, which is a direct suggestion from the Ryan report in 2009. I am glad to see that. I look forward to continuing to support the work of the Minister, Deputy O’Gorman, in making sure that this is life-changing research that fixes a broken system.

Second, Senators may see in their Oireachtas email accounts that I have sent around a survey about conceptions, biases, insights or myths that people may have about those who are in prison or have been in prison. I encourage Senators to fill in the survey. It comes directly from a prisoner, although I do not like describing people as prisoners because it is kind of dehumanising. While I cannot give the details yet, I am working on a creative project in the prison system, in Wheatfield Prison. One of the suggestions for the project came from one of the men there. He said that I cannot really ask the right questions, which was insightful because he is right. He said I did not go into the system with bias or judgment because I am so used to working in these systems and living with people who had experienced prison. He said that for them to really engage in the creative project with me, the prisoners would need to understand the biases people have, whether unconscious or conscious, and the preconceived ideas people might have about people who have gone to prison and what the prison system is actually for.

The survey in Members’ inboxes and the questions were written and developed by another man in the prison to gather some ideas. The survey is completely anonymous, so I ask Senators not to answer with a political hat on but to do so on the basis of what they think about people who are in prison and why and for what they might be there. This will form part of a positive piece of work we are doing in the prisons. I will hopefully be able to relay it back to the Chamber in a couple of months. I encourage Members to support the work I am doing.

Senator Catherine Ardagh: I raise again the issue of hyperemesis gravidarum, the medical term for a condition that arises during pregnancy whereby women become severely ill. It is a condition that involves severe sickness and vomiting. Famously, the Duchess of Cambridge, if that is her title, suffered from it. There was a huge campaign last year but to date nothing has been done by the HSE. The campaign is to have the drug pyridoxine-doxylamine, more commonly known as Cariban, made available on our drugs payments scheme.

I ask the Leader to ask the Minister for Health, Deputy Stephen Donnelly, to prioritise this issue and outline what immediate actions he is taking to ensure that women with hyperemesis do not face further financial hardship in accessing the basic HSE-recommended drug. The drug, which currently costs about €45 per week, needs to be taken over the course of the woman’s pregnancy. That adds up to a large sum money but the drug is still not available on the scheme.

Women with morning sickness have been treated in a particular way since the 1960s. We are all aware of the scandal around thalidomide, a drug which caused malformations in 10,000 children. We are now forgetting about these women again. Although 1% of pregnant women are affected, we have to do much more. The HSE needs to include this drug on the refund

scheme.

Senator Tim Lombard: With 130 or 140 weeks to go until local elections, a debate is needed on local government and how it will be prioritised in the next two years. There have been huge changes in local government, particularly since 2014. In my area, the abolition of the town councils was a controversial and, in many ways, wrong move. We had six town councils in west Cork, in Kinsale, Bandon, Clonakilty, Skibbereen and Bantry, all of which played an important role representing the public and serving people at a local level. The town councils were all abandoned in 2014 and there has been a deficit ever since. We need to have a genuine debate about what we want for local government, how we want it to be effective and what powers we want to give to the people. It is appropriate now, with the local elections two years away, to have a debate. The Minister for Housing, Local Government and Heritage, Deputy Darragh O'Brien, should come to the House to set out his vision. Town councils should be a part of that vision.

Senator Rónán Mullen: Today, Jennifer Bray of *The Irish Times* reported, and the Minister for Health has announced, the so-called independent chair of the review into the State's abortion laws. Ms Bray's article states that all of this is following a tender process. She does not say, and I do not understand why, that it is not the open tender process to which the Minister and his officials committed last December. This is because, as the Minister revealed last week, a small number of people were contacted and invited to express interest in the role of independent chair. I do not know the person who has been appointed and I wish her well. Her name is Ms Marie O'Shea and she has an important job to do now. It is vital to look at this legislation through the lens of how it has impacted on women's welfare but, equally, how it has impacted on the welfare of unborn children from the point of view of cruelty issues and minimising of abortion rates, all of which should remain desirable objectives in any country that would want to call itself civilised. I have to say the opaque nature of the process that led to Ms O'Shea's appointment does not inspire confidence. There is ground to be made up here.

In far happier news, I would like to welcome-----

An Cathaoirleach: Senator, in relation to some of your remarks, you named the individual-----

Senator Rónán Mullen: Appropriately.

An Cathaoirleach: Some of your remarks-----

Senator Rónán Mullen: I did not criticise anybody, other than the Department and the Minister.

An Cathaoirleach: Calling the person and her independence into question would not be appropriate.

Senator Rónán Mullen: I have not done so. I have said the process does not inspire confidence.

An Cathaoirleach: That is perfectly-----

Senator Rónán Mullen: All I am saying is that many people are watching.

An Cathaoirleach: That is absolutely fine, Senator. The independence of the chair of the

review is the issue.

Senator Rónán Mullen: That is understood.

I draw attention to some happier news and welcome the announcement that my home village of Ahascragh is to get a €3 million wastewater upgrade project. This is needed to end the discharge of inadequately treated wastewater into the Bunowen river. It is hard to imagine, but this will stop the equivalent of more than 300 wheelie bins of inadequately treated wastewater from going into the river every day. I am delighted, by the way, that Coffey Water limited, a company with roots in our parish, will be delivering these works on behalf of Irish Water and Galway County Council.

I would like to say again that it is a disgrace in this day and age that any inadequately treated wastewater is being deposited into any river in the country. Ireland has a remarkably low population compared with most countries and our historical population levels. We are a small country, but we have a low population. We are also a rich country. There is no excuse for the despoliation of our environment in this way. I would like more of this and quicker, please.

Senator Aidan Davitt: I agree with Senator Mullen on his final point about wastewater. I concur with his statement on the infrastructure being provided by the Government to upgrade the water system. Long may it continue.

I raise the issue of training centres and apprentices schemes through training centres. I believe there is a backlog in quite a number of these schemes due to the non-availability or a shortage of teachers. While I intend to submit a Commencement matter on this issue, I also ask the Leader to inquire about the numbers of trainees who are waiting to avail of some of these schemes. If she could find out where the backlog is, we could see if we could work on some of these areas. I would appreciate that.

Senator Maria Byrne: Yesterday, Senators in the mid-west raised their concerns regarding University Hospital Limerick. There are over 100 people on trolleys in the hospital today and the figure is increasing. The CEO and her team have said they are looking at ways of trying to reduce the numbers. Some of the beds cannot be used at the moment because they are being used for isolation for people who still have Covid-19. I note the Leader was to write to the Minister for Health, Deputy Stephen Donnelly, yesterday to support the three Senators who called for an independent review. However, something needs to be done because more than 100 people are on trolleys.

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There is also the fact that 25 children were also seen in adult psychiatric services. It is just not acceptable. Those are two issues I would like to raise today, which perhaps the Deputy Leader could bring to the attention of the Minister for Health.

Senator Paul Gavan: The actual figure of patients without a bed in University Hospital Limerick, UHL, this morning is 111. It was 97 yesterday. I appreciate the Deputy Leader's support for an independent investigation but we need action today. We need the Minister for Health, Deputy Donnelly, to act. We have been talking about this for six years and each year it gets worse. Fine Gael has been in power for 11 years and Fianna Fáil, effectively, for six years and still it goes on and gets worse, and still, we wait for intervention. It is not what I wanted to speak about but I needed to make that point.

I spoke this week at the Council of Europe on the European Pact on Migration and Asylum. My party is very concerned about this proposed pact and the impact on human rights. I want to highlight something that has been going on for years that everyone knows about but, unfortunately, that conservative political groups such as the European People's Party and the Alliance of Liberals and Democrats for Europe, ALDE, have nothing to do with. They do not want to act on it. I refer to the disgraceful arrangement between the European Union and the Libyan coastguard.

I will give Members a couple of quotes from a direct report on the issue of people trapped in those horrific prisons. I will read the most important quotes. The camp is called Al Mabani in Tripoli. The author of the report wrote, "Beatings can be doled out for transgressions as minor as whispering to other migrants, speaking in a native tongue or laughing."

The author went on to recount later speaking to a witness. He wrote:

... a thirty-six-year-old migrant from the Ivory Coast, who was held at Al Mabani with her 14-year-old daughter for two months, told me that women were frequently taken from her cell to be raped by the guards. 'The women would come back in tears,' [she said]. One day after two women escaped from Al Mabani, guards grabbed ... [this lady], took her to a nearby office, and beat her for reasons that remain unclear.

This is not news. The European Union knows about this. I call for the disgraceful relationship to be ended. The European people's Party and ALDE are propping it up. How much longer are we going to see migrants beaten, raped and tortured? The European Union not only turns a blind eye but gives financial support to the Libyan coastguard, which is implementing that policy.

We need state-led rescue missions to stop the drownings in the Mediterranean. Instead, what we have are bandits from the Libyan coastguard financed by the European Union. We hear about European Union values. Where are those values? Unlike the European People's Party, when are MEPs from Fianna Fáil and Fine Gael going to stand up for people's rights in Europe as opposed to carrying on with this disgraceful silence in the face of the most shameful of human rights abuses?

Senator Lynn Boylan: Hear, hear.

Senator Jerry Buttimer: I ask the Deputy Leader for a debate as a matter of urgency in light of the CAMHS report today on child and adolescent mental health services in counties Cork and Kerry, where 46 children have been diagnosed as suffering "significant harm" while attending the services. It is a damning report on the whole issue of the care of our young people who are in a state of significant vulnerability. The review of the care of more than 1,300 children found there was clear evidence that 46 of them suffered significant harm. That is an extraordinary indictment of a service.

What is even more critical is that the HSE did not brief Members of the Oireachtas prior to the publication of the report but afterwards. That is a separate matter, however. The HSE has a duty of care to our young people. I ask that the Deputy Leader bring in the Minister with responsibility as a matter of urgency. It is important that we get clarity and answers for the children, their parents and families.

I also ask that the Deputy Leader facilitate a debate on the whole area of aviation. I raised

this matter last week and do so again this week. It is important given that we have changed our rules around Covid-19 that we have a debate on the future of aviation. It is an important matter because the load factors versus the breakdown in terms of cancellations is quite high and worrying. I ask that this be facilitated as a matter of urgency.

Senator Gerard P. Craughwell: There has been much discussion over the last few days about Ireland's neutrality and the Russian exercise off the south-west coast. I ask somebody to show me an Act of Parliament from this or any government that states that Ireland is a neutral country. Show me in the Constitution where it states that Ireland is a neutral country. Where can we find a reference to Ireland's neutrality anywhere in State legislation? We cannot. We are not a neutral country. We never have been. If we want to talk about neutrality, two things must happen. First, we have to go to the people of this country and enshrine it in our Constitution and, second, we have to fund the Defence Forces and security systems of this country to protect that neutrality. I asked for a debate some time ago on neutrality and I ask for it again. It is time we had it.

The second issue I wish to raise this morning is that of Government and governance. I look at the responsibilities that are laid out for Ministers and no organisation outside of this one would expect anybody to take on the level of responsibility we are asking Ministers to take on. Ministers have multiple portfolios in which they are covering multiple issues, for instance, climate, transport and communications with one Minister and Foreign Affairs and Defence with another.

The responsibilities the Government Chief Whip has are just unbelievable. He is the Minister of State at the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media with special responsibility for Gaeltacht affairs and sports and Minister of State at the Department of Defence as well as being Government Chief Whip. How in God's name do we expect one individual to provide the oversight that is required to manage that amount of a portfolio? It is time that we looked at the structure of Government. If that means going back to the people in order to be able to extend the number of junior Ministries we have, then let us do that. Let us stop trying to pretend there is political oversight, however. I would, therefore, like a debate with the Taoiseach on the issue of Government and governance and how we intend to manage the country going forward. We live in a very complex economy now and we need very different responses to what we had when this was all set up.

Senator Ollie Crowe: This morning I want to come back to an issue I raised late last year, specifically burglary and the light sentences being handed down for this horrific crime. Just before Christmas in the area in which I live, that is, the Carnmore-Oranmore-Claregalway area, there were 14 burglaries across ten days. They largely followed a similar pattern. It was obvious that prior surveillance was being carried out on the houses. They were not random burglaries. They were planned and targeted with a number each night.

I have spoken with my neighbours and the people in these communities that have been affected. I can only outline this morning the trauma to people. It is not just material items, money, vouchers or jewellery; it is also the sense of peace and comfort that people feel in their own homes. Victims of this crime then see burglars being handed down sentences of six and nine months. On 6 January - this is a matter of public record - a chap with more than 80 convictions got ten months. It is beyond belief that this is happening. The reality is that the sentences do not fit the crime. The Department of Justice has acknowledged this and I have written to it on a number of occasions. The reality is that it is just not working.

When we look at the statistics I received from the Department of Justice, we see that 75% of the crime in this country is being committed by 25% of the people. Naturally, therefore, if they get longer sentences, the crime is automatically going to reduce. That is the reality. As I said, 75% of the crime is being carried out by 25% of the people. It has gone on for far too long and needs to be addressed as a matter of urgency. I ask the Deputy Leader to ask the Minister, Deputy McEntee, to come to the House at her earliest convenience.

Senator Mary Seery Kearney: Yesterday, the joint policing committee of Dublin City Council heard a report from Detective Inspector Daniel Kelly on human trafficking statistics and actions for 2021. He said that there were 44 victims recorded by the Garda, 28 of whom were female and 16 were male. Some 19 victims were identified as being of labour exploitation and 25 were victims of sexual exploitation. The Minister of State, Deputy James Browne, was before the Seanad in October. During that debate I raised the need for the public to be able to spot trafficking. We are in a time when there is a lot of platform engagement on services, including cleaning services. There are a lot of services that ordinary members of the public access and they have no idea whether the individual coming into their home, or otherwise, has been trafficked into the country and is obliged to labour for the profit of criminality. At the time, the Minister of State agreed with me that we needed a publicity campaign to educate the public on how to spot trafficking. The Garda was very reassuring that if person comes forward and has been a victim of trafficking, there is a whole suite of supports that come in around him or her. These include contacting immigration that such people are not to be deported, support for them with a stamp 4 permission, accommodation, medical care, education and training supports. There are supports that come in if an individual victim comes forward. It is really important that the members of the public are able to identify this, given that the anecdotal evidence suggests that we come across people who have been trafficked on a daily basis.

Senator Martin Conway: I spoke here yesterday on the number of people on trolleys on the hospital in Limerick. It was 97 yesterday and it is 111 today. The call I made yesterday for an immediate independent investigation has been strengthened by the sad news of 111 people on trolleys in Limerick.

January is cervical cancer awareness month. We all know how important the HPV vaccine is. Thankfully, there is a greater culture in this country of taking vaccines as a result of Covid-19. If greater numbers of people are embracing vaccination as an result of Covid-19, that is a good thing. Over the years there has been a certain hesitancy around the HPV vaccine. Good people were hesitant, had concerns and did not allow their children to be vaccinated. Now that they have changed their minds, they are being charged between €400 and €600 for a catch-up vaccination. That is totally unacceptable. I tabled a Commencement matter on this about six months ago. The Minister of State, Deputy Rabbitte, following discussions with the Minister for Health, replied to the question by saying that they were going to abolish the catch-up fees. Sadly that has not happened yet. I ask the Leader to contact the Minister of State and the Minister for Health, Deputy Donnelly, to establish when there will be a free catch-up programme for those who want to get the HPV vaccine. It is critical. There has been a commitment to it in the House but unfortunately it was not followed up. I ask the Leader to find out when the commitment that was made in this House in good faith will be delivered on.

Senator John Cummins: I wish to raise an issue in respect of passport applications. My office has been inundated with queries on this, particularly where one or both parents are not Irish citizens but their child is, having being born in the State and having been living her for many years. That child is entitled to his or her Irish passport. One set of parents, originally

from India, has been waiting since July last year for a passport for their child. It is unacceptable, particularly when we are coming out of Covid and when people are in good spirits and a good mood and want to get away on holidays. Your passport is such an important document. I ask for a debate in the House. I believe all of us will be inundated in the coming months by people whose passport requests are in the system. There are clearly issues that need to be addressed, not only basic renewals and the first-time applications for children but especially those where one or both parents are not originally from Ireland. It seems as though those applications are being put to one side and being ignored. It is not right, fair or equitable. It needs to be addressed as a matter of urgency.

Senator Erin McGreehan: I raise the question of trust in the HSE as an organisation and in medical procedures and practitioners. What happened with CAMHS in south Kerry was disgraceful. I will not say much about that or the 40 or so families who may bring legal cases. However, I would like a debate from the Minister for Health on how he proposes to ensure that the HSE has proper structures for complaints in order that people be made accountable for their actions. In any job, we should be accountable for wrongs. When there are wrongs of a serious life and death nature, there should be repercussions. We see it in Donegal in the Brandon report. Where are the consequences for deplorable carry-on in our health system, a system that we need to trust and which we go to at our most vulnerable to seek help and care? I speak from a personal point of view. I went for care and was let down at every step along the way. There has to be reform of the entire system in order that all of us can trust in the system when we get an appointment after many long months of waiting and that we can trust in our professions. There is an awful lot of fear among families, parents and us all, that we cannot trust the HSE in some situations. I absolutely acknowledge the great work they do in other areas but there is a lot of fear out there.

Senator Niall Ó Donnghaile: I wish to take the opportunity to commend once again the bravery of the Women of Honour group. This is something that will be of interest and concern to the Deputy Leader. Colleagues will have seen the reaction of the Women of Honour after their meeting with the Minister for Defence, Deputy Coveney, this week. They continue to feel let down. It is really important that the Government listens to their concerns and actually acts on what they are calling for. We have heard all the right things being said over recent days and weeks. When it comes to the bit, the Government has the opportunity to stand by these women, to do right by them and to properly investigate the concerns, allegations and awful situations they faced in their time in the Defence Forces.

When we debated the defence Bill in this House before Christmas, the Minister made what I found at the time to be very sincere and robust commitments in terms of acceding to the demands of these women but it is clear, having listened to them, that they do not believe the Minister's review goes far enough. In fact, they are concerned that it has the potential to be a whitewash. These allegations, as acknowledged by the Minister and his colleagues from every party and group, are much too serious to befall a whitewash. We need a full commission of investigation with the power to compel witnesses in terms of the allegations raised by the Women of Honour group. We urgently need a comprehensive and fulsome commission of investigation. We need it to ensure that the culture and the practices that these women are so concerned about within the Defence Forces are changed. I call on the Deputy Leader to invite the Minister for Defence, Deputy Simon Coveney, to come in here and speak to us about the allegations raised by the Women of Honour group, and outline exactly what his Department intends to do. A debate would mean we have the opportunity, across the House, to raise our concerns and

views, and the views expressed by the Women of Honour.

Senator Paul Gavan: Well said.

Senator John McGahon: When I walked from my office to this Chamber I had to walk past the Dáil Chamber and it is great to see Deputies working side by side. I know that arrangements are under discussion but I think the sooner the Seanad gets back to normal the better. We should set the standard as soon as possible because it does not make sense that we are social distancing here yet a couple of yards down the hallway things are back to normal.

I wish to follow up on what was said by Senator Cummins and to refer to one of the things that is really unfair about the passport system. For first-time applicants it takes 40 days, which is fair enough, particularly as there are many child protection issues. However, if a mistake is made when filling out the form, and it could be a simple and genuine mistake, the application must go straight back to the back of the queue and wait another 40 days. The other day a person came into my office and asked me to sign their passport application form. I was absolutely terrified of signing their form in the wrong place for fear of creating a delay. If we are going to reform the passport system, then we should create an appeals process. We should ensure that when a mistake is made that an application is not sent back to the start of the queue and ensure we avoid delaying a child's first passport by 80 working days.

Finally, I would appreciate if at some stage we could have a debate on the concept of a one-stop-shop for climate action. It is an initiative that will be introduced in the next couple of months in local authorities. It will mean that members of the public can walk into one of these offices and get good up to date advice about climate energy and efficiency savings that they can do in their house, how they can sell energy back to the grid when that is announced, and get information on a whole variety of things like Sustainable Energy Authority of Ireland, SEAI, grants. I would appreciate a debate on that at some stage in the future.

Senator Paddy Burke: I support Senator McGahon in his call for a debate on a one-stop-shop for climate action and climate control, which is taking in some the local authorities. The initiative will be a great addition and warmly welcomed. A debate on the matter in this House would be very worthwhile.

I ask the Deputy Leader to arrange a debate on tourism in the not too distant future. It would be timely to have that debate now as we are at the start of the tourism season. Plus many people seem to be going away on holidays and we should debate ways to attract people to this country to see what we have to offer. We have some of the finest greenways and opportunities to climb mountains in the world. We could at this stage divert some moneys towards different sporting activities like the use of lakes, water skiing and so forth. That is an area we could debate if we had a debate on tourism.

Minute's Silence to Commemorate 50th Anniversary of Bloody Sunday

An Cathaoirleach: Before I call on the Deputy Leader to respond to the Order of Business, yesterday it was suggested, and we discussed it at the Committee on Parliamentary Privileges and Oversight, that we would have a minute's silence in remembrance of Bloody Sunday.

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On Sunday, 30 January 1972, in Derry a peace march for civil rights ended with innocent people being killed by members of the British Army, which is forever since known as Bloody Sunday. Fifty years on it is fitting and appropriate that we remember those lives that were cut short. We think, too, of their families, friends and communities who suffered an unimaginable loss. The names of those killed on that Sunday should never be forgotten - Paddy Doherty, 31; Gerald Donaghey, 17; Jackie Duddy, 17; Hugh Gilmour, 17; Mike Kelly, 17; Michael McDaid, 20; Kevin McElhinney, 17; Barney McGuigan, 41; Gerald McKinney, 35; Willie McKinney, 26; William Nash, 19; Jim Wray, 22; John Young, 17; and John Johnston, 59.

Ar dheis Dé go raibh a n-anamacha.

Members rose.

An tOrd Gnó (Atógáil) - Order of Business (Resumed)

An Cathaoirleach: I ask the Deputy Leader to respond to the Order of Business.

Senator Lisa Chambers: I thank Members for contributing to the Order of Business. The Order of Business kicked off with Senator Seán Kyne raising the issue of the Passport Office. There are ongoing delays but we would expect there to be a greater demand. A number of other Members, including Senator Malcolm Byrne and others, raised a similar issue around passports, as did Senator John Cummins, in terms of passports for children. A debate with the Minister, Deputy Coveney, has been requested. We have not yet received a reply from his office but I hope to shortly schedule a debate on the very specific issue of the Passport Office.

Senator Victor Boyhan raised the issue of a substantial report compiled by former Senator, Marie-Louise O'Donnell, in 2017, called *Finite Lives*. He has requested that we have a debate or a conversation in this House on dying, death and bereavement. If appropriate, I suggest the Senator liaise with the Cathaoirleach as this may be a topic appropriate for a panel debate. Certainly, this is an interesting piece of work that requires further discussion.

Senator Malcolm Byrne raised the issue of the Passport Office. He also raised a specific issue around the Online Safety and Media Regulation Bill. He referred to the newly established expert panel by the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media, Deputy Catherine Martin, to look at an independent complaints process. Last night, on "Prime Time", the Minister committed to bringing the Bill to this House in the next week or two. I understand that the expert panel is not due to report for another three months so there may be an issue there. Perhaps that is something we can work on, directly with the Minister's office, to try to find a pathway forward that would be agreeable to Members in this House in terms of debating that legislation as well.

Senator Lynn Boylan raised an issue concerning the European Court of Auditors. I have not read the report so I am not in a position to comment on its detail. The Minister for the Environment, Climate and Communications is working extremely hard on the whole area of energy efficiency in his Department. A significant amount of funding was announced in the most recent budget to cater for retrofitting and to deal with that whole space. In previous years, we have not always availed of that funding. We must do better. If there is funding available from the

European Union, we should be availing of every last cent of it.

Senator Wall raised the issue of an AEDs register and the community groups that have worked very hard on that issue. He mentioned that a different approach is now being taken by the Minister with regard to a register of those units, which is very welcome. The Senator also raised the issue of those who do damage to life-saving equipment. We all concur with the Senator's remark that it is an abhorrent act to remove those devices that could potentially save somebody's life. We never know when we will need them.

Senator Ruane raised the issue of the announcement by the Minister, Deputy O'Gorman, around the care system and the research and data collection project that has been initiated, which is the largest ever commissioned in the State. We hope that the experiences of those who have been through the care system will not only be properly documented but acted upon and used to inform current and future policy in the area. The Senator also brought to the attention of the House that she has emailed a survey to all Senators in regard to their biases, conscious or unconscious, of the prison system and those who are going through that system. I would encourage all Members to respond to that survey. I have not yet done so, but I will do it. I thank the Senator for it.

Senator Ardagh raised the issue of a vomiting condition, the proper term for which I will not even try to attempt. The Senator said that it is a condition that affects 1% of women in pregnancy and that there is a drug available to treat it, the name of which I also will not attempt to pronounce, but that it is very costly at €45 per week and is not covered under the drugs payment scheme. I concur with the Senator that that needs to be reviewed urgently.

Senator Lombard spoke about the upcoming local elections, which are two years away. He also requested a debate specifically around local government and the issue of town councils. I concur with the Senator that it was a sad moment for local government when the town councils were removed under former the Minister, Phil Hogan. There are many Members in this House who would support a debate around how we might reintroduce that model in a way that would be acceptable and would work well in communities across the country.

Senator Mullen raised the announcement of the appointment of Ms Marie O'Shea as the new independent chair of the review of the Health (Regulation of Termination of Pregnancy) Act 2018. I congratulate Ms O'Shea on her appointment and I wish her well in her work. Senator Mullen raised certain issues around that which I personally would not concur with, but the Senator is entitled to his views. He also drew attention to the €3 million wastewater project announced for Ahascragh and the Bunowen River, and the positive impact that will have on his community.

Senator Davitt raised the issue of apprenticeship schemes and the lack or shortage of places for applicants. I am aware of the issue. It is a matter that needs to be tackled. The Minister of State, Deputy Niall Collins, is responsible for the area. A great deal of work has been done to improve the services and opportunities for young people to enter apprenticeship programmes. The Minister of State is aware of the acute shortage in the system and he is working to address it.

Senators Maria Byrne, Gavan and Conway raised the urgent and desperate situation at University Hospital Limerick and the 111 people currently on trolleys, which is not a good situation to be in. I know the Senators have worked hard on this issue. I do not have an answer for them

as to why it is ongoing and why there is such an acute problem in Limerick that does not appear to be presenting at the same level in other hospitals. There is need for a bespoke solution for University Hospital Limerick. At the end of the day, it is the staff working in those conditions and the patients who are suffering. There is need for a broader look at the wraparound services in terms of home help, step-down facilities and GP services, and to identify why so many people are ending up in the hospital system. It may be that some of the issues could be better dealt with elsewhere to take pressure off the primary centre.

Senator Buttimer spoke about a specific report on CAHMS affecting Cork and Kerry. He mentioned that 46 children were found to have been significantly harmed by the system. I have not read the report so I am not in a position to comment specifically on the details of it, but I concur with the Senator that that is an extremely serious finding. It is a matter that should be raised directly with the Minister for Health. A Commencement matter on that very specific report might, perhaps, be a good starting point to get some answers on the matter.

Senator Craughwell requested a debate on neutrality. A request has been made to the Minister for Defence for a debate on defence, touching on the Women of Honour issue, but also general defence issues in terms of recruitment and retention and the issue around Russia. There are a number of defence issues that have been consistently raised in this Chamber that require a significant and substantial debate with the Minister with responsibility.

Senator Craughwell has particular views on Ireland's neutrality. I would make the point that we are a militarily-neutral country. We are not militarily aligned to any particular organisation, which is a distinct point.

Senator Craughwell also raised the issue around Government and governance. He requested a specific debate on the significant responsibility placed on the shoulders of individual Ministers, which differs from Department to Department. They do have a considerable team of staff in terms of Secretaries General, researchers and so on. It is not just a Minister working on any particular portfolio, but I appreciate the Senator's remarks.

Senator Crowe spoke about the issue of burglary and what he believes to be light sentences. He also made specific comments around sentencing. There is another element to that as well in terms of rehabilitation and prevention to try to reduce those numbers. Senator Crowe requested a debate on sentencing with the Minister for Justice, which we will try to organise as the earliest opportunity.

Senator Seery Kearney raised the issue of human trafficking and a recent report which found, if I understood her correctly, that there was a correlation between the numbers of victims coming in, male and female, and sexual or labour exploitation. She spoke about the need for a public awareness campaign to encourage and educate members of the public on how to identify and spot trafficking, which might better help the authorities to deal with that criminality.

As I mentioned earlier, Senator Conway raised the situation at University Hospital Limerick. He also raised an important issue around cervical cancer and the HPV vaccine, and the need for a free catch-up programme to cover the significant cost associated with getting that vaccine for those who missed the opportunity to get the vaccine in school. I concur with the Senator's remarks. I suggest that the Senator table a Commencement matter to the Minister for Health, which might give a specific timeline for the introduction of that catch-up programme.

Senator Cummins raised the issue of the Passport Office, which I have dealt with. We will

arrange that debate as quickly as we can.

Senator McGreehan requested a debate with the Minister for Health. We will, hopefully, get the Minister into the House in the next number of weeks, specifically around a complaints process to allow better oversight and accountability where there is a shortcoming in the provision of services and care of patients in different areas of the health service.

Senator Ó Donnghaile raised the issue of the Women of Honour. I am acutely aware of the comments by the Women of Honour that they are not happy with what has been announced by the Minister, Deputy Coveney. I would hope that the Minister might be able to sit down with the Women of Honour to find some way forward that is agreeable to the victims and to take on board their concerns. I note that the Minister has since clarified that it does not preclude a full statutory inquiry. Hopefully, a solution can be found that is agreeable to all sides.

Senator McGahon raised the issue of passports. He also raised the issue of SEAI grants and the need for clarity in that regard.

Senator Paddy Burke requested a debate on tourism, which I think would be quite timely. We will try to schedule that at the earliest opportunity.

Order of Business agreed to.

Sitting suspended at 12.38 p.m. and resumed at 1.30 p.m.

Broadband Roll-out: Statements

Acting Chairperson (Senator Aisling Dolan): We will now hear statements on the roll-out of broadband. I welcome the Minister of State, Deputy Ossian Smyth, who has joined us and thank him for giving his time. I look forward to hearing an update on broadband.

Minister of State at the Department of the Environment, Climate and Communications (Deputy Ossian Smyth): As ever, it is my honour and pleasure to address the Seanad on what is, I am sure, an important matter of interest to everybody in Ireland.

I reaffirm to the House that the national broadband plan remains a top priority for the Government. I am sure the Seanad strongly supports the overarching objective of the programme to deliver a high-speed broadband fibre network to over 554,000 premises, 1.1 million people, over 100,000 farms and non-farm businesses and some 679 schools. The national broadband plan high-speed broadband map is available on the Department's website at *broadband.gov.ie*. The amber area represents the area to be served by the network to be deployed under the national broadband plan, NBP, State-led intervention.

The NBP contract was signed with National Broadband Ireland in November 2019 to ensure that 100% of the premises in the State have access to a reliable, high-quality, high-speed broadband service with a minimum download speed of 500 Mbps from the outset, and with higher speeds available to businesses.

This plan is the largest infrastructure project in rural Ireland since rural electrification. It spans 96% of Ireland's land mass and it will bring high-speed broadband to 69% of Ireland's to-

tal number of farms. It will deliver fast reliable broadband through laying 140,000 km of fibre cable utilising over 1.5 million poles and more than 15,000 km of underground duct networks.

I recognise how vital telecommunications services are to citizens for so many aspects of their daily lives, including remote working, studying and e-health and, more recently, staying in touch with family members during the Covid-19 pandemic. The pandemic has caused profound socioeconomic change and has brought to the fore the central role that digital connectivity and technology can play in transforming the way we work and connect with each other. The pandemic has highlighted, now more than ever, the importance of current and future connectivity needs, not only in city centres but also across our suburbs, towns and rural communities. Ireland will be a world leader in fibre broadband roll-out by 2026.

A key principle of the NBP is to support and stimulate commercial investment. Since the publication of the NBP strategy in 2012, the commercial telecommunications sector has invested over €3.3 billion upgrading and modernising networks which support the provision of high-speed broadband and mobile telecommunications services. Extensive investment plans are in place by a range of operators in commercial areas. Eir has stated it will roll out fibre to the home to a further 1.6 million premises in urban areas, bringing its overall fibre-to-the-home deployment to approximately 1.9 million premises. Meanwhile, SIRO is currently completing the first phase of its fibre deployment. To date, it has passed more than 400,000 premises with gigabit services. It has recently announced plans to extend that network to an additional 320,000 premises. Virgin Media Ireland has also recently announced a €200 million investment to upgrade its broadband network to full fibre to the more than 1 million premises the company covers over the next three years. Many other network operators and telecommunications service providers across the State also continue to invest in their networks.

Today, more than 2.4 million or 77% of premises in Ireland can access commercially available high-speed broadband services of more than 30 Mbps. In the 2021 digital economy and society index, DESI, for the 27 EU countries, Ireland performed well. It ranked fifth with a score of 60.3, which is well above the EU average of 50.7. NBI will address the remaining premises through the national broadband plan State intervention.

As recently as six years ago, Ireland had a fibre-to-the-home, FTTH, network covering less than 1% of the 1.7 million broadband subscriptions. Latest figures from ComReg for quarter 3 of 2021 showed that FTTH subscriptions are now at 340,000 or 20% of the 1.7 million subscriptions and growing. This upward trajectory has been achieved through a combination of commercial investment and State intervention.

NBI commenced connections to the new fibre network in January 2021, just 12 months ago. As of today, over 54,000 premises are available for order and pre-order for high-speed fibre broadband across 21 counties, including Carlow, Clare, Cavan, Cork, Galway, Kerry, Kildare, Kilkenny, Laois, Leitrim, Limerick, Louth, Mayo, Monaghan, Roscommon, Sligo, Tipperary, Waterford, Westmeath, Wexford and Wicklow.

NBI has advised that over 154,000 premises are constructed or under construction, demonstrating that the project is reaching scale. Over 5,400 premises have been connected as of 14 January and this figure is increasing weekly. To date, the level of connections is in line with projections and in some areas it is exceeding expectations.

While substantial progress has been made to date, the Covid-19 pandemic has had an impact

on the delivery of the fibre network, resulting in delays in the delivery of aspects of the programme. Impacts include challenges with the mobilisation of key contractors, restrictions on operations and supply chain, as well as logistical delays, both nationally and internationally. In addition, there have been challenges with the recruitment of key personnel as NBI and its contractors scale up, including challenges associated with on-boarding and training people. Like all of us, NBI and contractor staff are at risk of contracting Covid-19 or may have had to restrict their movements as a result of being a close contact. This impact continues to be felt due to the current more contagious Omicron variant.

With a project of the scale of the NBP, it can be difficult for media commentary to fully communicate the scale of activity or work completed in terms of delivery of the NBP. I will share with Senators some details of what has been achieved against the backdrop of challenging circumstances brought about by the pandemic to date. Some 6 million m of cable has been installed; 25,000 telegraph poles have been remediated or newly installed; 152,000 premises have been submitted to Open Eir for make-ready; 250 section 254 applications have been submitted across all 31 local authorities, with 154 approved; 38 deployment area designs have been approved by the Department; over 150,000 premises in 45 deployment areas across 26 counties are either under build or build-completed; six deployment areas are now fully build-completed, with four more deployment areas nearing completion; three island deployment areas with build are under way; 26 local exchange sites with Nokia equipment installed are ready for network connectivity; there are 54,000 premises available to order or pre-order across 21 counties, as well as three islands off the coast of Donegal; there are 34,417 premises available to order by 31 January 2022; 7,355 orders have been received by retail service providers; 5,477 connections have been completed across 11 counties, with 1,300 connections made in December 2021 alone; 453 broadband connection points have been installed; and 50 retail service providers, RSPs, have been contracted, with 34 of those on-boarded. The ongoing investment in the roll-out is also creating employment opportunities. There are 292 direct employees and 911 indirect employees working with build and design contractors. They are now employed on foot of the NBP investment, with this number rising weekly as construction activity ramps up.

Broadband connection points, BCPs, are a key element of the NBP. They are located in areas of community importance, allowing local residents to quickly get free public access to high-speed broadband in advance of fibre deployment under the national broadband plan. BCPs are a key support for promoting balanced regional development as part of a sustainable and equitable post-pandemic recovery and will enable rural communities to avail of the opportunities presented by the digital economy. BCPs have been developed to become digitally enabled community assets. Activities currently under way include: the establishment of remote working facilities at a significant number of locations; remote e-health consultation booth pilot projects; digital skills training for children and young people and; a national BCP film festival that will be screened at BCPs.

As of 14 January, some 453 BCP sites in total have been installed by NBI and 255 of the publicly available sites are now connected with high-speed broadband service through a service provider contract with Vodafone. As part of this initiative, primary school BCPs are also being provided with high-speed broadband, for educational use, through service provider contracts managed by the Department of Education. To date, 185 schools have been installed, out of the total of 453 BCP sites, with high-speed broadband for educational access and 99 schools are now connected. An acceleration of this aspect of the national broadband plan will see some 679 schools connected to high-speed broadband well ahead of the original target delivery timeframe

of 2026.

The House will also be aware of recent commentary on the ownership structure of NBI and parliamentary questions answered by me on this in the Dáil in December. I can confirm that the ownership structure of NBI remains as advised to the Department of the Environment, Climate and Communications at contract award in November 2019 and at the effective date of the contract on 9 January, 2020. The Minister, Deputy Eamon Ryan, has rights of consent under the project agreement in respect of changes in ownership and NBI must notify the Minister in advance of any such event arising. There have been no subsequent notifications of changes to ownership or control.

With large-scale projects of this nature, it is usual that the investors' investment in the project is structured through tiered holding companies. NBI applies the highest standards to its corporate governance and the structures adopted by it are typical of investments in critical infrastructure not only in Ireland but globally where investors of international reach and scale are involved. As the roll-out progresses, I will ensure that Senators are kept up to date. The Department will continue to arrange Oireachtas stakeholder information sessions for Deputies and Senators. I am pleased to note that some 21 sessions were facilitated in the past six months or so.

Citizens can also obtain information on specific areas in the intervention area through the NBI website. This site provides a facility for any premises within the intervention area to register their interest in being provided with deployment updates through its website, www.nbi.ie. Individuals who register with this facility will receive regular updates on progress by NBI on delivering the network and specific updates relating to their own premises as works commence.

Furthermore, NBI has a dedicated email address, reps@nbi.ie, which can be used by Oireachtas members for specific queries. NBI has recently published details of its full deployment schedule on its website which enables all premises within the intervention area to have an anticipated service activation date range.

Acting Chairperson (Senator Aisling Dolan): I apologise for interrupting the Minister of State, but I must allow other speakers to contribute because we have to finish at 3.30 p.m.

Senator Róisín Garvey: I will not need the full eight minutes. Tá an tAire Stáit ag obair go dian ar an bhfadhb seo. Is dúshlán mór é atá ann le fada an lá ach, faoi dheireadh, tá rudaí ag tarlú agus tá sé ag bogadh ar aghaidh.

I thank the Minister of State for taking on this role. I know he has been working immensely hard on it. We have had repeated meetings with NBI to see how we can get the entire process speeded up. I see we are now reaching targets beyond those originally set. I take my hat off to the Minister of State. Despite Covid and everything else, it is good to finally see proper acceleration for rural broadband. I cannot emphasise enough how important it is to everything in rural Ireland. As a point of information, Macra na Feirme conducted a rural youth survey and sent a questionnaire to young people in rural areas. Macra has more than 10,000 members. Some 53% of young people said they would stay in their local village or rural area. If there was good Internet access, they would be willing to stay and work from home or in a remote working hub. It is such a key element to ensuring that rural areas remain alive. For too long we have only seen old people and really young people in villages. There was a complete brain drain of the young people who are needed in every village and town. I remember living in Drumcolliher

years ago and we started an organic horticulture course. There was a bunch of 20-somethings involved. All the old people in the village kept calling to my house saying it was great to have young people around the village. Bringing broadband to rural areas is akin to bringing colleges and jobs to those places. As we discovered during the pandemic, we can do most things from home. It is interesting that rural broadband could bring so many young people, energy, ideas and innovation to villages and towns, all of which are so badly needed.

It is great that more than 3,600 premises around Kilkishen, Sixmilebridge, Ballyhannon, Cloghlea, Bunratty, Shannon and Spancel Hill are getting fibre broadband. The BCPs are brilliant as well. They are definitely very useful while we are waiting for everybody to get rural broadband, and they will be needed after that. I worked from home for 14 years. I used to check into a digihub even though I had good Internet access at home. That was just to have people around me and so I would not have to look at the laundry. There is an important role to be played by digihubs or BCPs. It is not a case of having one or the other; we need both. It is really good to see them coming on board. In my village of Inagh, we will have a new digihub in the coming weeks. They are scattered all over Clare now. In fairness to the local authority, Clare is leading the way because it has brought it on board. There is a very successful digital hub in Ennistimon, and a brand new one in Ennis. It can make a huge difference to people to have that connection, even those who have been working from home successfully. I work out of the Ennistimon hub and I see the fantastic collaboration that is coming out of it. People are working with each other and creating new ideas within the framework provided by rural digihubs.

I want to ask the Minister of State a couple of questions. A case was put by a neighbour of mine, who got more than 120 householders to agree that they would all sign up to fibre broadband. I do not know how NBI works to prioritise where it goes, who gets fibre and when, but I am curious to hear a bit about that. If we have 70 households, for example, to buy into it, is it more attractive then for NBI to have to go to each individual house in the hope that it will link in with it? It must be worth the company's while financially as well, given that the cost is the main challenge in bringing rural broadband to individual houses that are scattered. It is much easier and cheaper to bring it into an urban area. Could we look at the idea of clusters of houses in a rural area? Even though it is not a town, we could create the equivalent of a town of 120 houses in one small parish if they would sign up to fibre broadband? Is that something that could be prioritised then to be rolled out?

In some places they have got as far as getting the infrastructure in place. The poles are up and everybody is very excited but then it is not linked or turned on. A case in point is Barefield National School, which has 370 pupils and 35 staff but most days they cannot send emails. The pole is outside the door and all the infrastructure is there but for some reason they are not connected. I do not know what that is about.

I would like an explanation of how the relationship between Eir and NBI works. Are they competing or is Eir working under NBI? I seek clarity on that because there seems to be some confusion in that regard as well.

Senator Sharon Keogan: The Minister of State is very welcome. It is good to see the recent statement from NBI on the progress in surveying homes in Donegal. I hope that in the coming months people will be able to experience the stated benefits of broadband in rural areas, from mobile working, e-learning and mobile banking, to digital tourism. It is important to recognise that progress is being made. However, for a plan of this magnitude, we really

must dial back and look at the rate of progress and the meeting of deadlines. That is where the questions may be. Last December we were told by NBI CEO, Peter Hendrick, that only 3,335 homes and business had been connected to high-speed Internet under the national broadband plan since its roll-out 22 months ago. That figure has been updated to 5,400 as of 14 July, according to that statement. That is another 2,065 in the last month. We are quite far off track on the original goal of delivering high-speed broadband to more than 540,000 premises over the course of the seven-year project. In fact, NBI has not even set its annual goal for 2022, having failed to reach the self-set goals for either of the two previous years of the roll-out. All in all, it is disheartening between the costs, tendering and withdrawals. By 2022 I hope most of us realise the importance of the role of the Internet. That importance is not going to diminish. It will only grow. We need to think of broadband access in the same way we think of roads and the provision of water, light and heat. The building of a robust, modern and future-proofed national broadband network is something the State must do for the benefit of the citizen and the economy and, to some degree, the core infrastructure must remain a public asset. When it comes to providers and competition, I am all for healthy competition in the market but the infrastructure must be there first to ensure coverage and to allow for it in the first place.

I have a few suggestions on what should be done. Our broadband infrastructure must be future-proofed. By this I mean roads, footpaths, etc., should, where needed, include installed ducting that will be carrier-neutral for purposes of supplying broadband services. Providing such infrastructure may afford revenue generation to pay for the investment over time. It should also reduce the amount of work, road openings and overall cost of supplying broadband services as well as encouraging more competition. While the broadband connection points are welcome they are limited in rural areas. We need to supply and allow communities to provide for themselves with community broadband projects. This model has been successful in other countries. ComReg has not specified a specific rate of functional Internet access. ComReg decided to specify that the data rate must not be less than 28.8 kilobits per second as a minimum data rate and an associated target that 94% of the installed telephone connections must be capable so supporting a minimum data rate of kilobits per second. This is a minimum data rate in that it does not preclude Eir from offering data rates that are faster than this. This needs to be raised to at least 2 megabytes. Even that is far too low in the current year but the infrastructure is so bad in places. It should be at least 10 at this stage.

There is another issue with regard to the cost of broadband, especially for the elderly. I wish to see the cost of broadband included in the household benefits package. Currently, that package includes electricity, gas, the television licence, etc. The telephone allowance is only available to people who are living alone and are getting the fuel allowance. That is €2.50 per week. Maybe the Government could incorporate the broadband costs for the elderly. I would appreciate it if that were something it could take up in next year's budget.

This is all of vital importance. We cannot penalise rural dwellers through our failure to provide necessary IT infrastructure. It is not fair for those who do not live in major cities to be left behind by the digital revolution. I thank the Minister of State for listening to my comments.

Senator Timmy Dooley: Like others I welcome the Minister of State and his officials to the House for more statements on broadband, which is something that has been a common feature of this Oireachtas and the previous one. There is little doubt the pandemic has brought into sharp focus the need for high-speed broadband. The vision for it was set more than ten years ago. It has stood the test of time in that rolling out high-speed broadband to areas that would not normally be covered by the commercial sector is a policy position that has been taken by

successive Governments. The Minister of State rightly identified that there has been very significant investment across the more densely-populated areas by commercial entities. They do so not for anything but to gain a return on their investment. That is healthy and how it should be and it is working well. If one is fortunate to live in one of those areas, which many people are, one benefits from reasonably good broadband access. It is not perfect because there is not fibre to the home in many cases and we need to encourage the commercial sector to continue with that. There are people who live in densely-populated areas not covered by the national broadband plan who still do not have a great Internet speed. We therefore need, through our policies and through the Department, to continue with that effort with the ultimate goal of having fibre to the home. Fibre to the cabinet is good in some areas but it is not enough.

I do not want to go back over what did or did not happen with the national broadband plan and the contract associated with it. The only comment I will make is the entire project should be seen as a doctoral thesis in how not to do something. I will leave it at that. I put plenty on the record of the relevant committee and of the other House during my time as spokesperson about this particular sector and how we got it wrong. We need to learn from it and move on. From the outset, I believed we should have done this by way of direct award. The competitive process was not the right way to go and the result has proven that. That is not to take from NBI, which is progressing the project, though not as fast as we would like. There is a steep learning curve and NBI is undergoing that at the moment. I felt from the outset we should have charged the ESB with responsibility and let it do this since it falls broadly within its field of competence. That did not happen and we are suffering and will suffer for a considerable amount of time into the future for the decisions that were taken. However, they have been taken and we must now work with NBI and its partners to try to move the project to a conclusion as quickly as possible. We can come in here and throw insults at each other but that would not serve anyone. We should work collectively to try to figure out how we make this happen more quickly.

There needs to be a greater level of co-ordination. I am aware that it was a policy position way back to try to bring together a commonality of approach at local authority level. I understand from NBI and others that there is still not uniformity with applying for licences, getting results and getting access to certain permissions and that acts as a delay. It is not the principle or primary delay but it is part of it. Some of the issues the Minister of State identified as delaying the process were foreseen by some of us and we flagged them at the time. NBI was probably gung-ho and rightly so, as that is needed. However, NBI needs to get more customer-focused. I have said that to the company as well. The only broadband-related question I get at my constituency offices and clinics is when. Some people still do not realise that it is a national contract and that it is not Eir anymore or is not SIRO or whatever company. It is now a State contract and there is company in place. They do not care about that and we get into great detail because we know how it is and how it is not. What people want to know is when. I appeal to the Minister of State to, insofar as he can, work with NBI to put in place a customer interface. It has a good one for people who are within six months of getting it. They can log on, see the area and know where it is at. However, it is different if it is going to be four or five years. Despite the fact the spin at the time was it would be done within five years, I always thought it would take seven. I suspect it will be longer given the issues and challenges that have arisen. Be that as it may, the one thing the vast majority of people want in life generally is certainty. With the level of roll-out experience NBI has at this stage, it should be in a position to give an indicative timeframe. You say to someone that they are going to be in year three. The person may try to find some kind of an interim fix using a wireless option of whatever but NBI should at least give them that certainty, insofar as it can. That is the piece missing at the minute. The

Minister, Deputy Eamon Ryan, said in the early stages of taking up office that the Government would look at trying to expedite the roll-out.

2 o'clock

Has there been any more around that? I understand National Broadband Ireland has signed up and has contractual arrangements. If there is more money required at this stage, or if there is something that the Government can do, either in policy or financial terms, that shortens that period of roll-out, then we should be looking at it. I go back to my opening comment; to some people, it would be nice to have it in the future as a lifestyle issue, for Netflix or for the kids to perhaps do a little bit of gaming or whatever. It is now as important as the phone line was at one stage and probably more important. To some extent, it was an overstatement when people say it would be as important as electricity; it now is, for most people. Whether it was kids trying to access education or doing the basic things, that is now so important. That is now a feature of life.

Even with the legislation that was published by the Government yesterday giving people a right to request the opportunity to work remotely, many people will be required to work remotely. To be sure, some companies need people in the office. However, many others are now looking at their office and property portfolios and are scaling back because they see a benefit to the employee and cost reductions from their own operational perspective. From now on, we will see people being employed on the basis that they will need to and have to work remotely. That becomes a real problem for those who live in areas with a relatively poor level of broadband.

People need certainty, and we should do anything that can be done to speed it up. We have been able to find money to resolve issues in the very recent past and we can do it here. We can work with local authorities and remove some of those impediments that are there.

Senator John McGahon: I am sharing time equally with Senator Buttimer.

Acting Chairperson (Senator Victor Boyhan): Is that agreed? Agreed.

Senator John McGahon: When I think back, hindsight is a beautiful thing, when one thinks about it. I tend not to be too party political in the Seanad, but in 2017 and 2018, the Taoiseach at the time, Deputy Varadkar, championed this issue when there was a chorus of people telling him it was too much, too expensive, too ambitious, it was not going to happen and suggesting it would be better to focus and divert attention elsewhere. Due to a pandemic that has crossed the world, it has proven to be a very smart idea. I would like to put on the record that the Tánaiste, Deputy Varadkar, championed this issue from the very get-go. Now we see how important it is that we are where we are today because of something that no one foresaw.

When we consider where we are now with remote working, by having broadband in the most far-flung rural places in this country, it is putting everyone on an even keel. This country and its development of infrastructure over the past 20 to 40 years has been either large-city centric or large-provincial town centric. Finally, we are now able to put in infrastructure into rural Ireland to put it on the same level playing field, enabling people to access education, do their online banking and work from home at the same level as anybody else. It is that level of equality and ensuring there is equilibrium between urban and rural Ireland that is one of the most important things about rural broadband and why I very much welcome it.

The other point about broadband is not just necessarily about working from home, but it is

with the provision and the real push towards ensuring we have remote working hubs in rural villages. What is good about that is that one is taking previously derelict or vacant buildings and repurposing them. People are coming into rural areas and villages and ten or 15 people are working away in it. That is an income as well to everyone else within that village, whether it is the shop, the butcher or wherever. When people are coming into those areas they are spending money in those localities as well, and that is a result of bringing strong broadband provision in these areas.

When the history of this time of infrastructure will be written, very strong comparisons will be shown with the electrification of rural Ireland. The Shannon scheme started in 1929 and the last rural areas electrified were in 1964. It was a 30-year process. Make no mistake about it; the infrastructural project we are embarking on here is of the absolute same colossal significance as was rural electrification. It is the exact same thing. Back then, naturally, it took over 30 years. We are hoping to do it in a much shorter timeframe.

When I look at my own part of the world with NBI in County Louth, and Senator Dooley mentioned it as well, I have to compliment NBI on its ability to communicate. It is a very good communicator. One can log on online and, down to the very townland, to a couple of fields or to a small townland, one can see roughly when that is due to be connected. That provides people with much peace of mind because they can acknowledge that they can put up with it for another six months or year.

We can only begin to imagine the sheer frustration of people when they could be getting towards a work deadline or project or whatever it is, and the Internet is dropping or it is not at the same speed as someone 20 miles down the road in an urban town. It must be absolutely infuriating. If we think about it, people living in rural areas much of the time can be treated as second-class citizens in terms of broadband because they do not have the same level of equality or access to it.

The point was mentioned earlier that we have moved so much more online in every aspect of our lives. There are very few aspects of people's lives today that are not online and that is why it is so important that broadband will be rolled out into every single corner, parish and rural area of this country. That is the big reason this whole project is vitally important.

Senator Jerry Buttimer: I thank Senator McGahon for sharing time. I welcome the Minister of State, Deputy Smyth, to the House. This is a gargantuan project. This is, as Senator McGahon rightly referenced, akin to a modern-day electrification of the country. We saw what rural electrification did. This is linked centrally to the ongoing development and evolution of the social and economic development of our country. That is why this project is so important.

I would ask Members of the House who raised legitimate concerns and criticisms of the speed to engage with NBI, which has participated in a series of meetings with us as Members of the Oireachtas, to see first-hand the complexity of what is involved. Many of us have availed of those visits and tours of the NBI network control centre and other places. The transport committee of which I am a member went on a visit to see work being done at the Blessington deployment area before Christmas.

Some €2.6 billion is transformative money in any shape or form. What are we doing? We are facilitating a new generation to be able to participate in e-learning, remote working from home, e-health initiatives, better energy efficiency and different models and methods of farming

and monitoring of livestock. The substantial progress, while not as fast as many of us would like, is being achieved. We can start in Cork, Donegal, Roscommon or wherever and look at the progress being made.

I would make the point that we need to hold NBI accountable for the pace of delivery. We have had Covid and issues around different areas that have been associated with the delay, but let us hold it to account. The committee that I am a member of will again tomorrow have a meeting with NBI in regard to the roll-out of the national broadband plan. I can genuinely say that what I have seen is that there is a concerted effort being made to deliver. There are concerns and it is a right to articulate those concerns about the missed targets. We are all concerned about the delays associated with the project. We are at a reflection point, perhaps, right now in the roll-out of the national broadband plan. However, let us look at what has happened in terms of the work being done until now.

I would make just this one point. NBI must lay 1.4 million new poles. What does that mean? Go out on-site and watch the work being done: the working, the surveying, the deployment areas, the physical surveying of walking the route, new poles and new licence agreements with local authorities. There is a compendium here and a joined-up approach. I hope our country can join up the dots and work together to create a synergy.

As I said, this project is transformative and it will benefit all of us. It behoves all of us to support it and to hold National Broadband Ireland, NBI, accountable in order that it delivers on behalf of all of us. I am confident that we will do that. I commend the Minister of State on the work he is doing and on his excellent contribution today and in the committee.

Senator Rebecca Moynihan: I wish to share time with Senator Wall.

Acting Chairperson (Senator Victor Boyhan): Is that agreed? Agreed.

Senator Rebecca Moynihan: I thank the Minister of State for coming in today. Senator Buttimer was entirely correct when he talked about the significant project the roll-out of broadband will be. The Senator compares it to rural electrification. I would like to compare it to another big project, namely, the late Minister, Donogh O'Malley, making available secondary school education to children, in terms of the potential impact the roll-out of broadband could have. The angle I want to come at it from is the importance of the roll-out of broadband in tackling educational disadvantage. If we leave not only parts of the country but communities in rural areas behind in terms of access to broadband, we will be making a big mistake. That is the equivalent. People learn through information, information is available on the Internet and we access that through broadband. We have seen that, particularly over the past two years of the pandemic.

One of the most disappointing responses to the pandemic was when we closed down schools from January to March last year. In doing that, we cut many children from an educationally disadvantaged background off, even from remote learning, because many of them did not have access given the high-cost of broadband in this country. Some were relying on data in order to be able to access the education they needed. Research from the ESRI and other research institutes around Europe has shown that other countries are providing catch-up funds for children because educational disadvantage has been exacerbated by the pandemic. I would argue that access to broadband is a cause of that.

On a most basic level, it is vital that both schools and education facilities across the country

have access to high-quality broadband. It is fundamental to ensure there is no divide in educational equality based on where you live. We saw during the pandemic, when school children and students were required to engage in remote learning, that a lack of access to reliable broadband, or any broadband, quickly became an issue. A lack of not only a good Internet connection but an Internet connection that is accessible and cheap for families from all backgrounds, should never act as a barrier to educational opportunities.

Last year the Whitaker Institute at NUIG, in its policy brief series, noted that one in six higher education students in Ireland is from an area with poor broadband coverage. It went on to note that students from areas with the lowest level of broadband coverage were on average more likely to be socio-economically disadvantaged and that the digital divide had the potential to create significant inequalities in education at all levels. At the same time, we are seeing a greater reliance on technology in our schools and more children are using the Internet to help with their homework. Intrinsic to this is not only basic Internet access, fast Internet access and reliable Internet access, but Internet access that is affordable or, preferably, free for families.

No child in primary or secondary school or in a higher education institution should be put in a position where his or her potential educational achievement or access is being stunted by lack of access to broadband. This is as much an issue of reducing inequalities in our education system as it is about facilitating remote working or helping business. It will have long-term impacts on children across the country if the digital divide that has opened up is not closed. Covid-19 and remote learning brought these issues into stark focus and it is essential that the Government now delivers on the commitments in the national broadband plan and tries to focus on getting free broadband for children from all backgrounds, both urban and rural.

Senator Mark Wall: I, too, welcome the Minister of State to the House today. There are a couple of points I want to raise with him. The first is the broadband connections that has been raised by colleagues in the House. In County Kildare, we have five at present, at Bigstone community hall, Crookstown education centre, Lullymore nature park and Rathmore National School and St. David's National School. These are very good and they are well used. The query I have is on whether that is the end of it. I have been trying to seek more information on this.

The conversation about remote working has been mentioned. A number of rural communities have asked me that question. I pay tribute to the broadband officers in each local authority. The one in Kildare has been particularly good to me every time I have had a query on these connections but I need to know whether that is the end of it. I brought it up previously at the Joint Committee on Social Protection, Community and Rural Development and the Islands of which I am a member. Obviously, I want to inform those rural communities that such a broadband connection is an option for them. As I said, in those five locations they have worked well but there are other rural areas in south Kildare that could benefit from this.

The conversation has rightly turned in the past number of days to remote working. These locations can assist that. Many people want to have the option, notwithstanding what the Government announced yesterday, to continue to work remotely. In some of the locations I deal with, it is just not possible to continue working remotely. One of the reasons the Government gave yesterday was about Internet quality. That is obviously a problem for so many people where they want to work remotely but it is simply not possible. The query for the Minister of State is on where we can go with that and on what can happen.

I must mention a couple of areas. In the Kilkea-Castledermot area, with which the Act-

ing Chairperson will be familiar, people cannot get a mobile phone connection, never mind a broadband connection. I have raised this at the committee to which I referred earlier when NBI was in with us. It does not provide the peace of mind other Senators talked about here today. It does not provide peace of mind to them that when they go on to the NBI website they are told that it is due in 2023 or 2024. One of the biggest problems I have had - I raised this with the NBI officials when they were in on the day - is that when people see the erection of signs stating that the area is being surveyed and broadband is on the way, everybody gets excited about it but suddenly after the week of the survey, the vans have gone out of the area and that is it. There is no follow-up. I asked NBI to provide follow-up and to inform the people, as other Senators said today, that this is a process that has to be followed. There should be follow-up from the company. NBI should put up a sign after it leaves telling people about it. It should be going house-to-house in that area because they are there for a week. I have seen the vans. It brings great excitement and then, as a couple of Senators mentioned, it is raised with us in terms of what happens next. That is a significant issue and I raise it again today.

The blueways, which the Minister of State, Deputy Smyth, his party and the Government have rolled out and which we have welcomed, are great. We need hot spots along those blueways for a number of reasons - obviously, for the tourists who will trail along them but, more importantly, for security. We have seen what has happened in the past number of weeks. We need to know that everybody is safe along those blueways. A couple of hot spots along those blueways would be very welcome. It is something NBI and the Government should consider.

Senator Lynn Boylan: I am not the first to say that broadband is a basic utility in this day and age but, unfortunately, rural communities and some communities in north County Dublin are still waiting for connections. Yesterday, much attention was focused on the Tánaiste and Minister for Enterprise, Trade and Employment, Deputy Varadkar's proposals on the so-called "right to ask to work from home" or, as my colleague, Deputy Louise O'Reilly, more accurately called it, "a charter for employers to say "No"". The question of rights aside, the sad fact is that many workers are not even in a position to ask to work from home because the Internet connection is so poor. Broadband infrastructure is of critical strategic importance not least for the fight against climate change. If we are to achieve the emissions reductions in transport that are essential, a decent broadband network is a prerequisite.

The figures from NBI do not inspire confidence. It was reported in the *Business Post* last November that there were only 3,000 connections by third party sellers. We are waiting with bated breath to see the January connection figures. There was a target of 60,000 homes and business premises to be passed by the broadband scheme. It will be very telling for the effectiveness of the acceleration plans and catch-up on Covid delays. We are expecting a plan for that around March, although we accept it will not kick in until 2023 and beyond. We also expected the seven-year programme to be accelerated into a five-year programme, with all this laid out contractually in and around March. The fact that we will not make a reduced target is incredibly worrying, especially in combination with the reports from the *Business Post* and others, which have put into the public domain the serious questions that remain about the financial and corporate arrangements.

There are several operational problems faced currently such as the problems of Eir-NBI duplication and the fact that NBI is dependent on capacity within Eir, Enet and, to a lesser degree, ESB. There were difficulties in crossing lands owned by CIE, although those are largely dealt with. There were difficulties dealing with local authorities and TII. There were planning permission for poles and road opening licence delays and even issues with tree trimming. Updated

section 254 guidelines have streamlined dealing with local authorities but there are still problems. NBI has said there is a requirement for dedicated planning and engineering resources in each local authority, particularly to deliver on any possible acceleration. The best case solution would be a planning permission system similar to the system on the north of the island.

On transparency, it is interesting to note the information NBI has made available online in that it is detailed and seems accurate from initial readings. However, it was only published on its website after it was reported in the media, therefore, any claims it is making about how it illustrates its commitment to transparency ring a little hollow.

There are also questions regarding NBI's contract. The Department was warned continuously that the procurement process for this contract was flawed. It was warned by the then Sinn Féin communications spokesperson, Deputy Stanley, by external firms, by procurement experts at University Limerick, and even by the Secretary General of the Department of Public Expenditure and Reform, Robert Watt.

Commitments were given in the previous Dáil that if the company was behind schedule, the State would have ways of protecting itself in the form of penalties. Yet we learned last year that there are no penalties in the contract and there would be only delays to payment, which is hardly a penalty at all. We learned from the Committee on Public Accounts that the company can review and revise the targets. This crazy situation is coming after a litany of other overspends and poor management of Government contracts by Fine Gael.

I highlighted on the Order of Business just this morning the findings of the European Court of Auditors report, which highlighted the failure of the Irish State to avail of EU retrofitting funding. Again, that was under the remit of a Fine Gael Minister. We can see Fine Gael is very poor for major contracts. It is supposed to be the party of prudence yet we have massive delays and overruns across a variety of public projects. The children's hospital is 500% over budget. Capital expenditure is set to increase over the coming years as a result of the revised national development plan, therefore, it is imperative as taxpayers we get good value for money under this Government. To that end, my colleague, Deputy Farrell, has introduced a Bill to regulate publicly procured capital works. If we are serious about getting value for money from the projects such as the national broadband plan and the ones outlined in the national development plan, there needs to be greater regulation of public procurement spending on capital projects. Deputy Farrell's Bill is a first step on the road to better value from capital expenditure.

Senator Eileen Flynn: I thank the Minister of State, Deputy Smyth, for coming to the House to take this matter.

I am very disappointed to read the Minister, Deputy Ryan's national broadband plan update and to see that a few counties have been left behind on this update, Donegal being one of them. A former Minister, Pat Rabbitte, announced the national broadband plan ten years ago this August. When announcing it, he described the national broadband plan as the rural electrification of the 21st century. Now, a decade later, most of rural Ireland has been left behind in this rollout. I have been contacted by many people in Donegal regarding this.

Working from home and remote learning have highlighted these broadband issues and many families in the county have become very frustrated at the lack of a stable Internet connection. Many of these families have told me they were informed they have serious connection issues but they will not be getting fibre broadband until 2025 or 2026. It should not be so stressful or

take so long to get access to a necessary service. This is completely unacceptable.

Those of us who live in rural Ireland know what a difference it would make to families and others to have proper broadband connection. Why are the most rural, disconnected and forgotten areas of Ireland not being prioritised? Rural Ireland should be prioritised in this roll-out given that this area had the weakest Internet connection from the beginning. Every other county has already seen the start of broadband roll-out but Donegal will not see it until the second half of this year. Why is that? This is a form of enforced inequality and it is not good enough. My colleague, Deputy Pringle, has been calling on the Minister for years to ensure that Donegal is not left behind in the broadband roll-out. I join his call. This has gone on for too long and there needs to be some accountability.

We can see the impact the digital divide is having on people's ability to access work, health services and education. I have been discussing the digital divide for a long time both in this House and at the Joint Committee on Education and Skills. Rural schools are located in areas where broadband is unstable and it is difficult to teach online and to even teach children in the classroom who do not have access to broadband. Some vulnerable students have also had to fight to access online learning or have not been able to access it at all during school closures. This creates a further digital divide. The reality is that students who have access to the best digital resources will do better and have better outcomes. As my colleague, Senator Ruane, said last week, for many students across the country, having a laptop and broadband are a luxury. Many students lost out on education due to the lack of adequate learning supports and access to online learning just because they live in rural Ireland. We cannot create further inequality and division in this country. It has to end now.

As many Senators have said, we must also examine the cost of broadband roll-out. There is a small road, Crumlin Road, in Ardara where I live and there is no Internet connection in that area. Many areas of the country will not see the roll-out of broadband until at least the end of the year and for Donegal the beginning of the roll-out will not be seen until half-way through the year. That is very disheartening for people. The Tánaiste announced yesterday that people have the right to request to work from home. How can we expect people from Donegal, the forgotten county yet again, to be left behind? It impacts on people and children's lives in terms of having equal opportunities to be successful and to be able to work from home, but many of them do not have that. I urge that we address that.

Senator Eugene Murphy: I welcome the Minister of State. I have no doubt about his commitment to this massive project. The sentiment expressed by everybody is that we must speed up this roll-out as quickly as possible. There have been hindrances along the way, of that there is no question. Covid-19 has been a difficult issue with all these projects. Covid has been a difficult issue for these projects and it does not help with running a smooth situation when hit by a pandemic such as this. I accept the Government is ramping up this project. I understand it is an area of constant debate at Cabinet meetings, etc. The figures are not that bad, but we need to move much faster. We have had many situations with Covid. People are working from home. In future, whatever arrangements happen between employers and employees, we will have a mixed bag of people possibly working two days from home and three days from the office, and *vice versa*. In my own area of County Roscommon and parts of County Galway I know very well, there is not a week where I do not meet people who are now working from home whose broadband connections just are not there. They may have a private connection. They do not always work, although sometimes they do. If one is out in an area of rural Ireland that is not hugely populated, a commercial firm will not be worried about getting broadband to

somebody at the end of the road. That is why the National Broadband Ireland and Government plan needs to be ramped up.

As of 7 January, 290,000 premises have been surveyed. The Minister of State mentioned that surveys are under way. More than 154,000 premises have been constructed or are under construction across all counties. It is nice to see Roscommon, Galway, Leitrim and other places in the midlands and west covered, and that is important. It is important we can continue to talk about rural regeneration and the rural regeneration and development fund. There is great work going on, including in towns in my own county such as Strokestown, Ballaghaderreen and Boyle, and others all over the place. They are getting money to draw up significant plans to re-establish life in their towns. We all want to put that life back into our towns. The piece of the jigsaw that we need is broadband. Sometimes people will say there is a house in the area for sale and ask what it is like. The next question is whether it has broadband. It is becoming like electricity was in the past. It is needed and will be needed by everybody. We all agree with the Town Centre First approach. We need to build the best facilities in our towns.

I acknowledge this is a European problem, not just an Irish problem. I have been reading about problems in Germany, England and parts of France with broadband. We also have to accept that some built-up urban areas have difficulties too. Overall, there are challenges. Broadband is a crucial issue. It is also crucial with regard to the Housing for All policy. We need to use every avenue we can to support and promote what the Government is doing. We need to ramp up the roll-out. There is no doubt that it is happening, but there needs to be a greater emphasis on getting this to rural areas, especially going back to changed work practices after Covid. I am sure the Minister of State will acknowledge that makes it all the more important.

Senator Seán Kyne: I welcome the Minister of State, Deputy Smyth, and the Secretary General of the Department. I was a Minister of State in that Department for a period of time and was involved with some of the work to deliver broadband and the work National Broadband Ireland is now undertaking. It has had a long, difficult gestation, but the contract has been signed, funding has been committed, and work is ongoing. I certainly know other projects can make announcements at different stages and people will say they will not believe it until they see the machines and the diggers. That is part of the issue here. I have always assured people that somebody has to be first to be connected and, unfortunately, somebody has to be last, when connecting every house in the country. It was the same for electrification. The Black Valley in Kerry was the last place to be electrified. A place in Ireland will be the last to be connected, but the important point is that all places will be connected.

The work that is going on, such as surveying, is evident in certain areas. It then has to go through the stages of design, build and connection. Some areas are connected, including my own area on the outskirts of Galway city, Bushypark, Barna and parts of Moycullen. When everybody hears that someone in the next townland has got it, they might be in a different grouping or phase, so it takes some explaining. The maps are there and they are evidence. We have to bring people with it, to see that areas are being connected. It is starting. It is not completing all of one county. It is not starting in Dublin and working its way out. It is starting in every province, in every county, and it is evident from the maps where there is a start point and where there will be a concluding point. I appreciate there will be a delay of a few years until all areas are connected. If we can expedite it through investment or such, that would be welcome. This is a positive story. We know the importance of broadband and of connectivity. We know the capabilities of remote working and working from home. We know the importance of the hubs, hotspots and the with *Údarás na Gaeltachta* agus an obair atá déanta aige trasna na tíre chun

seirbhísí agus áiseanna a chur ar fáil do dhaoine agus gnóthaí le go mbeidh siad in ann oibriú ón mbaile nó óna gceantar féin. Tá sé sin fiorthábhacht.

Hub spots, hotspots and so on are important for progressing the opportunities for remote working, working from home and working in the regions. This is a positive and it is important we recognise that it is a positive, that work is going ahead, and that anything we can do to push it along faster would be appreciated.

Senator Tim Lombard: I welcome the Minister of State and the officials to the Chamber. We have boots on the ground. That is a positive story about the national broadband plan. I spent five years in the last Seanad sitting on a committee and saw officials working hard to get this contract up and running. I went on public media to promote it when many parties were doing their best to talk it down, to say it was a waste of money, that it was inappropriate and that it was too expensive. These people are now saying it is not being rolled out fast enough. An awful lot of work has been done, we have boots on the ground, and the roll-out is happening. That has to be acknowledged. The amount of work the Department and officials have done has to be acknowledged in this Chamber too. This is a really good news story. We have men and women on the road fitting high-speed broadband for premises. This is what we said we would do and we have got it up and running.

This has benefits, whether it is e-farming, e-commerce or e-education. All can be involved in these now because of the roll-out of the national broadband plan. The biggest problem we will have in five years is that the people of rural Ireland will not have broadband of the same speed. That will be the biggest problem in ten years too. We have been talking to people living in urban areas who have said their neighbour three miles down the road has much faster broadband than their own. That will be the real issue. The problem with this proposal is that it is going to be too successful, and because it will be too successful, urban Ireland will look for a service at the same speed.

Senator Pat Casey: It has already been mentioned that the importance of broadband will be compared to water infrastructure, electrification and roads. When prioritised, broadband infrastructure is now maybe as important as road infrastructure, because if we can work from home, we do not need the road to take us to work. It has critical importance. Over the last two years of the Covid pandemic, we have identified broadband as a significant need in future, because it allowed a significant proportion of our workforce to work from home. As we, the legislators, begin to discuss legislating for working from home, it is critical that nobody is left behind and that inequality does not exist because a person does not have broadband and cannot avail of working from home.

In the previous Dáil, I participated in a number of broadband debates. I think we can draw a line under that and say that whether we agree or disagree on whatever we did in regard to the roll-out of broadband, we all got a sense of relief in 2019 when, at long last, the contract was signed and we could start delivering this much-needed infrastructure. Senator Dooley and a number of others mentioned that people do not care and that they just want to know when they are going to be connected. They do not want to know that the box in the village is broadband but, sorry, they are still connected to the exchange, or when we roll out to the 300,000 homes through Eir, they are not within 50 m of that connection and, therefore, do not qualify. All of these complexities are just adding to the frustration.

In my community, I can give the exact example of that with regard to our community centre

and national school, where the broadband pole was on the footpath outside the premises, yet they could not get connected. That gave the previous Government the example of what was needed. In fairness, the Government came down to St. Kevin's National School and Brockagh Resource Centre in Laragh to launch the national broadband plan. That was a hugely positive day.

The appointment of NBI was another step in the right direction but there is a level of frustration. People have said NBI is great at communicating but, sometimes, the news it is giving is not so great. I come from a rural area and have an understanding of the need for this at home and in business, and my own business was lucky to be one of those 300,000 premises that were able to connect to broadband. I registered with NBI in 2020, when people could put in their Eircode and get updates on it. The road outside my house now seems to be an interchange for NBI vans, given there are that many of them going up and down in the last 18 months. I was saying "It is getting nearer", and we then saw the poles going in and the cables coming up to the poles. Then, in December 2021, I got an email with the update to the effect that my broadband connection will happen in December 2023, and I just said, "My God, is it that far away?"

The intention of NBI is good. It wants to roll out broadband. Where are the obstacles in this regard? Let us park Covid for a minute. Everybody had to deal with Covid, so let us not use that. How is the infrastructure relationship with Eir working and how successful is that? What is the bureaucracy behind that? Is it working and is NBI getting access to the equipment it needs? When it gets to that equipment, what condition is it in with regard to poles, ducting, cables or space within that? How much of a delay is there? On another aspect, there are still some blockages in the bureaucracy in regard to local authorities. Is that holding it up? NBI needs to get the finger out a bit more and start delivering, and not hide behind excuses.

I will conclude with positive news. It was an honour to welcome the Minister of State on his visit to Brockagh Resource Centre in my community. At the centre, he met the principal of St. Kevin's National School. Brockagh Resource Centre availed of one of the BCPs and it proved to be critical during the pandemic. The principal of the school informed the Minister of State that without that connection, the parents would not have been able to pull into the car park to download the work their children were doing. I thank the Minister of State for that intervention in our community. This is critical for the whole country moving forward. We need to remove whatever obstacles are there.

Senator Garret Ahearn: I wish to share time with Senator Maria Byrne.

Acting Chairperson (Senator Mark Wall): Is that agreed? Agreed.

Senator Garret Ahearn: I listened to Senator Casey talking about a connection date of December 2023. We in Tipperary would love to get it by December 2023. The connection to my house will be in December 2024 and connections to other people's houses in the county will be in 2025 and 2026.

That said, God knows where we would be if we had followed the route advocated by others, especially the Independents who voted against this and wanted to start all over again. I hear with frustration the Independents in my county talking about the slow roll-out of broadband. We would not have even finished the tender process if we did what they suggested a number of years ago. This infrastructure will benefit this society for years to come and it will be remembered like electricity is remembered.

This is a huge opportunity for regional rural towns like Cahir, Clonmel and Tipperary town. There are many people who live in those towns who drive to Cork, Limerick and Waterford to work. In the past two years, that has not happened as much because they have been working from home because of Covid. We do not see the cars parked up on the roads just before they get to the motorways to travel to work because that has not been happening. That situation should continue. We need to increase the pace of this and make sure the opportunities are there for rural towns to prosper on the back of broadband. The knock-on effect this can give to towns like Cahir, Tipperary, Clonmel and Carrick-on-Suir is unbelievable in terms of the indirect support it can give a town and the options it gives people to live in rural Ireland.

It is also a massive opportunity for Dublin. My colleague, Councillor Anna Grainger, is very passionate about and supportive of broadband for rural areas because it gives opportunities for people who live in Dublin but want to live in rural Ireland. There are many people who, through the pandemic, have chosen to move to Cork or Galway but still work for a company in Dublin. There are people I know who want to come home to my village, Grange, which is a tiny village, but work for companies in Dublin. They can do that if they have broadband. What this does is it opens up the housing market and three or four bedroom family homes for people who are looking to live in Dublin. There is a massive knock-on effect for Dublin, not just rural Ireland.

Senator Maria Byrne: I thank the Minister of State for attending to discuss this all-important issue. Covid taught us the importance of working from home and how important broadband is in that regard. Many of us have discussed the lack of availability in rural Ireland but it also affects parts of urban Ireland where the connectivity is very poor. There are streets where there is a very strong connection but there are houses in between where there is a lack of connection. I know of two areas of Limerick like this, and I was recently talking to somebody in Cork who has had 64 different communications with their broadband provider. They are living right in the heart of the city and it is still not sorted. At one stage, there were five people working from the one house off the one connection, so it was pretty poor.

The Government made the right decision on the roll-out, which is progressing. As Senator Dooley noted, sometimes one size does not fit all. Perhaps there needs to be a bit more engagement in certain areas. Overall, however, the experience has been positive.

I am delighted to see the schools being included because so many schools had a poor connection. As we know, connectivity and technology is used so much in education but, for a long time, despite so many iPads and different machines being operated in schools, the connectivity was very poor.

The delay is a concern, particularly in light of working from home. On the legislation that is coming out with regard to working from home, it is very important that we get it right. I ask that special attention be paid to areas where there are many complaints or inquiries.

Senator Micheál Carrigy: I welcome the Minister of State. It is important to point out that we cannot underestimate the decision that was taken by my party in government, Fine Gael, a number of years ago with regard to broadband. It was a very positive decision against much opposition at the time. It is clear through Covid-19, in particular, that it was the right decision to make. We are all delighted that was done and that the infrastructural work that needed to be done to ensure every house has broadband available to it started earlier.

As I said, Covid-19 showed how dependent we are and how elderly people who would never have been *au fait* with IT used that service while they were isolated at home. I must admit that while some of the infrastructure is in place, it is still not as good as it should be. I live 50 m from the local exchange and my connection at home still drops at times despite the fact that I live so close to it.

I want to take this opportunity to thank the broadband officer in my local authority with whom I worked while I was a member of Longford County Council, Ms Christine Collins, and the IT team of Mr. Danny Lynch and Ms Maggie Donovan, in particular, for the work they did. They grasped this by appointing the broadband officer. I also think we were one of the first counties in the country to have an officer in place. We have rolled out the broadband connection points across the entire county. We have nine community centres, GAA clubs and local national schools. We have broadband points at all our libraries. All these were used during Covid-19. I thank all those organisations that worked with the local authority to put those provisions in place.

I printed out a list earlier with regard to people getting broadband in my own county. I spoke to one customer who six months ago was supposed to have broadband in quarter 4 of 2022. Now when this person puts in their Eircode postcode, they are informed they will have it between January 2023 and December 2024. That is a 24-month gap as to when this person will get broadband. To be quite honest, that is not good enough from a customer point of view. I ask that NBI gives definite details and times for when people will actually get that service.

Senator Emer Currie: Broadband absolutely is one of the biggest issues on which I am contacted and it is all about delivery and timings. The Minister of State heard today that people do not care about the background. They just want their broadband. It is incredibly frustrating when they were given a timeline.

Here is an example from rural Dublin. We tend to forget that there are also rural areas of Dublin that do not have broadband. It is actually more difficult to secure funding for things like hubs in rural Dublin than it would be in other areas. There are 13,429 premises in Dublin in the intervention area. One of them is the Westmanstown-Strawberry Beds-Porterstown area of Dublin 15. When we contacted NBI in March 2021, it said the connection date was April 2022 to June 2022. In July when I proactively followed up, concerned about timelines, I was assured it was the same timings. Then, in September 2021, we found out that it was going to be delayed until between March 2023 and May 2023.

I hear the Minister of State about the 5,400 premises that have been connected and how 1,300 of those were in December 2021 alone. Can this be sped up? Can our roll-out of broadband be increased to come back from those timelines? That is one year in which people made plans expecting that it was coming shortly. They made decisions about working from home, invested in offices at home to make this long term and then found out that it has been pushed back by a year. I hear what the Minister of State is saying about mobilising contractors and difficulties with key personnel. He has heard it here today, however. This is one of the top issues about which I get contacted. We need to put everything we can into delivery and not delay.

Senator Aisling Dolan: I will share time with Senator Paddy Burke. I welcome the Minister of State, Deputy Ossian Smyth, today and thank him for his very detailed update. It was extremely detailed in terms of going through the thousands of different homes that will be connected. It is crucial because for the likes of County Roscommon, for example, which Senator

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Eugene Murphy will also know, we are talking about 19,000 to 20,000 homes. That is almost 50% of homes in the intervention area. We are talking about 50% of homes in a county.

The roll-out has to be accelerated. Can the Minister of State speak a little bit about how NBI is going to be putting extra supports in place to help roll this out? I acknowledge that he has mentioned local authorities but for many of our local authorities such as Galway County Council, which is the second-lowest funded council in the country, support needs to be given to the councils to allow them to rapidly review and deliver the permits required for them to engage in different areas.

I very much welcome the broadband connection points, particularly when we are looking at remote working. We have some in planning for Mountbellew, Galway's Living Bog and telehealth centre near the mart in Mountbellew. We also have some connected in Kilttoon and Cam in County Roscommon, and Glenamaddy Enterprise and Training Hub and Clonberne Enterprise Centre in County Galway. It is really important that we are seeing these happen. The first premises in County Galway to be connected was in Ballinasloe, which was a priority area. Ballinasloe was seen as a priority within the county. I know this was allocated to a number of regions so we are very grateful to see that work is happening.

I also acknowledge the partnerships that NBI is running to support and promote the roll-out and to encourage people to engage with digitalisation, particularly in our farming networks. We have seen people go online for marts all through last year and the year before. It is wonderful to see it. I see this partnership now with Macra na Feirme, working with students on the business and technology award as part of an annual agricultural challenges day where they are all going to be putting in entries on the technologies they want to deploy on their farms and why. Those are the people who are leading, for God's sake. They are the ones with all the apps that have come out. They are all Irish innovators in farming and agriculture and we are helping to support them do that through NBI through the roll-out of the national broadband plan.

Senator Paddy Burke: I thank Senator Dolan for sharing time with me. I welcome the opportunity to say a few words on the national broadband plan.

I must say, I think it was great foresight on the part of the previous Government to start the campaign and the roll-out of rural broadband. One would have to ask the question now of where we would be and where we would be going if some decision was not made at that particular time when we see the vast advances that have been made in online technology over the past two years in particular since the pandemic took place.

It is amazing, though, that everybody right around the country has the same story, one after another. Mine is no different either. I come from the fairly large town of Castlebar, which is a county town. The main street and main shopping area of the town is the worst part with the result that businesses have to move from the centre of the town to the industrial estates to get proper broadband because the speeds there are better. Something will have to be done fairly fast about it.

A number of very successful businesses have started up online in the last number of years such as Vaughan Shoes, Stauntons Pharmacy and our local newspaper, the *Connaught Telegraph*. They all operate online and are at a huge disadvantage because of the speeds at the moment. The quicker they can get this in place, the better for their businesses. They are not competing on a level playing pitch at the moment. They are competing with businesses that

are living on the information highway while they are on the byroads. That is the way it is. The Minister of State will have to keep a closer eye on the roll-out. The Government must keep the pressure on to keep the milestones up to date and make sure the contractors that are in place deliver on what they are supposed to, and, if they can deliver it ahead of time, all the better.

3 o'clock

Senator Regina Doherty: I thank the Minister of State and colleagues for their contributions. When the decision was made on this project, support for it was not unanimous support and concerns were articulated by certain people. It is welcome and lovely to hear everyone now saying we should get on with it because everyone wants broadband all around the country. Covid has shown us how important high-speed connection is for all the new advantages and improvements in life we have. It is needed for the delivery of services. I acknowledge that and wish continued success to the programme.

Having said that, I will speak about a flaw in the programme and ask the Minister of State for help. My office is in Skerries which is in County Dublin. The vast majority of the county was part of the commercial part of the roll-out of the plan. When the plan was initiated, it included a guarantee that anyone who was not provided high-speed broadband by the commercial operators would be taken up by NBI. It might have taken a while but there was a guarantee that everyone would get the high-speed broadband we all so desperately require and soon.

I am in the unfortunate position of saying to the Minister of State that a number of people on my road in Skerries do not have broadband. The commercial operators are not going to do it. That is fine but we have engaged with NBI and it will not provide them with broadband either. We have gone back and forth and said it must be wrong. We are not wrong. There are gaps in both aspects of the delivery where neither the NBI nor the commercial operators will fulfil the contract on behalf of the State to provide it.

I have done a wider trawl than just Church Street and Strand Street in Skerries and I found that a significant number of houses, not at the end of country lanes or the forks in roads but in our urban areas, where the broadband connection is not good enough to be able to make the connection, either by commercial operators or NBI. These will not be part of the overall contract that is necessary for us to be able to live in the meta world very soon.

Will the Minister of State ensure a national review and audit of all of those houses are done? Will he meet NBI to find out what the State needs to do to ensure that people who live in Dublin, less than 15 km from the epicentre of the country, cannot get access to high-speed broadband? What will the State do to provide that?

Otherwise, this is a successful roll-out of a national infrastructure which I hope will bring benefits to every single household, town, community, school, GAA club and all the online businesses which have sprung up in the last couple of years because premises have been closed. We have got used to shopping online, visiting our doctor online and availing of all these wonderful new advantages we have. We have the confidence to do so. However, some people are being left behind. They do not have a date in 2023 or 2024 but no date. We need to do a national review and come up with a response to how we will give those people the infrastructure they need.

Senator John Cummins: I welcome the Minister of State to the House. I echo many of Senator Paddy Burke's comments on the previous Government's foresight in proceeding with

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the national broadband plan roll-out. There are always reasons not to do things but a point comes when a decision has to be made to proceed. That said, as other colleagues noted, there is frustrations with the slowness of the roll-out in areas throughout the country. The Minister of State will have a sense of that.

In my home county of Waterford, 15,084 premises are due to be connected through the national broadband plan with an investment of €59 million. However, there is significant frustration with the speed of the roll-out. For example, I received an email from someone last September. The person wrote that they would love to get a reason for the continued delays in the national broadband roll-out in Waterford. They said that they had been informed ten months earlier that they would be connected by August. The website was subsequently updated to advise that it would be February to April 2022 but when they checked again, they were informed it would be August to October 2022. That is one example of dates being pushed out.

I have had a similar experience to that of Senator Doherty where areas that are perceived to be covered by the other commercial providers are not in the intervention area and are not being considered. Those people do not have broadband and they need to be included if they are not served by the existing players.

I will raise a matter that is not one for the Minister of State. I received a lovely email from the PR company that works for National Broadband Ireland during the week. It said that more than 6,300 premises in Waterford had been surveyed. It said that crews had started initial work on the buildout in townlands across Waterford including Kilmacow, Mullinavat, Ballyfacey, Glenmore, Ballycourdra, Kilmeaden and Mooncoin. Only one of those areas is in Waterford and all the rest are in Kilkenny, so there is clearly an issue there.

Senator Martin Conway: I assure the House I will not get involved in the Kilkenny-Waterford battle. We have enough problems of our own in Clare. Decisions were made and decisions are made for various reasons. One that was made in the mid-1990s - the decision to privatise Eircom - was a fundamental mistake. If that had not happened, we would have the infrastructure to provide high-speed broadband to every home in the country. However, it did happen.

The decision made in 2017-2018 by the previous Government to sign the national broadband plan for €3 billion, I think, was roundly criticised by people and unfairly because it was the right decision. As time has gone on, and with Covid and people working remotely, I think we would all agree that €3 billion was value for money for providing broadband to every home in the country. Every home in the country deserves high-speed broadband, just as every home deserves water and electricity. That is how important it is.

There are operational difficulties with areas where commercial providers are supposed to provide services but do not or are not in a position to do so for one reason or another. In that scenario, it behoves the State to provide a broadband service. I have no doubt the Minister of State is committed to delivering this but a review of the national broadband contract would be worthwhile because there are operational difficulties which need to be addressed. Explanations are needed for why certain homes are not getting connected. There is one particular group of houses in Ballyvaughan in County Clare that are not getting broadband. Eir is not providing it and the householders cannot get broadband. I would like an explanation for that. Maybe the Minister of State could check that out on my behalf because I am not getting answers and nor are the people who are living in that particular group of houses.

Broadband is fundamental to balanced regional development. It facilitates working from home, equips people to reduce their carbon footprint and have a healthier work-life balance, creates a healthier environment and gives people more time to spend with their families and in their communities rather than travelling. Once we all accept the principle that broadband has the same importance as water and electricity, it is up to us as a Government and society to deliver it and make it happen. I wish the Minister of State well in that pursuit. I know that those are the goals to which he is also committed.

Minister of State at the Department of the Environment, Climate and Communications (Deputy Ossian Smyth): I thank the Senators for all of their contributions. I listened carefully to them and they are all valuable.

The national broadband plan is not like other national broadband plans around Europe that I have come across. I have spoken to other ministries who are trying to do something similar to what we are doing and our plan is different in two basic ways. The first is that we are trying to bring fibre to 100% of premises, that is, to every single home, farm and business. When I said that to other ministries I was told that they were not going to do that and they were going to do wireless as the other method is too expensive. Then I asked how much they were spending and, typically, €2,000 per home is what was being budgeted whereas we have budgeted €5,000. In terms of what we are trying to do, the scale and ambition is much larger but the future-proofing is much stronger. As my background is in communications technologies, I know that one should not rely on a wireless connection. I mean that it is great as a back-up but having a cable or a wire means one is set up for the future. It is good to have a duct or a pole to bring a cable into one's home, which will initially connect at 0.5 Mbps. One can easily upgrade to 20 times that speed with minimal intervention. If it is a 25-year project then we will provide a functioning broadband over 25 years to 1 million people. The sum involved is a very large amount of money but when the project will span 25 years and will reach 1 million people, then it is value for money.

A number of Senators have pointed out that the case for this project has got stronger since the contract was first negotiated. Initially, people debated whether the project was too much or necessary but now everybody can see that broadband is like running water. It is a necessary utility and it is the basic thing that one needs in order to be able to work.

Senator Garvey discussed the fact that for a long time, people wondered how could they bring jobs to rural Ireland and villages, and should a college or training place be set up. This project brings a job because it brings somebody with a job into a village. He or she can work in the village, revitalise it and make the village visibly more vibrant. Also, the technology improves quality of life. As a number of Senators have pointed out, a long commute and a very frequent long commute is closely linked with a poor quality of life and becoming increasingly more tired. To be able to escape having to do that commute every single day, Monday to Friday, is a great benefit. The recent announcement about the right to request to work from home, have a framework and then be able to bring that request to the Workplace Relations Commission, if necessary, to have a change of culture and a basic framework whereby it is expected that everybody will be able to work from home, if possible with the type of job one does, and that links in very closely with this.

I am really optimistic despite the setbacks over the start of the first year. I have been involved in many roll-out projects of different types and I am used to the idea that at the start, there is a valley of doom and that people lose faith before people begin to ramp up. The Sena-

tors will have seen for themselves the negativity that was associated, at the start of last year, with the vaccination roll-out and then the great pick up in pace. Not many people felt optimistic this time last year but people get it together.

There was an historical discussion about the contract. For example, there was a question as whether it was a good contract and should it have been done in a different way. The contract is a contract. It is a signed contract and is before my time. I have adopted it and now it is my job to make sure that it is executed, that everybody complies with its contents, that it is done on time and that all of its terms are met. That is the contract we have on both sides. We have a team of people monitoring that. We have outside consultants who are lawyers, accountants and so on. We also have our own staff who are here and are excellent. They monitor it all of the time and making sure that it gets delivered on.

It is a seven-year contract and will run from 2020 to the end of 2026. It will take seven years to deliver the service to 540,000 homes and if we can do that faster then we will. We will try to find any way that we can to accelerate delivery but for a start, we are behind at the moment and we need to get back on track. That is our initial focus.

Senator Keogan talked about the fact that only 5,400 homes have been connected when the original goal was 540,000 premises. There is a difference between the number of homes that have taken up the service and those that have it available. There are 55,000 households where one can order or preorder it but over 5,000 homes have been connected so far.

The objective is to make the service available to everybody but our target is not on uptake. The uptake has been faster than expected. Ultimately, everybody is going to need to have fast broadband and I expect that we will have a very high rate of uptake. Also, the commercial providers have all told me that they are getting much higher uptake than they expected.

There has been a change in mindset about this, as Senators will know. I am sure that they will have heard that from their constituents. People feel that it is not enough to have fibre coming to one's cabinet. People want the fibre to go into their homes because, invariably, there are two parents working, somebody is in college and people want entertainment and everything else. People really want high-quality broadband and view it as something valuable. I think that the price that has been set, at €35 a month, is absolutely worthwhile.

There was a question about the roles of NBI and Eir and how they fit together. NBI has won the contract. NBI is the organisation that will deliver this service but its supplier is Eir and Eir has to prepare the poles that the fibre is strung along. In other cases, the fibre is not strung along poles but goes into ducts underground, which Eir must provide. Eir rents the ducts and poles to NBI over a period of 25 years. There is no direct relationship between the State and Eir in that regard but Eir is a key supplier and the project cannot work without its co-operation.

There was a question about the information being given to customers and a claim that sometimes, it is not good enough. When I started off in this role one would be told on the website that the service would arrive in the next 18 months, and after that one was told that it would be some time in the future. I said that the website should tell people what it thinks it is going to be. Tell people that it is going to be 2025 and, if it changes, take people's email address at the time and update them all of the time. We want to provide people with as much information as possible. If one inputs one's Eircode on the website one will be told to the nearest year when the service will be delivered and that allows people to plan. If people cannot work from their location,

they need a back-up and they need something else to fill in for that time, then people will know.

Information can always be improved and I am keen on anything that will improve information. I hope that all of the Senators have received emails with very detailed updates about everything that is happening with the project. We are very open to providing any information sought by the Senators. Mr. Fergal Mulligan is the civil servant who is in charge of the project and he is here in this room along with the assistant secretary, Mr. Ciarán Ó hÓbáin, who is seated behind me. They will arrange one-to-one meetings with any Member who wants to discuss broadband, make suggestions or identify problems. The NBI has met Senators and Deputies who wanted to meet them. I encourage Senators to get that information. I have been all around the country. I have visited as many counties as I could and I will continue to do that just to make sure that I am keeping it real, that I know what is actually happening and that I meet people who are getting connected. I see what happens on the ground.

How do we make the scheme run faster and what are the problems? As I alluded to at the start, NBI is doing this work but its key supplier is Eir and they must have a good working relationship. I have attended the last two NBI board meetings. I have facilitated a recent meeting between NBI and Eir. I know that they are constantly in contact. Eir has a new chief executive and I look forward to meeting him when he is appointed. There will be continuing engagement between them and a lot of work will go into that.

There have been questions about the local authorities granting consent. They must supply section 254 permissions in order to put in a new pole, ducts and so on. Work is being done to make sure that this process runs more smoothly. There is a mobile phone and broadband task force that had historically been set up but had lapsed. The Minister, Deputy Humphreys, has reconvened that meeting. That brings together into one room the Ministers, the local authority leads and the contractors who are doing the work just to make sure that problems are smoothed out. Most counties are working very well at this stage but there is still some improvement to be obtained.

A number of councillors have referred to the benefit that can come in the form of inclusion. Every primary school and every DEIS school are going to be connected to broadband by the end of this year and that work has been accelerated. Connectivity is absolutely vital. Connection to broadband changes the whole dynamic of rural Ireland. The faster I can do that, the better. I understand completely the necessity of doing that.

Some Senators also referred to the fact that we could arrive at a point where if we have delivered 100% fibre broadband to rural Ireland, there would be people in urban areas whose quality of service would not be as good. There are black spots in certain areas. Senator Doherty referred to that. Everybody is entitled to a good service. What is the basic level of service? Senator Keogan mentioned this. There is a universal service obligation for phone services. The basic level of service for Internet connection is extremely low and dates back to dial-up times. We need a universal service obligation. At the moment, we are pointing to 30 Mb as being the basis but we are bringing in a new national digital strategy - probably next week - that will have a much higher target. There are European targets overall. We must head towards being a gigabit country with everybody connected and everybody with that right. I thank Senators for all their input. I am very happy to hear anything directly from them. If any Senator wishes to contact me or my office, I will respond.

Sitting suspended at 3.21 p.m. and resumed at 3.30 p.m.

Final Report on Impacts of Brexit of Seanad Special Select Committee on the Withdrawal of the United Kingdom from the European Union: Statements

Minister for Foreign Affairs (Deputy Simon Coveney): I thank the chair, Senator Chambers, and the other members of the Seanad Special Select Committee on the Withdrawal of the United Kingdom from the European Union for their excellent final report. I was struck by the wide and diverse range of contributors from government, Northern Ireland, business, academia and civil society that fed into the committee's deliberations. Listening to those varied voices has ensured the committee captured the wide impact of Brexit on our society more generally as well as on the economy and politics.

The committee's report notes that many witnesses referred to the importance of eliminating uncertainty around the implementation of the protocol. This is the same sentiment that underpins the Commission's approach to the current discussions with the UK Government. The Commission's proposals on customs, sanitary and phytosanitary or SPS, medicines and enhanced representation aim to deliver much-needed predictability and stability for Northern Ireland, allowing it the time and space to build prosperity.

I will return to the report's recommendations shortly but as I was in Brussels earlier this week, I thought Senators might appreciate a short update on the current protocol discussions. Since I last spoke to them about Brexit, we have seen the resignation of David Frost and the appointment of Foreign Secretary Liz Truss as the UK's Brexit lead. I have had the opportunity to speak to Liz Truss several times since she became Foreign Secretary. We spoke by phone shortly after she took up her role as the UK's Brexit lead and we met in person in early January to discuss the protocol. I also remain in close contact with Maroš Šefčovič. We met in Brussels earlier this week following his most recent meeting with Liz Truss the same day. The constructive atmosphere of the latest EU-UK engagements and Foreign Secretary Truss's stated focus on reaching a deal are both welcome. Likewise, the continuation of intensified technical talks this week and agreement to hold a meeting of the joint committee next month are positive developments.

However, following the generous package of measures put forward by the European Commission, we need to see the UK Government meaningfully demonstrate its willingness to come to a deal on the key issues. In the six years I have been involved in Brexit, I have rarely been one to invoke deadlines or cliff edges. However, I firmly believe that reaching an agreed approach on the protocol ahead of the forthcoming elections in Northern Ireland could help reduce tensions during what will be a challenging and polarising period for communities there.

Furthermore, reaching an agreed approach on the protocol would be an important factor in opening a new chapter in a forward-looking EU-UK partnership. The EU-UK relationship underpinned by trust and shared goals will be key in addressing a range of shared global challenges. The EU has made clear that it is ready to find flexible ways to implement the protocol. However, to do so it needs a partner willing to work within the parameters of the protocol, not one seeking to renegotiate a deal that is only two years old. Renegotiation is not necessary in order to solve legitimate challenges experienced by people and businesses in Northern Ireland. This is a position upon which the EU is fully united.

I will continue to meet with political, business and community leaders from Northern Ireland and listen to their concerns. However, it is clear that Northern Ireland is seeing the benefits of the protocol in jobs and investment announcements. Businesses recognise the opportunities presented by the protocol and the unique position of having free and full access to both the EU Single Market and the rest of the UK internal market.

Turning back to the committee's report, I concur with the view set out in the report's foreword. Given the very close relationship between Ireland and the UK, the impacts of Brexit will continue to "be felt by citizens and businesses for some years and it will take some time to realise the full impact of this change". Given these longer-term impacts, the report's focus is particularly timely as we enter the second year since the end of the transition period phase and the coming into force of the EU-UK trade and co-operation agreement.

The themes and recommendations included in this report make clear the degree to which Brexit has impacted across all Departments and businesses. Changes in areas such as education and healthcare are having a very real and practical impact on citizens' lives on this island. The importance of the committee's work lies in considering practical solutions that will assist those negatively impacted.

I do not have time in my opening remarks to address all the issues raised, so I might just touch on a few. From the outset, we have been clear that our response to Brexit would require a whole-of-government effort. Our work has been guided by the need to mitigate these impacts and to provide support and resources to those services, businesses and individuals who have to deal with Brexit-related changes on a daily basis. Initial difficulties in adjusting to the new trading environment have largely settled as business and the State working together have done a remarkable job in adjusting to new checks and controls on imports from Great Britain.

The State agencies in our ports and airports are actively working together to streamline processes and automate inter-agency communications in order to reduce the burden on traders. This is done while also ensuring that we continue to meet our EU obligations. The agencies continue to listen to the needs of operators. For example, in response to a specific trader request, an interface has been developed that allows a trader's customs system to speak directly to Revenue's ro-ro system, thereby removing some of the manual work involved a lot earlier.

Irish businesses will face another wave of Brexit-related changes in 2022, as we see the introduction of UK customs and sanitary and phytosanitary, SPS, controls and checks. This will particularly impact on the agrifood sector. There is a lot of work under way to try to ensure that it is ready. The Government will continue to provide support and information to help businesses and the transport sector to prepare for these changes. The Government is also investing substantially in the additional State capacity needed to meet the export certification requirements that will apply for food businesses.

The committee has correctly emphasised the importance of continuing to develop our port infrastructure. I am pleased to note the Government announcement in December of a multimillion euro investment in a state-of-the-art border control post in Rosslare Europort.

Another key area considered by the committee was healthcare. The committee's report recognises the importance of the cross-border healthcare directive. The Government moved quickly to address concerns over the directive post-Brexit, with the establishment of a Northern Ireland planned healthcare scheme on an administrative basis. I assure Senators that placing

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this scheme on a legislative footing remains our priority.

We have also seen positive progress on medicines, following the publication of the Commission's comprehensive legislative package in December. This proposal will ensure that people across the island will continue to have access to the medicines they need. I also hope that this solution on medicines can also act as a catalyst for making further progress on other protocol-related matters in the weeks ahead. It is certainly proof of the Commission's willingness to try to solve problems and show flexibility. In this same spirit, the EU is also proposing an unprecedented role for Northern Ireland's political representatives and stakeholders in the protocol, ensuring that the voices of people in the North are consistently heard.

I again wish to recognise the very important work undertaken by Senator Chambers and the committee in pulling together the many strands of Brexit and their impact on our citizens, businesses and the Government. I am happy to address any specific issues that Senators wish to raise and I look forward to hearing from colleagues as the debate progresses.

Senator Joe O'Reilly: I welcome the Minister to the House. It is worthy of note that he turns up in person to address these issues on a consistent basis. In doing that, he recognises the seriousness of the issues, but he is also very consistent in being here to address them. That should be acknowledged and welcomed.

Apart from acknowledging my colleagues on the select committee on Brexit and what a pleasure it was to work with them and how seriously everyone took it, all colleagues would agree that special thanks are due to the Chair of the Brexit committee, Senator Chambers. She gave the committee great leadership and motivation and was in there at all times, keeping it going and giving it the necessary gravitas and push at all times.

Senator Niall Ó Donnghaile: Hear, hear.

Senator Joe O'Reilly: That was important.

When Brexit was discussed a few years ago, there was a sense of it being Armageddon, in particular in the region I come from. There was a fear that we would have a hard border and that the Good Friday Agreement would be in peril. There was also a fear of a return to violence in the country and east-west tariffs and customs. It was a very bleak scenario. It is a great tribute to the Government, the Minister and the diplomatic services, and to all of us in our own roles, in that when we went abroad, we all did our piece and worked one to one and bilaterally as much as we could.

However, it was a particular achievement of the Government and the diplomatic service that we got to the current point. While we are now fixated on the protocol, we should recognise what has been achieved. It is significant that we have succeeded in having the common trade agreement, removing tariffs and customs between the EU and the UK, and also putting in place the protocol which allows for smooth east-west trade and allows goods from Northern Ireland into the UK smoothly and without any tariffs or interruptions. That is a significant achievement. The protocol is central to preserving the Good Friday Agreement and the livelihoods of people right across Northern Ireland. We often talk about the protocol as a theoretical or abstract construct, almost as something legalistic, but there is a reality here in that without the protocol there would have been significant unemployment in the Border area including in this country. It would have been a tremendous blow to agriculture and would have paralysed the food processing sector right along the Border had we not had the protocol in place. For that

reason the successful implementation of the protocol is necessary. While it is an international and legally binding agreement and treaty, our Government's ambition, and certainly it is my view and the view of all members of the select committee and all Members of this House, is that we should be conciliatory and negotiate and a consensus should emerge.

Commissioner Maroš Šefčovič's proposals before Christmas across a number of areas, including veterinary, and across 80% of the difficulties, are a real effort to reach consensus. As alluded to by the Minister, we notice a more positive environment in recent months and weeks. We hope Ms Truss, the UK Foreign Secretary, and Commissioner Šefčovič will reach agreement. It is good that the technical talks are continuing apace.

We have both the trade and co-operation agreement and the protocol. That is important as it prevents the need for checks on goods between Northern Ireland and the Republic, allows free trade across the Border, unencumbered access to the UK and ensures the integrity of the Single Market. It is worthy of notice that the business community and civil society in Northern Ireland are ahead of our political leadership on this issue to the degree that they recognise the opportunity this presents for Northern Ireland to prosper. It has created a new dynamic on the island of Ireland because of the great increase in trade, notably North-South and *vice versa*. That trade increase is important and something we should welcome.

The Minister might comment when summing up on progress on the mutual recognition of professional qualifications. It has been achieved over a number of them but not completely. I was glad to hear the Minister's remarks on the healthcare directive. That has been one of the great successes. I know, as we all do from our constituency work and from dealing with people in our area, that it has been taken up, used a good deal and it works very smoothly. It is important that would continue. A point that was constantly made by the Chair of our committee during our deliberations was that it would receive further modification to make it make it easier to access and to overcome the financial difficulty some people have in accessing the money initially in order to pay for treatment. Perhaps there could be engagement with credit unions to address the difficulty some people have in coming up with the money initially. There must be a mechanism to ensure there is no fraud around the use of the money. Hopefully, that issue could be addressed. That is an important point. It is also important in the context of continuing co-operation on the island that we achieve educational co-operation between third level institutions, North and South. I look forward to Minister's remarks on some of those issues.

One could say Brexit is a retrograde step and that the EU has been the greatest peace process in that this has been a tremendously successful peace process at a European level. It has brought tremendous benefits not only to this country but right across Europe and particularly to vulnerable and less well off areas. It has created great opportunity. The EU is a great project. It is such a tragedy we have lost Britain for the moment. Britain was a great ally of ours within the Council of Ministers and all the EU bodies. It was a pity to lose that but we have to work from where we are at. I hope we will see agreements around the protocol in the coming weeks and, as the Minister said, that this will well precede the elections in Northern Ireland.

An Cathaoirleach: I call the Chair of the Seanad Select Committee on Withdrawal of the United Kingdom from the European Union, Senator Chambers.

Senator Lisa Chambers: I spot my colleague, Senator McAuliffe and his mum and dad in the Gallery. I want to say "hello" to our visitors. It is nice to have people back in the House. We have been waiting a long time for that. They are most welcome.

Senator Niall Ó Donnghaile: Hear, hear.

Senator Lisa Chambers: I am thankful for this opportunity to speak today. I want to begin by thanking the members of the committee but, importantly, the clerk to the committee, Christy Houghton, and members of the secretariat, John Foyle, Claudia Zelli and Haley O'Shea, who worked with myself and committee members over the course of a year to put together this final report on Brexit on the withdrawal of the United Kingdom from the European Union. Without that secretariat and team, we would not have the fine body of work we have today to discuss in this Chamber. It is important to acknowledge the work they did.

It was a fascinating year of work. We had established our committee the previous year with an intention to work for six months and to conclude our work at that point but, obviously, Brexit has not concluded. It still rumbles on. We did not anticipate the level of activity in this space all of last year so, understandably, we sought to extend our work by a further six months. It was worthwhile doing that. It was the intention of the committee, and I think we achieved this objective, to give a platform to community groups, industry, those most affected by Brexit and those living along the Border community but also to extend the arm of friendship and to have an outreach element within the committee's work to link in with parliamentarians in Northern Ireland, Great Britain and in the United States and lean on our friends across the Border and beyond to get that feedback that there is support not only for a Brexit that causes the least amount of damage to our country but, ultimately, for protecting the peace agreement and the Good Friday Agreement, something about which we were very passionate throughout our work.

We engaged with industry, civil society groups, affected communities and the Minister's Department on a regular basis and he was very generous with his time in coming before the committee on a number of occasions to update us, and we very much appreciated that. We also engaged with Commissioner Šefčovič and his team. We engaged with the House of Lords committee in Great Britain on a number of occasions. We also engaged, and it was very useful, with the Northern Ireland committee. We invited its members to attend our committee meeting but what was really helpful and insightful was our travelling to Stormont where we met them in their parliament to discuss the ongoing issues. We found that relationship building eye-opening and it gave us a much needed different perspective. Of course, we engaged with the unionist community while we did that. Initially, that engagement was a bit more difficult in terms of making it happen but we got there eventually and I am very glad we were able to include that perspective in our report. I hope everybody who engaged with our committee feel they got a fair and proper hearing and that their views are adequately reflected in our report.

The Minister touched on a number of areas we touched on during our work. We looked at trade flows and how the impact of the new trading environment was affecting businesses and those working that sector. We also looked at cross-border healthcare. That was a big focus of our committee. We were very pleased to see movement on that during the course of our committee's work. The intention is to legislate and to put a new arrangement on a permanent statutory footing. We looked at the issue of medicines, as was said, and at data adequacy, an issue on which the wider public might not be very focused at this point but it is still an important issue. We focused heavily on the protocol and future relations between Ireland the UK and the UK and the European Union. That probably was the bulk of our work.

In terms of the Northern Ireland protocol, we engaged with many representatives from different sectors to see how it was working and we got updates from the Minister and Commission Šefčovič on that. We appreciate the update the Minister gave us today in terms of his engage-

ments in Brussels and the latest position. We were always concerned throughout our work that the ongoing prolonged and protracted negotiations would have a destabilising effect on the island, particularly Northern Ireland. I still hold the view that the sooner we provide clarity and certainty and bed in the protocol, the sooner Northern Ireland can reap the benefits. One of the overarching facts from the contributions to our committee over the course of that year from many different stakeholders and members was that the protocol was the only option on the table after everything else had been explored to try to square that circle. There was the question of how we could manage there being two different jurisdictions on the island, one in the European Union and one not in it and the protocol was the only option that was available. It was identified throughout our work.

On the witnesses who appeared before our committee, the ESRI springs to mind in pointing out that if the protocol is seized on properly and implemented in full, it could be of major benefit and provide great opportunities for Northern Ireland, in particular, and for businesses there.

4 o'clock

It appears that businesses and many citizens are acknowledging this fact. We hope, therefore, that the political parties in Northern Ireland will also acknowledge it. Some have but, unfortunately, others have not. The work on that is ongoing. The members of the committee are of the view that our work allowed us to delve into the issue in greater detail than would have been the case with other joint Oireachtas committees.

We looked at the future relationship in particular detail. We engaged with Members of the House of Lords on a number of occasions and with our colleagues in Northern Ireland. Despite there being different views among many members of those committees, the one thing we unanimously agreed on was the need to protect the relationship we have, to mend the wounds that have been generated over the past number of years because of Brexit and to try and chart a path forward and find a way to ensure that there is engagement between us in Ireland and our friends and colleagues across the water. The overarching contribution from all members was that despite our difficulties and differences, we all recognise the important relationship between the islands on many levels, including cultural, economic, etc. There was a desire to find a way to maintain that engagement, recognising that with the UK no longer being in the EU, the consistent opportunity to meet on the fringes of European meetings is no longer there. Replacing those meetings with another mechanism on an ongoing basis and giving all Members of the Oireachtas an opportunity to engage with all parliamentarians in the North and across the water would be of great benefit to both islands. That was an important lesson for us to learn as a committee.

There was also a desire to see the joint committee up and running and to ensure that there is democratic accountability on this island for the ongoing implementation not just of the withdrawal agreement but also of the EU-UK Trade and Cooperation Agreement. Currently, democratic oversight in this regard is tenuous and is something we need to monitor.

Another area we focused on, which is something that we need to keep working on, is the acknowledged democratic deficit in Northern Ireland. Citizens in Northern Ireland are subject to Single Market and EU customs rules but do not have a seat at the table at which those rules are debated, discussed and, potentially, amended or at which new rules created. The strong view of our committee, as expressed in our report, is that whatever we can do to ensure that the voice and views of the people of Northern Ireland are properly heard and represented at an EU

level. We have to do that. In the context of how that looks and how it works, there are a number of ways to move forward. However, there is an acknowledged democratic deficit that we would like to see kept at the top of the agenda and prioritised by the Government.

I again thank the members of the committee, the Cathaoirleach for his support for the committee during its work and our secretariat. We can be proud of the report we have published. We can also be proud in the context of the platform we gave to all of those groups, both industry groups and citizens, on this island that have been most impacted by Brexit.

Senator Niall Ó Donnghaile: Cuirim fáilte roimh an Aire. Cosúil leis an Leas-Chathaoirleach, aithním go mbíonn an tAire i gcónaí sásta teacht os ár gcomhair chun an t-ábhar seo a phlé agus táimid buíoch as sin. I welcome the Minister and acknowledge, as the Leas-Cathaoirleach has done, his willingness always to make himself available to us for discussions on these issues.

I commend the Seanad special select committee, our Chair and my colleagues, the secretariat and all those contributors and witnesses who helped produce this important and comprehensive report. This is the second report in as many years produced by the Seanad on the impact of Brexit on the people and economies of Ireland - all of Ireland. The report, like that which preceded it, comes at a time of continuing uncertainty caused by Brexit for all the people of Ireland, irrespective of their political allegiances and where they stand on the constitutional future of our country. Both reports, in their motivation and content, highlight the national importance of the Seanad and Seanadóirí. At a time when the people of this nation needed clear and positive direction amid the fear and uncertainty heralded by Brexit, they got it from this Chamber. This leadership was reflected in the contents of the first report and the people-centred approach we took to compiling it.

I would like to finish by again acknowledging the steadfast leadership and work of our Chair, fellow committee members and, in particular, the clerk, Mr. Christy Haughton, and the secretariat. It has at times been a difficult experience when one understands and fully appreciates, if one can, the vast implications of Brexit on our lives. Again, as I said in the course of my contribution, I hope it has been a worthwhile one. I hope this piece of work will be of positive use to the Minister, Deputy Coveney, and his officials as they continue to navigate the unwanted problems faced by us all as a result of Brexit.

Senator Vincent P. Martin: I begin by welcoming the Minister, Deputy Coveney to the Seanad. I acknowledge the work of the committee, which was so ably led by Senator Chambers, who from the get-go adopted such an inclusive and professional approach to the work and the workings of our committee.

Ireland is the go-to English speaking member state of the EU. We are well placed to take advantage of foreign direct investment, FDI, seeking an English speaking base in the EU. Ireland now has the highest FDI in Europe by population and has stayed at high level since the Brexit bounce in FDI in 2018. The Economic and Social Research Institute, ESRI, has estimated the direct impact of Brexit has resulted in a 36% decline in aggregate EU imports from the UK and a fall in exports to the UK of 24%. However, in Ireland's case, there has been very little Brexit-related impact to date on Irish exports to the UK, whereas imports from the UK have fallen by 45%.

This also makes Ireland, in this new situation, the premiere destination in the EU for stu-

dents learning English in an immersive environment. Not only is Ireland in this advantageous position, but also I wish to mark the fact that the Irish language has finally received full official and working status in the EU, providing opportunities for more Irish people to work in the European institutions. In due course, I anticipate a growing interest from member states in visiting the Gaeltacht areas on this beautiful island.

Senator Niall Ó Donnghaile: Hear, hear.

Senator Vincent P. Martin: There is a golden opportunity, which as been well flagged by the work of Irish-French parliamentary grouping. This has taken on a whole new meaning because France is now Ireland's closest neighbour in the EU. There are significant historical and educational ties between France and Ireland. The Alliance Française is, of course, located close to us here on Kildare Street. It was the first Alliance Française established in a non-French speaking country.

The Irish College in Paris has hosted Irish priests and academics since the 16th century and was the first Irish collegiate community abroad. In fact, the seminary in Maynooth was re-established in 1795 as a direct consequence of the suppression of the Irish College in Paris during the French Revolution.

Around 30,000 Irish people live in France and more than 11,000 French citizens live in Ireland. Ireland and France have aligned on many issues in the past. Today, one area where we share ambition is on interconnection. Soon the grids in Ireland and France will be linked through the Celtic interconnector, a project that is being developed by EirGrid and its French counterpart. This will provide greater security of supply and cheaper prices for Irish electricity customers.

It has been said on many occasions, and I remember the Minister, Deputy Ryan, saying this, although not today or yesterday, that Ireland has the potential to be the Saudi Arabia of energy. In due course, due to our natural advantages in this field of wind and wave energy, we could be a leader exporting our energy supplies to our neighbours.

Apart from the golden opportunities that the new political situation brings, I would like to put on record how deeply grateful we are to Irish America. The voice of Irish America fed into our committee's work with Congressman Richard Neal. We appreciated how Irish American senior politicians understood the nuances and what was at stake, and were forthright and absolute in their stance. I appreciate that the Americans appreciate this. I get that.

I hope, and maybe the Minister, Deputy Coveney, can help us because one can never say this often enough, to communicate to America that not only are we grateful, but we hope America knows how grateful we are for the stance it took during Brexit. It was remarkable. Not so long ago I remember former president, Ronald Reagan, coming to Ireland. He was asked about the Irish question and he said I love this country but I cannot interfere. A different and fairer America is now representing the people. I would like to thank America. We are grateful and I hope it knows how grateful we are.

I would also like to say, and not for the first time, that in the longer term, we have to seek a formal voice for citizens living in Northern Ireland to feed more directly into the EU structures and infrastructure, and I have spoken to Commissioner McGuinness about this. They enjoy the best of both worlds, namely, the Single Market and the internal UK market. However, in due course, we have to organise a proper democratic voice for citizens of Northern Ireland.

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I would say to our friends, our brothers and sisters, in Ulster unionism that they have nothing to fear, except perhaps fear itself. They had an opportunity to cement and secure their identity and union, but the way they are going about it is the opposite. An unintended consequence of Brexit will be to bring a united Ireland closer. A hard Brexit, which unionists want, only speeds up that prospect. If they could try to look at it objectively, an unintended consequence is that they might be doing counterproductive work to their British identity and union from the stance they are adopting. I am saying that as someone who believes that on this small, shared island we must get on with our brothers and sisters and respect them and that they must feel fully secure and involved. However, there is a different way of going about it than the way they are going about it the moment. They must look out and not look in. I live to see the day where green and orange will have an amazing, beautiful and harmonious dynamic together. That is not any day soon, unfortunately.

I will conclude by saying that the one outstanding memory of the Brexit to date has been the unified approach of public representatives in the Republic of Ireland. I would particularly like to thank Members from the Opposition. On more than one occasion, they have been accused of populism, including by myself. However, when it came to the biggest issue facing us, they were steadfast, they stuck with it, they were not opportunistic and they backed the Minister of the day. It is the little things in life that sometimes cause difficulties and divisions but it is on the big things in life that we are one. We were one when it came to peace in our country. We were one when it came to doing what was best for our country, even if it meant at political loss to parties. I just want to put on record how grateful we are. A country working together on the big ticket issues is absolutely vital. I want to see more of that in the future.

Senator Mark Wall: I would like to welcome the Minister, Deputy Coveney, to the House. I wish to start my contribution by joining with colleagues in thanking Senator Chambers for her leadership and inclusivity in relation to our committee. It has been a learning curve for many of us. As a new Seanad Member, it was very important to me how she treated new Members and everyone on the committee. I thank her for her inclusivity in everything that she did in relation to getting us all together and arranging the list of people who we engaged with over the period of time the committee sat. As I said, it was very educational as well. I thank Mr. Christy Haughton, the clerk to the committee, and all of those who helped us in preparing the report and its final stages.

I thank the Minister again. As he mentioned, he has spent six years dealing with Brexit. We all owe him a depth of gratitude for his work on Brexit. I am particularly pleased to hear that he has engaged successfully with the new UK Brexit lead, Foreign Secretary Liz Truss. It is good to hear the relationship has developed in the weeks since she took over the role. That is very encouraging and will be welcomed by everybody. It is important to repeat the Minister's point that the EU is willing to implement the protocol and sit down and speak but it is not willing to renegotiate the protocol. As the Minister said, the EU is not willing to renegotiate a deal that is just two years old. That is a very important message to go out and one the committee heard loud and clear from many of the businesses we dealt with from the North of Ireland. As the Minister said, many of those businesses are now beginning to see the benefits of what has happened in the past two years. I believe they will see further benefits in the next couple of years.

The Minister mentioned that the State agencies have come together to streamline the process of imports from the UK. That is my experience but there still are problems in some of the sectors. I have been contacted by people in a number of sectors about problems they face. It was one of the issues the committee discussed at length. I acknowledge the fact that the dif-

ferent agencies involved have put their heads together to ensure imports are processed in the quickest possible time. As I said, however, a small number of problems remain but I am sure they will be ironed out in the coming weeks and months.

On the previous two occasions we spoke, I raised with the Minister the issues we will face this year when we start exporting to the UK. The Minister stated there was a lot of work on the way to help Irish companies with their exports to the UK. I would appreciate if he would indicate what that help involves. I have been contacted by many companies worried about that particular aspect and perhaps the Minister will reassure them tonight. I refer in particular to companies in the agrifood sector, which are worried about what may face them in 2022. I ask the Minister to give an update on the work under way in that area. I know work is under way because many of these companies have been contacted. That is very important and they appreciate it. However, they do not want to experience problems with exports. Most of the queries come from the agrifood sector.

Rosslare Europort is a critically important issue for us, particularly my committee colleague, Senator Malcolm Byrne, and my Labour Party colleague, Deputy Howlin. I welcome the investment by the Government. It will lead to a sea change for that part of the country and make a difference for the entire country as we look past the UK to the Continent for new markets. That is an aspect that was mentioned in the committee a number of times. It is good to have that investment. As someone who travels near to the M50 every day, which is also mentioned in the report, I ask that the Government continue to develop that infrastructure. As I am sure Senator Byrne will mention, the completion of the motorway to Rosslare would make a huge difference to the haulage companies I have spoken to, which deliver goods around the country and head off to European markets.

In fairness to the Minister, he has always said he would continue to support the cross-border health directive. The Northern Ireland planned healthcare scheme has been in process since late last year. This has made a difference to many people's lives, as the Minister is aware. Many of the contributors to the committee told us about the difference the scheme made to their lives and how it allowed them to continue in different forms of work. The Minister will not be surprised to hear me mention a particular sector, namely, the Defence Forces and the PDFORRA medical assistance scheme, PMAS. The Defence Forces wrote to the Department in 2019 regarding the formal recognition of PMAS. I ask the Minister to comment on whether he will formally recognise the scheme. He is aware of the massive contribution it has made to the Defence Forces in retaining personnel. Well over 300 personnel have used PMAS and continue to work in the Defence Forces. The Minister has taken every opportunity to state it is important that we retain as many personnel as possible in the Defence Forces. I am sure those who administer PMAS would be grateful if he could acknowledge that and, more important, secure financial support for it. As they develop the scheme and roll it out to the families of Defence Forces personnel, it will be very welcome. The cross-border healthcare directive has made a huge difference. The Minister's acknowledgement again this evening that it will continue will be welcomed by all members of the committee.

I acknowledge what others have said about the people who live in the northern part of Ireland. One of the most important aspects of my membership of the committee is the dialogue we have had with those who live up there. It showed that we are one island. That dialogue must continue. It has been encouraging to hear so many people compliment our work, particularly over the last year. The message we must convey is that we need to continue that conversation. I, again, thank the Minister for the part he has played in reaching this point. I also acknowledge

again the work done by Senator Chambers as the Chair of the committee.

Senator Frances Black: I welcome the Minister to the House and acknowledge that he is always willing to come to the Seanad for debates such as this. I commend the Seanad Special Select Committee on the Withdrawal of the United Kingdom from the European Union on its work over the course of the last 12 months in preparation for its final report. I highly commend Senator Chambers. I know how passionate she was about this matter and how much work she put into it. I was sorry to leave the committee when I did. Well done to the Senator on all of the great work she has done.

The report presented is reflective of the thorough and diverse discussions that took place in the committee's sessions. I hope the Government will act on its many useful recommendations.

When we speak about Brexit and its implications for the island of Ireland we are often inclined to focus on the economic losses or gains or the implications for trade across the Border. Obviously, these are hugely important issues and we need to spend time on them to ensure we iron out the many kinks caused by Brexit. However, we often do so at the expense of examining the impacts of Brexit on the lived experience of those living in the North of Ireland and the Border counties. That is, ultimately, what is at risk with Brexit and the destabilising of the hard-earned peace on the island of Ireland. We ought to remember that this is what is at stake at every opportunity.

In pursuing Brexit in the way that it did, the United Kingdom undermined the progress made on this island in the years since the Good Friday Agreement. As I have said many times, the United Kingdom chose a very dangerous path and it must be prepared to deal with the consequences. It appears to me that the ongoing deliberations regarding the protocol and the ever looming threat of Article 16 being invoked demonstrate that the United Kingdom is in total denial about these consequences. I know the Minister has been very dedicated to upholding the Good Friday Agreement. I commend him and his Department on the work they have done in recent years in undertaking to protect the agreement and peace on the Island of Ireland.

As the committee rightly noted in its report, despite there being different perspectives on the Northern Ireland protocol, it stands to have a transformative effect "for Northern Ireland in a positive way". There are opportunities to be taken advantage of and we should acknowledge this fact. We know that Brexit has caused damage to the North of Ireland in spite of the objections of the majority of those who voted in the Brexit referendum in the North. The protocol offers some mitigations and it is vital that this potential is realised in full.

Concerns have been expressed in the report about the serious human rights and equality implications of Brexit. The report identified the need for further work to assess the impact in this area. This work needs to be undertaken as a matter of urgency and the human rights and equality commissions and civil society in both Ireland and the North have a particularly significant role to play in this matter. These organisations want to make use of the protections within the protocol as it relates to human rights and equality, but they need to be actively engaged in the conversation.

The committee is right to stress the need for the voices of those from the North to be heard and amplified, including at EU level. We have a duty here in Ireland to ensure that this happens, especially given our influence in Europe and the democratic deficit that now exists in the North. In my view, the voices of people in the North were lost in the discussions on Brexit and we must

ensure that this is not replicated as we deal with Brexit's repercussions. The Government ought to focus on the issue of voting rights specifically.

I welcome the report's acknowledgement of the unique impact that Brexit has had on the Traveller community. The Border represents a wholly different concept for this community because of the nomadic lifestyle they enjoy, and it is important that we consider how Brexit will impact their freedom of movement. I welcome that the report speaks to the unique position of other minority groups in the North, including refugees, asylum seekers and non-EU migrants. It is imperative that there is no divergence between Ireland and the North in terms of equality rights, and I concur with the committee's recommendation that solutions to this issue must be discussed and implemented without delay.

As we bed into life post-Brexit, the implications of the United Kingdom leaving the EU are becoming increasingly apparent. It is a highly complex issue that will continue to have an impact on life on this island for many years to come. This report highlights, yet again, that even when faced with the negative implications of Brexit, this island has the capacity to find solutions and work collaboratively together for the benefit of all. There are several recommendations that helpfully emphasise deeper co-operation on our shared island, including on matters such as health, education and transport. It is time for us to make progress in conversations that envisage what a new Ireland could look like in future. Let us begin to plan for this future; I know the Minister and his Department are already doing that. We need a new Ireland that is a warm house for all on our shared island.

Senator Malcolm Byrne: I am sharing my time with Senator McGreehan.

An Cathaoirleach: Is that agreed? Agreed.

Senator Malcolm Byrne: I thank the Minister, not just for coming to the House, but for all his work and that of his officials on this matter. At times he must be tearing his hair out because it can be very frustrating. Every time we seem to move one step forward, another challenge arises. Genuinely, his work in this area deserves much praise. I join colleagues in complimenting the Chair of our committee, Senator Chambers, and the team that pulled the report together. We worked in a very collaborative way.

In addition to the recommendations, one of the important things we learned from this process was the importance of engagement. We need to try to facilitate and encourage much more east-west and North-South engagement, not just among us politicians, who certainly found it very useful, but also among civic society and other groups. Like anything else, this is all about trust. Trust is very important to any relationships we have. In an era where there is suspicion and so on, that can best be countered in the long term by having more co-operation and groups interacting. EU summits always provided Irish Ministers with the opportunity to meet their UK counterparts on the margins. That no longer exists. It is important that dynamic is allowed to continue into the future.

I acknowledge the Minister's remarks that there is a very clear recognition of the importance of investment in port infrastructure. If any entity had a good Brexit, it was Rosslare Europort. It is important to continue to invest in the infrastructure there.

Members of the committee must have got bored listening to me talking about data adequacy. I continue to worry about the approach the UK is taking to data privacy and data protection. These are very important EU values. If the European Commission decided to terminate the

adequacy judgment or even to suspend it, that would have very serious consequences. The Data Protection Commission reckons the paperwork could cost businesses here up to €1 billion. I hope that issue will continue to remain on the Government's agenda, particularly in light of continued concerns expressed about the functioning, operation and resourcing of the Data Protection Commission.

Senator Erin McGreehan: I welcome the Minister to the Seanad. I congratulate Senator Chambers on her stellar work as Chair of this committee. I was not a member of the committee, but as someone who lives in the Border area, I took great interest in its workings. The report is an excellent report which should be read by those in the shared island unit and by all those living here who have an interest in the future of this island over the next 100 years.

Others mentioned how worrying it was, particularly for those in the Border community, when Brexit was mooted. I felt I was screaming and the world was not listening - even though Ireland was - about the potential for a hard border. I stood on the Border on many Saturday afternoons protesting in solidarity with my community to say we would not stand for a hard border. Thankfully that has not happened. First we had the backstop and then the protocol. We should congratulate ourselves on having built up 100 years of international relations. This small country has the USA and the EU standing with us in making sure this protocol works. The European Commission has worked tirelessly to understand this island and how it works. We see clear movement on the protocol to ensure it works for everybody in Northern Ireland.

The truth is that the protocol is working for people in Northern Ireland. We need to continue to explain that the protocol is better for everyone on this island. Brexit highlighted many opportunities for this island and many changes that are needed on the island, along with the importance of international relations and how our colleagues have stayed with us. It also highlighted opportunities for how we move forward in the next 100 years and our co-operation and relations with our neighbours in the UK.

I wish to highlight a few things specifically. There is a clear democratic deficit in the North at the moment. The common travel area rules need to be re-examined and taken care of. We neglected them, rightly, because we were part of the EU. We need to recognise the rights of migrants resident in this country and their ability to travel north and enjoy the North. We need to look at 11 counties close to our Border and the economic and social benefit of working within the customs union on an all-Ireland basis. There is great potential for our Border and the 11 counties - the Six Counties and the five counties in the South on our Border. The more we look at things on an all-Ireland basis, the better it is for everybody on this island. I would love to go on but I have run out of time. I again thank the Minister for his presence.

Senator Emer Currie: I commend the members of the Seanad Special Select Committee on the Withdrawal of the United Kingdom from the European Union on their report. Like Senator McGreehan, I was not a member of the committee, but I recognise it is a very valuable report and I thank the members of the committee for it.

I agree with others' comments about how when we work collaboratively North-South and east-west, it enriches the work we do. We see it on the Joint Committee on the Implementation of the Good Friday Agreement where MPs attend on a regular basis - I wish there were more of them. Their insights enrich the quality of the dialogue and therefore the outputs. It strikes me that we are talking about the need for certainty and stability. That is what we want. Unfortunately, the DUP has today once again threatened to bring down power sharing because of

the protocol. It is incredibly regrettable that power sharing is used as a negotiation tactic. The Prime Minister has accused the EU of implementing the protocol in an insane way. I do not know what is insane about working tirelessly for several years to come up with an agreement and then implementing it. I commend the EU and I commend the Minister for his flexibility and dedication. Maroš Šefčovič stated that he is not setting deadlines but the Minister has rightly pointed out the sensitivity of the forthcoming elections and the polarisation of this issue. I commend him for that. There were interesting polls in that regard at the weekend.

I thank the committee for the report and I thank the Minister for always being available to this House, as other Members have recognised. This has been our first opportunity to engage with him since the appointment of Liz Truss as the chief Brexit negotiator for the UK. She has said she will not sign up to checks on goods moving within the UK. Jeffrey Donaldson has said that checks on goods moving between Great Britain and Northern Ireland is at the heart of DUP opposition to the protocol and that it is the basis of his call to protect Northern Ireland's place within the UK internal market. I know the Minister has had meetings. I would love for him to give us an update on the kind of solutions we could be looking at in that regard. If he cannot get into those details, I ask him to outline the spectrum of specific solutions. I have been asked whether labelling is in there.

Of course, protecting goods on the island of Ireland and the all-Ireland economy is of great importance. I am running out of time already. The rules of origin are complicated in any trade agreement, never mind on this island. I acknowledge the report states that any products produced on the north, south, east or west of our island should qualify for 0% tariffs in both the UK and EU negotiated deals. That is in the spirit of the dual market access agreement and the all-island economy. I welcome the text of the UK-Australia free trade agreement, FTA, published in December, that allowed for some Irish whiskey to be included, although it was limited. I ask the Minister to ensure the same is applied in future FTAs between the EU and Australia, as well as other FTAs. I have 30 seconds left.

Having recently met the Derry Chamber of Commerce and having been in contact with businesses in the North, I know the protocol is not the issue. For the vast majority of voters, it is not the issue. Rather, it is health, education and housing about which people are most concerned. They do recognise the opportunities, however. I wish to focus on the importance of that. This is an opportunity for us to talk about the politics of prosperity rather than the politics of identity.

Within that, an issue arose with the Derry Chamber of Commerce. It is not exactly within the remit of the Minister but it is relevant because he fought for the provisions of the common travel area, CTA, to be protected within the Brexit negotiations and that affects people's day-to-day lives. The issue in question is a taxation issue. With restrictions being lifted and people going back to work, there are residents in the South of Ireland who work in the North and wish to work from home but will be subject to double taxation if the waiver is not lifted. I am asking the Minister to help the Cross-Border Workers Coalition. I am not alone in this room in terms of people who have advocated on its behalf. It has come up with solutions and I ask the Minister to be a voice for those workers and the everyday opportunities for people and their quality of life.

An Cathaoirleach: I thank all the Senators who contributed to the debate. I again thank my colleague, Senator Chambers, and all the members of the committee for their very hard work in producing this excellent report.

Minister for Foreign Affairs (Deputy Simon Coveney): I will try to respond to as many questions as I can. I thank the Seanad again for this timely report. The consistent support from across the political spectrum in both the Dáil and the Seanad has been a vital element of efforts to mitigate the challenges of Brexit on the island over a sustained period. Unfortunately, we will be dealing with the impacts of Brexit for some time to come. I remain committed to engaging with Members from all parties - Government and Opposition - in the months ahead.

The Government continues to work with all stakeholders as we manage the outworkings of the EU-UK Trade and Cooperation Agreement, TCA, and the withdrawal agreement. Working closely with industry, we are maintaining momentum in our preparations for the next phase of EU customs controls later this year. Some people may think they have got their heads around the trade consequences of Brexit but we are really only at half time because although goods coming into Ireland from Great Britain have the checks required to enter the EU Single Market applied in ports such as Rosslare, Dublin and elsewhere, goods going from the EU into the UK have yet to have UK single market checks applied. For several reasons, the UK has decided to postpone the imposition of those checks. As such, the disruption impact of Brexit in terms of trade between the UK and the EU is still not fully understood and will not be fully understood until the UK decides to implement permanent measures, whatever they may look like. How the UK manages goods coming into its internal market is a matter for itself, but there are global trade rules that require a certain level of checks in terms of knowledge of what is coming and going, the standards they represent and so on. We saw again at the General Affairs Council this week that Ireland can continue to be assured of strong support across all EU member states for the Commission package and for minimising disruption in Northern Ireland.

I will address some of the specific areas that have been raised by Senators. First, I refer to the medicines package of the Commission. The Commission proposal will ensure the continued long-term supply of medicines from Great Britain into Northern Ireland and will address outstanding supply concerns in the Ireland, Cyprus and Malta markets that have been historically supplied through or by Great Britain. The proposals will change EU rules to ensure the same medicines, including lifesaving and innovative drugs, are available in Northern Ireland at the same time they are available in the rest of the United Kingdom. In short, they provide greater flexibility to pharmaceutical companies in respect of issues of authorisation, processes, location of regulatory functions and where batch testing is carried out. In other words, the concerns that have been repeatedly raised politically that Northern Ireland would not be able to get access to medicines from Great Britain because of the consequences of Brexit are being comprehensively addressed by the European Commission by changing EU law. It is important to state that because the EU has gone a long way to address what is a legitimate concern. Of course, it offered to do so far earlier but, in the end, effectively had to move ahead on its own to solve the problem when it committed to doing so before Christmas.

The next issue is the proposals of the Commission in respect of customs and sanitary and phytosanitary, SPS, controls. The Commission package published in October offers a simplification of processes for a broad range of retail goods that are for sale to end customers in shops in Northern Ireland. The measures could remove up to 80% of the identity and physical SPS checks for such goods. They would also allow for substantial reductions in paperwork. On customs, the Commission proposes expanding the definition of goods not at risk of entering the EU and thereby reducing required customs processes by approximately half. To deliver these benefits, the UK would be required to deliver real-time access to relevant UK IT systems to complete and staff border control points and agree to labelling requirements for these goods.

The EU is being very reasonable in this ask. It is saying the UK has to show the EU, through data sharing and labelling, that these goods are staying in Northern Ireland, to be purchased and consumed in Northern Ireland, and, therefore, the EU will not be required to apply the same physical checks required on goods at risk of travelling into the EU across the Border. In order for that to work, the UK has to share the data and that has not been happening. I hope that is one of the things the technical teams will discuss this week in terms of SPS and customs arrangements. As we move through the next few weeks, this is one of the areas where I hope we could find agreement that would dramatically reduce the requirement for physical checks on many products that are staying in Northern Ireland. Many in the unionist community would strongly welcome that, as would many businesses that want to reduce the bureaucracy and potential checks burden of the protocol.

In terms of the democratic deficit issue raised, the EU is proposing an unprecedented role for Northern Ireland's political representatives and stakeholders. Through structured dialogues and greater openness and engagement with the committee structures under the protocol, direct and regular Northern Ireland engagement can become a central part of the protocol's workings, as far as the Commission is concerned, in order to try to deal with some of the issues raised by Senators, in terms of the perceptions of a democratic deficit in Northern Ireland around how EU regulations develop in the future and impact on Northern Ireland. Enhancing Northern Ireland's engagement is not just for the EU to address. The UK Government also has options open to it, and we would encourage it to come forward with proposals.

In terms of ports and trade, there is some data which people may be interested in. Brexit brought about the biggest single change to import controls since the Single Market was created in 1990. Businesses have done a remarkable job adjusting to the new realities. This reflects the flexibility and adaptability of businesses in Ireland, as well as the very effective collaboration between operators and the State players responsible for implementing these changes.

The value of Irish goods exported to Great Britain between January to November 2021 increased by 20% on the same period in 2020, while the value of imports from Great Britain in this period fell by 21%. January to November 2021 saw a 64% increase in imports from Northern Ireland and a 48% increase in exports to Northern Ireland. That shows how effective the protocol has been in protecting the all-island market. Some in the UK seem to suggest that it is somehow a negative thing that the all-island economy seems to be functioning so well, despite trade across the Irish Sea having been disrupted.

When countries make decisions such as Brexit, that changes market structures. We have been trying to protect an all-island economy in the context of a decision that we did not make. The protocol was agreed by the British Government in that context. That element is working well. Those living in Border counties will know that in terms of the fears that have now been allayed.

There are now 65 weekly sailings between Ireland and EU continental ports. One third of all roll-on roll-off traffic now operates on direct routes to ports in the EU, up from 16% in 2019. Rosslare Europort now accounts for 31% of all Republic of Ireland-EU roll-on roll-off traffic, which is more than double its previous share. In 2021, 86% of goods movements were green-routed and permitted to leave ports without any further interaction with customs or other regulatory authorities.

In 2021, the Department of Agriculture, Food and the Marine carried out 90,000 controls

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on consignments, compared to 4,500 per year in the years leading up to 2021. I suspect that number will continue to increase over time, but we will do things more efficiently as time goes by, businesses get used to those systems and our customs and the Department of Agriculture, Food and the Marine constantly streamline and improve how they operate.

There are space and layout limitations in terms of what can be done in respect of the co-location of authorities at ports. In addition, certain checks, such as animal health or food safety checks, require dedicated infrastructure in their own right. The agencies in the ports are committed to streamlining processes and minimising the movement between facilities for compliant businesses as much as we can, while meeting our obligations under EU law. Further developments in the space can be expected.

At EU level, Ireland is a supporter of the single window programme and plans to be one of the first member states to implement the SPS single window programme. I mentioned the introduction of new UK import controls in 2022, for which we need to prepare. We will understand a lot more as the months go by, but we need to expect the worst in terms of controls and compliance. State agencies have been working hard with businesses to try to make sure that everybody understands what is coming down the tracks.

The recognition of professional qualifications has become an important issue. While the automatic mutual recognition of professional qualifications no longer applies, significant work has been undertaken to ensure that processes are in place for the recognition of the vast majority of UK professional qualifications under national law in Ireland, which allows people to travel and work in both jurisdictions under the common travel area agreements we have put in place. I understand these arrangements are generally working well, although in some cases they may be administratively more complex than the previous EU system.

Although the Northern Ireland planned healthcare scheme had initially been introduced on an administrative basis, I wish to assure Senators that placing the scheme on a statutory basis remains a priority. An extensive examination of options to inform the drafting of a general scheme is currently being finalised. In the meantime, the administrative scheme will remain until such time as the statutory scheme is in place. I understand that almost 4,000 reimbursements have been made so far for persons who accessed healthcare in Northern Ireland 2021. Overall, this equates to a reimbursement cost of about €7 million.

I am aware of the Defence Forces issue and the PMAS programme, and the need for us to work with the Defence Forces. I am committed to talking to representative bodies regarding that. I thank Senator Wall for raising this issue. It is not the first time he has done so.

The European Commission adopted new adequacy decisions in June 2021 to facilitate the continued sharing of data between the EU and UK. The data adequacy decisions provides confidence and ensures the appropriate protection and safeguards are in place to facilitate the ongoing exchange of sensitive personal data with the UK. As I was not asked about seed potatoes and other things, I will comment on one or two final things raised by Senators.

Deputy Currie raised the issue of cross-Border workers. It is an issue that impacts on people, and it has been raised with me. I will happily work with the Senator and the Minister, Deputy Donohoe, on this. We have spoken about it before. This is a tricky issue and it is not easy to solve. We cannot solve it on our own. It will have to involve something the Irish and UK authorities consider together. In terms of where people are resident and working, both or

either of those things can potentially determine where they pay their taxes. In the case of people who are employed by someone who pays their taxes in Northern Ireland, while living south of the Border and working North of the Border, their taxes are still being claimed where based on where they are working.

5 o'clock

That is what makes it complicated. However, we will examine the matter and see if there is anything we can do.

Understandably, issues were raised about new UK legislation that will require what is called an electronic travel authorisation for entry to the UK, including Northern Ireland. This could be very disruptive on the island of Ireland. My understanding is that the proposal is that anyone entering the UK would be required to register online before doing so and get permission to enter. Someone could enter for up to six months and get a multiple-entry certification. My understanding as of now is that this would apply to non-British and non-Irish nationals who could be travelling from Ireland into Northern Ireland. Therefore, a French, Dutch or German person working in Ireland and going on holidays to the North or whatever would be required to register before doing so. That would be disruptive to the free flow of travel. We have been making that case to the British Government. The Minister for Justice, Deputy McEntee, was in London this week meeting the key ministers in this space and raising the issue. I have also raised the issue. The Government will continue to do so because the legislation has not been finalised and implemented yet. To me, it would seem extraordinary that people travelling across the Border from South to North would be required to have a registration or certification to do so. It is a bad idea for all sorts of reasons. We will continue to make that case. Of course, it is a matter for the British Government to make decisions on this matter but I hope that we will be able to impress upon it the issues that make sense for both jurisdictions on this island.

I will not comment on what the British Prime Minister said today about the protocol and its implementation apart from stating that it was unhelpful and that the language used was unhelpful. We are working hard to try to build a better relationship and more trust between the European Commission and the British Government. The foreign secretary, Ms Liz Truss, has been working hard to do that and to build a relationship with Commission Vice-President Šefcovic that is based on a trusting relationship that I hope can allow compromises to emerge over time in terms of finding a way to settle on an implementation plan for the protocol on which both sides can agree.

We have been consistent in this space - the protocol is not up for renegotiation. However, the EU has shown extraordinary flexibility in how it is willing to implement that in partnership with the British Government, if the EU has a partner in doing so, which I believe it does. I hope that we will be able to find a way of getting agreement in some or all of the areas sooner rather than later so that this issue does not remain such a polarising influence on politics in Northern Ireland as we head towards elections to the assembly in a few months' time.

An Cathaoirleach: I thank the Minister for attending and for his comprehensive reply to Senators. I thank the committee's members, including its Chair, for their work on this important report on what is an important issue for Ireland.

Sitting suspended at 5.04 p.m. and resumed at 5.17 p.m.

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Local Government (Surveillance Powers in Relation to Certain Offences) Bill 2022: Order for Second Stage

Bill entitled an Act to empower local authorities to authorise the installation and operation of surveillance devices for the purposes of deterring, preventing, detecting and prosecuting certain offences, to provide for exchange of certain data from third party data controllers to local authorities for the purposes of the performance of their functions in relation to such offences, to make certain provision for the purposes of regulating the performance of functions under this Act and to provide for related matters.

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

Question put and agreed to.

Local Government (Surveillance Powers in Relation to Certain Offences) Bill 2022: Second Stage

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

I thank the Minister of State for taking the time to listen to the debate on this legislation. A lot of work has gone into this over more than a year. I put on record my thanks to the parliamentary legal service, the Data Protection Commission, with which I engaged, and the many councillors and local authorities around the country, particularly their environmental sections, that provided input in respect of this Bill. I also thank some of my own colleagues within Fianna Fáil with whom I have discussed the Bill and my Seanad colleagues more generally, in particular Senator Wall, who brought forward a similar Bill on this issue last year. Senator Keogan has also raised this issue previously. This has been sought on a cross-party basis. During the debate on Senator Wall’s Bill, a number of concerns were raised. I believe I have addressed those concerns in the Bill before the House.

The Bill provides legislative underpinning to allow local authorities to use new technologies, including fixed and mobile CCTV systems, drones, automated number plate recognition technology and any other new technology that may be developed, for a very specific purpose. As I am sure the Minister of State will know, the story has got out that the general data protection regulation, GDPR, is stopping local authorities from using CCTV and other things to catch illegal dumping. That is not the case; it is just that we do not have the legislative underpinning for that to happen. Approximately a year ago, I surveyed all of the local authorities in the country and we were able to estimate that it costs somewhere between €90 million and €100 million annually for local authorities to deal with littering and illegal dumping. It is a scourge and an environmental hazard. From a tourism perspective, our beauty spots are often destroyed. If certain materials leak into the soil, that results in environmental damage, while littering is also hazardous to livestock and other animals. It is also heartbreaking for the local Tidy Towns groups and community development associations all over the country that make the effort to go and tidy up their areas.

This approach was one the local authorities thought they could use, but the legislative framework has not been in place until now to enable them to address this problem. In some cases,

we have seen even desperate measures being taken to tackle it. I refer to what I have been told by my colleague, Councillor Aengus O'Rourke in Athlone, and I am sure people will have seen the story. He grew tired of seeing certain individuals being involved in illegal dumping and because the local authority could not use CCTV, he brought white goods the person concerned had dumped back and put them on the front lawn of the individual clearly identified as responsible for the dumping.

It is clear that this legislation is being sought on a cross-party basis and by local authorities. I get the point, and I am very much aware, that when the word "surveillance" is in the Title of legislation people immediately get alarmed. I am somebody who argues strongly for data protection and data privacy. We must have safeguards in place and this legislation is lengthy to ensure they are in place and that data controllers appointed by a local authority will have to operate in a clear architecture. The legislation stipulates that any evidence gathered can only be used for the purposes clearly outlined in the Bill, namely, to detect and prosecute offences in this area. Therefore, the safeguards are in place.

A great deal of work has gone into this legislation. I am happy for amendments to be tabled to strengthen it. I am conscious that the Government is accepting the legislation. We should all work together to support it. The Government is talking about the proposed circular economy Bill coming down the line. When we debated Senator Wall's Bill last year we all said that this was not about whose legislation was enacted, whether mine, Senator Wall's or the Government's; we just wanted it enacted and enacted now. We thought we would have seen this happening last year. What I am not going to accept is if the Minister of State tells me this Bill is great but the Government's circular economy Bill is on the way. When are we going to see this legislation in place? In accepting this legislation, I would like the Government to give a guarantee that we could see it enacted before the summer. In other words, I would like a guarantee that local authorities will be in a position by this summer to use new technologies to catch the culprits involved in littering and illegal dumping. I will continue to push this issue. We accepted that progress was going to be made last year but we did not see it happen.

This Bill addresses many of the concerns raised during the debate last year. As I said, I have engaged with the DPC on the issue. This is not an approach that people should be worried about; in fact, it is something people are looking for. We all need to see those responsible for illegal dumping in our communities being prosecuted if they are caught and then fined or imprisoned, and we have the technology to allow that to happen. These people are committing environmental crimes and undoing much of the good work done by citizens around the country.

I appeal to the Minister of State, and I know the principle has been set in this regard, to give us a clear timeframe regarding what is going to happen. What we all want and what I am asking for is that by this summer local authorities, whether the county council in Dún Laoghaire-Rathdown, Wexford, Limerick, Kerry, Waterford, Meath, Kildare or wherever else, will be able to start to roll out the use of technology. The architecture used should protect the individual, ensure data privacy and guarantee data are only used for the intended purposes. Many of us have seen the problem of illegal dumping during the Covid-19 pandemic. I go out running and I see the problem on country roads. It is not just a rural problem but also an urban one. People want to see it addressed and I do not think people are going to be happy to continue to see this measure being postponed.

I am pushing forward this Bill. Having accepted certain assurances last year that we would see this issue addressed, we allowed some time for that to happen, but I am not prepared to give

any more time. This is now a matter of urgency. I ask the Minister of State to progress the legislation as quickly as possible so that we finally tackle the scourge of illegal dumping once and for all.

Senator Shane Cassells: I pay tribute to my colleague, Senator Malcolm Byrne, for bringing forward this Bill and outlining his intentions. His motivation comes from a deep-rooted sense of community and his involvement in local government over nearly 20 years. I have been involved for the same time. We were both elected in 1999, and back then the environment departments of our local authorities were probably the smallest components of local government. They are probably one of the largest sections now because of the large swathe of areas they must deal with, especially the scourge of illegal dumping.

As Senator Malcolm Byrne has done, I pay tribute to all those who have used this Chamber to try to tackle the issue. I refer to Senator Wall and, from my own county, Senator Keogan. It is sad that we must go down this road and that we find ourselves at this crossroads where it is necessary to bring forward legislation to try to deal with the problem because many people are compliant. In the same way that a tax was imposed on plastic bags many years ago by the then Minister, Noel Dempsey, we must face this scenario. On one hand, some people are engaging in personal illegal dumping while, on the other hand, there are those who have commercialised this activity to the point where it is an industry. In responding to that, we must now arm the environmental departments in our local authorities with the full powers of the law to ensure they have the teeth required to pursue those who want to flout the law and destroy our rural and urban areas.

Senator Malcolm Byrne mentioned his research and the amount of money illegal dumping ends up costing the local authorities and, by extension, the public through local charges and rates' bills. The cumulative estimate was put at €100 million annually. In County Meath, we had a well-publicised case two years ago where one incident alone cost taxpayers some €6 million. The then environmental engineer, Declan Grimes, testified during the court case that 51 companies were involved in bringing waste to a 267-acre farm. The fallout from that illegal dumping was not just, as Senator Malcolm Byrne has said, the financial cost faced by taxpayers but also the environmental impact and the massive damage done to a particular area in Enfield.

We saw a marked increase during lockdown in the scourge of illegal dumping. Many local authorities tried to react positively by removing the charge at recycling centres to try to counteract that activity. We must also approach this issue in a positive manner in respect of the steps that can be taken to negate the need to use these unauthorised people who go around and put leaflets through people's doors to encourage them to engage in illegal dumping. As the Garda has said many times, people should think twice before they use such services. The reality is that many people still use them and illegal dumping is happening on many levels, from *ad hoc* activities to organised endeavours.

In responding to this situation, the type of technology that is available to us should be used, as Senator Malcolm Byrne said. The required powers should be given to local authorities to do so. There was a lacuna in this area. Senator Keogan and I know this because Meath County Council and different groups were using the available technology for community group and local authority purposes. We must ensure now that we put this approach on a statutory footing, that we have the full powers of the law behind our local authorities and that we tackle this situation once and for all. As a result, we need to ensure that we put this on a statutory footing and that we have the full powers of the law behind our local authorities to tackle the issue once and

for all. We must ensure that we bring around cultural change so that it is no longer acceptable in this country. I want to pay tribute to Senator Malcolm Byrne. As I said, I hope we see the progression of this Bill and that it is positively received.

Senator Victor Boyhan: I welcome the Minister of State. I understand the motivations of the proposer and seconder of this Bill, but I have reservations about it. As I understand it, the Bill seeks “to empower local authorities to authorise the installation and operation of surveillance devices for the purposes of deterring, preventing, detecting and prosecuting certain offences, to provide for exchange of certain data from third party data controllers to local authorities for the purposes of the performance of their functions in relation to such offences”, and to provide for other related matters. The experience of the two Senators who are proposing and seconding this Bill is well known. They have been involved and have a great track record in local government. I want to acknowledge that because I think it is important. I know of their work, their commitment and their engagement in local government.

However, we must set some context here. We know, from last week’s reports, that Limerick City and County Council was investigated for its use of CCTV, which brought into sharp focus for me issues around the Data Protection Commissioner, DPC. The council was given a fine of €110,000 and a reprimand, and is required to either bring all surveillance into compliance with the data protection law or turn it off entirely. Those are the findings; I had a look at them today. I accept this is an issue of concern for local authorities. As Senator Malcolm Byrne has said, they want to be on the right side of the law. They want whatever CCTV operations they wish to have to comply with legislation, but currently, they do not. In the case of Limerick City and County Council, the DPC found 48 infringements, covering 20 separate articles of the GDPR issues of concern. That is serious. Some of the key points that the Commissioner identified were that there was no precision in terms of the cameras, no joint controller agreements with An Garda Síochána, and no legal basis for the automatic number plate recognition, ANPR. That was just one issue of concern. I know that Senators have spoken about illegal dumping. However, there are other issues and impacts around this. The DPC found that Limerick City and County Council had no legal basis for the monitoring of private dwellings, houses, estates or halting sites. We must deal with that. It is an issue of concern. Councils will now have to review their own CCTV policy. I know that a number of councillors have raised it with their respective chief executives in the last few days and have expressed concerns. Such policies will have to be in line with the protocols to ensure full compliance.

Therefore, this Bill is timely and there is a lot of merit in it, but there are concerns. My concerns in relation to it are that there is an issue around CCTV pilot project schemes. I am concerned about the area of the role of the local authority, but also of the Garda Commissioner in terms of sanction and approval. Ultimately, someone has to take responsibility. Clearly, there is a role and a function for the Garda Commissioner in relation to CCTV. As the Minister of State will be aware, because he is very well-versed in the area, CCTV is a powerful, yet invasive tool in terms of personal data and the tracking of people’s movements. Clearly, it can be used to assist in bringing people to justice and dealing with crimes etc., but there are many abuses of it. I have heard reports of CCTV being used in locations in the city of Dublin to track down and monitor sex workers. It has been involved in tracking other activities around universities, tracking people who are involved in certain peaceful demonstrations and engagement. We must protect that too. I know what the Senators introducing the Bill are trying to do but I am also conscious of people’s civil rights and civil liberties. The balancing of those rights is a sensitive issue. There may very well be a need for community CCTV and a justification

for it but there has to be a strong justification and need for it. It does not have to be ongoing. In my own local authority area, there is temporary CCTV for a period of perhaps a week on a particular hotspot. My point is that there are issues.

I would be interested in further public consultation on this. I am aware that Senator Malcolm Byrne has talked about his extensive engagement with local authorities and members. However, there are issues in relation to retrospective evidence gathering versus real-time surveillance. It is most important. I will repeat that, because it is not just something that I have picked up. I had a conversation with someone who is an expert in the area. There are issues around retrospective evidence gathering versus real-time surveillance. We need to be very careful that CCTV is not being used for profiling particular audiences, groups or segments of people. It cannot be used for targeting people on the basis of some preconceived idea that they are up to something that is not appropriate. There need to be huge constraints in relation to this legislation. I understand that the Minister of State and his Department may have reservations. I would be interested in hearing them. The Minister of State might also confirm that this area is not part of his portfolio. It is my understanding that this issue does not fall within the local government remit.

Those are my thoughts on the matter. While I accept and understand what is trying to be done here, I am deeply concerned about abuses or potential abuses that may take place under this system. I am particularly concerned. I think we must have full cognisance of the findings of the DPC in relation to Limerick City and County Council. There are issues there. We need to examine them and learn from them and see if we can improve it. I acknowledge that it is the Senator's legislation and I am interested in what the Minister of State has to say.

Senator John Cummins: I would like to start by complimenting my colleagues seated to my right on bringing forward this Bill, and by complimenting Senator Wall, who brought forward a similar Bill last year on this issue. It is a very important issue. It is an issue which vexes a lot of people and rightly so, because dumping and illegal dumping is a scourge on society. It prevents people from enjoying the beautiful landscape, towns, villages and cities right across the country. While I appreciate that the Department is currently working on legislation in this respect, which will data-proof all elements of CCTV monitoring in this respect, I think that bringing forward this Bill is a genuine attempt by the promoters to try to progress this matter in a speedy fashion. I compliment them on that.

We must equip our local authorities and environmental officers with every tool possible, including the most modern and up-to-date technologies, to allow them to catch the perpetrators of illegal dumping. I agree with Senator Boyhan that there has to be a justification for it. The justification here is that we all know, in this House, that illegal dumping is rife in this country. I am sure the Senator's constituents from right across the country, including local authority members, are in contact with him constantly, because they are getting it from residents on the ground. They are asking what the council is doing to catch people who are bringing mattresses, rubbish and even goods that can be brought to the civic amenity sites free of charge out into the countryside and dumping them on the side of the road, into streams and rivers, polluting them. It is unacceptable. There is a justification for using CCTV. My understanding is that it is the DPC's view that the Litter Pollution Act 1997 and the Waste Management Act 1996 do not regulate the processing of personal data, as required by the EU law enforcement directive, which is parallel legislation that came into force in May 2018 along with the GDPR legislation. That is the issue, as opposed to there being a merit in having CCTV to tackle this issue in the first place. My local authority, in Waterford, along with many others, felt the wrath of the commissioner in

that respect. Last year an article in the *Irish Examiner* ran with the headline “Waterford Council reprimanded for using CCTV to monitor illegal dumping”. The article stated:

Waterford City and County Council has been officially reprimanded for its use of CCTV to monitor public activity by the Data Protection Commissioner.

The admonishment by the commissioner, which was handed down in October of last year and was carried out using its corrective powers under the General Data Protection Regulation (GDPR), concerns the local authority’s use of such surveillance technology to monitor illegal littering and dumping.

We need to address the matter with legislation but, in one sense, it is a case of GDPR gone mad. We all know the issue that exists and have to tackle it. In one sense, the only way we can is to use all the technologies. I am not saying this is a silver bullet because it is not. People go to great lengths to avoid detection. I have spoken to environmental officers in Waterford City and County Council who have told me of the lengths people go to. There are people who block out their number plates while dumping. They take rubbish bags out of the back seats of their cars underneath a camera. That is what we are talking about. While CCTV will assist, it will not be the silver bullet. There needs to be a wider campaign and appeal, right at the root, starting with our youngest citizens and proceeding from primary school right through secondary school. In that respect, I compliment all those behind the work that goes on, including those behind the Green-Schools programme and the various committees, because it is only by appealing to our youngest citizens that we will see a change in society in the long run. I compliment the Senators on introducing the legislation. I urge the Minister to make progress on the Government’s legislation in this respect as a matter of urgency. It cannot come quickly enough. We have to empower our local authorities. We must not allow them to continue to have their hands tied behind their backs on this issue. That is essentially how they are operating at the moment.

Senator Pauline O’Reilly: The Minister of State is very welcome. I thank Senator Malcolm Byrne and all the other Fianna Fáil Senators. We have discussed this issue before, including when Senator Wall introduced legislation.

The important thing to remember about dumping is that there is no witness who can make a statement and bring it to the Garda. The ultimate victim is the environment, which is voiceless. It means extraordinary measures are required to tackle this problem. I am talking about all types of wildlife crimes, which the Minister of State, Deputy Noonan, is also addressing. This is a critical piece.

I am aware that there have been criticisms of the time it takes for legislation to come through. The circular economy heads of Bill did come to us at the Joint Committee on Environment and Climate Action, and that is the correct process. We have all agreed with that process now. It means that there is an extra part to it. It is appropriate. It means we can bring forward witnesses and hear what is actually happening on the ground. We have done the work and therefore the legislation has to go back to the Minister’s Department to make progress on it. When I saw the heads of Bill and saw this element appearing under them, it really jumped out at me. Many of us here have been councillors and know what happens on the ground in councils, how councils themselves are hamstrung and the difficulties our constituents are having.

Around the corner from me, there is an estate with a quite long entry road to which people

drive to dump, pretty much literally on people's doorsteps. I went there with the residents and did a clean-up. I found an entire kitchen there. There was a table, microwave and washing machine, all in a tiny estate with fewer than 100 houses. This then generates complete disrespect for such an area. The question arises as to why one should continue to do clean-ups at a location when getting nowhere and if someone is going to dump there the next weekend. It is soul-destroying for the people affected. They have been calling for CCTV for years. The same old issue of GDPR comes up and really does tie the hands of the council. I believe it is also used as a bit of an excuse in some respects to ignore the issue, the effect being a desire to wait until we have legislation or have managed to get around the GDPR issues.

In another area of Knocknacarra, I was doing another litter pick. I went up to the top of a little grass verge and noted that the entire field in the middle of a residential area was literally covered with bags of rubbish. This was because it was a quiet place into which people could drive. It only had workers there during the day. It was cleaned up by reporting the matter to the EPA and by the serving of a notice on the owner. However, there is not always a person to go back to because the land could be council owned or under the charge of the local estate. It is not an easy matter. We do require CCTV. I fully understand people's concerns about surveillance but ultimately we are trying to protect the environment. There has to be justification, and that justification has to involve not only what local people want but consideration as to whether the environment is being damaged and biodiversity affected. I believe there is such an impact. A lot of this comes back to the concept of the consumer society, and that is why placing this issue into the context of a circular economy is appropriate. If we had less waste in the first place, there would not be as much stuff to dump.

The last point I wish to make is on what people have been doing while waiting for this issue to be resolved. I know they have been doing it in Wicklow. I am referring to lookout projects whereby people adopt a mile on which to keep an eye. It happens particularly in rural areas. Fundamentally, that is also a little like surveillance. People are still doing it. They are keeping an eye out to see who is coming past. It is not monitored in any way. If one puts in CCTV, it ultimately goes back to being somebody's responsibility. That is the best way to handle it.

I thank Senator Byrne again for raising the issue and look forward to hearing what the Minister of State has to say.

Senator Fintan Warfield: I thank Senator Malcolm Byrne for proposing the Bill. As I have read it, and as I understand it from listening to the debate, it seeks to allow councillors to use fixed CCTV, mobile CCTV and drones for relevant offences specified under the Waste Management Act 1996 and the Litter Pollution Act 1997, and to allow processing of data as per the Data Protection Act, ensuring that the surveillance is necessary, proportionate and specific in its purpose. There has been some conversation about that. It seems there are enough safeguards concerning data protection and review mechanisms within the Bill.

Fly-tipping, as has been mentioned here, is a huge issue for every local authority. It is a scourge in our communities. Nowhere in the debate have I heard a reference to the privatisation of our waste services. Surely there is a direct correlation between an increase in illegal dumping and the privatisation of waste services, which were under the control of local authorities successfully for so many years. The Minister of State, from the Green Party, and local authorities should seriously consider bringing domestic waste collection back under the control of local authorities as a means of combating illegal dumping and the operation of rogue waste collectors. We are aware that illegal dumping has spiralled out of control. We see it at football

pitches, greens and lanes, and beside public bins. I live beside a public bin and pull my hair out when I hear glass bottles being put into it one by one. Dublin City Council has barely any public glass recycling bins close to where we live and there are none on the route into town. There is never an excuse for illegal dumping but we need to make it as easy as possible for people to recycle. We know the Garda is already stretched in some areas where we are trying to stamp out illegal dumping. Local authorities have managed waste successfully for decades. It should not have been privatised. It has resulted in a race to the bottom. There are poorer quality services in many cases. There are increased costs for householders. There are negative environmental impacts and increased illegal dumping. We should nationalise waste services and bring bins back under public control. We should make it easy for people. Sometimes there is construction waste along the most beautiful greenways and walks in the country. I support the Bill and I thank Senator Malcolm Byrne for tabling it.

Senator Mark Wall: I welcome the Minister of State to the House. It is his second time here today. I congratulate Senator Malcolm Byrne and his colleagues in Fianna Fáil on bringing forward the Bill. The Senator correctly said that in 2021 I introduced a Bill on behalf of the Labour Party on the use of the CCTV and the prosecution of offences. It was quite similar to what we have before us.

The bottom line on this is what happens next. We heard Senator O'Reilly state it is with a committee at present. When I introduced the Bill last year and we spoke on it we were told it would happen long before now. It is still with the committee. I know the Minister of State will respond on the Bill before us but what is happening simply cannot continue. The destruction of our countryside in rural communities continues unabated. Senator Cummins is correct that this is not a silver bullet. Nobody has ever said it would be a silver bullet. However, it would definitely help our local authorities to combat what they face day in and day out. There is absolutely no question about that.

The Government has to act. Senator Byrne has outlined his research and I have done similar research. Our local authorities spend €90 million each year on cleaning up illegal dumping. Imagine what the local authorities could do, as I have said so many times, with €90 million. Imagine the playgrounds and community facilities we could upgrade and install if we had this €90 million back. This is the purpose of the Bill.

I acknowledge what Senator Boyhan said. I also had concerns when I drafted my Bill and spoke about them. The purpose of that Bill was to ensure there was a legal standing for the use of CCTV. Having read the Bill tabled by Senator Byrne, I know it has the same purpose. That includes the purpose of using and recording CCTV data and specifically who the CCTV may target. It is appropriate that Senator Boyhan has raised this issue and it had to be said. Having read the Bill and having written a Bill, I know it is for the purposes of dealing with illegal dumping and nothing else. This is all we are asking. We will not target anybody else. When Senator Byrne speaks again he will probably say the same. This is not to target any group or individual. It is to target those destroying our countryside and causing €90 million of local authority expenditure each year.

Several months before Christmas, Kildare County Council ran an amnesty for mattresses. It cost €50,000 to deal with the number of mattresses received on one day but within a week the countryside was destroyed once again with mattresses. Every day I am contacted about illegal dumping. This is no exaggeration. It is endemic throughout the countryside. There is no other way to say it. Housing remains the number one issue and it always will be as far as I am

concerned but illegal dumping comes a very close second. We are here to introduce legislation. Senator Byrne has done the exact same as I did, which is to introduce a Bill to ensure this does not happen. If nothing comes back from the Government, we will continue to be in the same place, which is not acceptable.

In my local community there are approximately 400 houses just outside Athy. Six or seven months ago, we had a clean-up and we filled 350 plastic bags. That was in a small rural community. This just shows the type of dumping that is happening. At the weekend, I received a call from members of the community group saying we had to do another clean-up because the dumping is as bad as ever. That is within six months. I am sure that the next time we go out we will, unfortunately, fill another 350 bags. Again, I am not saying CCTV cameras will be the silver bullet but they would ensure that those who dump would think twice about driving out and dumping in the local community.

It is not just a problem in rural communities. It is also in towns and villages. The Minister of State knows the results of the Irish Business Against Litter survey. Naas did very well but other towns are suffering. Senator Cummins is also correct that there is an education element to this and it must accompany what we are trying to do with the Bill and what I tried to do last year. This is incumbent on the Minister of State. I engaged with the Minister, Deputy Ryan, a year ago in a Commencement debate. He told me he was rolling out various schemes. I am sure they are happening. An initiative mentioned by Senator O'Reilly is what we call the green kilometre in Kildare. It is a brilliant scheme. People look after the 1 km next to their home. It is a like a neighbourhood watch scheme in one sense. People look out for one another with regard to rubbish. A number of houses come together. It is a great scheme which creates great communities.

Tidy Towns has been mentioned. Councillor Thomas Phelan from Waterford contacts me regularly about what is happening. Councillor Elaine McGinty has written to a number of social media companies about those who advertise illegally for dumping. This has been mentioned by colleagues during the debate. She still has not received a reply. She has tabled motions at Meath County Council. It is unacceptable that social media companies allow people who are not registered to advertise illegal dumps. Unfortunately, this is what is happening. These people go around estates and flash their lights. People come out with black bags and, unfortunately, those black bags end up on our streets and in our countryside. This is what the Bill is targeting. It is what I targeted last year. I thank Senator Byrne.

Senator Lynn Ruane: I thank Senator Malcolm Byrne for his work on this legislation. I get nervous when phrases such as “surveillance technology” are used. I could come in here and speak about the scourge of illegal dumping. We can point to it and speak about its impact on communities, where it is, what it is and what it costs to pick it up. We always fail to speak about the mechanisms we will use to address it. The mechanism in the Bill is to introduce a technology. I know how the Senator has come at this with regard to some aspects of civil liberties. When we think about this we have to talk about the technology. Technology advances very quickly. The Senator’s intention is to give powers under relevant offences, such as waste management and litter pollution Acts, and for this to be very particular. However, once something is introduced, the next Government and Governments after that can add to it. I understand the intention of the Bill but where it can go is another story.

I had a contribution ready for the debate. I then went back over the Bill and wrote a few notes on the conversation we will need to have on Committee Stage on the use of technology

and what it will look like. I ask the Senator to note some of them and put them on the record.

6 o'clock

In respect of surveillance technology, the Bill needs to specify what the surveillance technology is, drone or otherwise, and that it cannot be used in combination with AI algorithm technology or facial recognition software of any kind. We probably need to specify that only certain sizes and types of drones are allowed. They should be large enough to be visible to the naked eye. That can also act as a deterrent in and of itself because somebody can see that the drone is there and they have to make another choice. It should not be the case that the drone is not that noticeable and the person commits the crime and is done for it retrospectively. Will the drone carry certain visible markings to identify it as belonging to the State?

In respect of certain calibres of drone camera technology, what will be allowed and what will not? What will the quality of them be? Will they unreasonably impinge on people's privacy from a great distance? Should high-power zoom lenses and night vision be banned? What about see-through radar imaging? The Bill should provide for details about use of surveillance technology to be published on an accessible website managed by the relevant Department. It might be necessary to look for permission to contract the operation of drones and cameras out to private companies. Will that be part of the Bill? Maybe we need an annual report laid before the Houses which specifies analysis of whether surveillance technology has been used to target particular places or people.

I went back and looked at where this type of technology has come into play in other countries such as America, also for reasons of necessity like this one in respect of illegal dumping. The American Civil Liberties Union reports repeatedly highlight the problem of mission creep. For example, when drones were introduced in the US for seemingly innocent activities such as monitoring wildfires, they were quickly embraced by law enforcement around that nation for more controversial purposes.

I think we can strengthen the Bill and tease out some of the technologies and its remit. It is not that I am against the legislation in any sense, but I do worry that we are focusing on the illegal dumping aspect when there are really important components of the legislation in terms of introducing powers to use technology. We have to do that in the safest possible way. We know how bad it can get in the use of technology. Just because that is not the Senator's intention does not mean other governments will not begin to expand those powers.

I often hear politicians speak about the use of CCTV in particular communities where there are anti-social hotspots and that stuff is really scary to me. What we do is begin to look for crime, detect crime. It is not that a crime has happened and a court case happens and we have a warrant issued to pull that information. It is being used to detect crime as it is happening. That may be what Senator Boyhan was getting at when he was talking about retrospective crime versus that kind of live-action stuff. When we use cameras or anything to do with technology, we have to make sure that everybody understands the scope of the technology being used and what it can and cannot be used for. Hopefully, we can have that level of conversation when the Bill makes it way to Committee Stage.

Senator Sharon Keogan: I thank the Cathaoirleach for letting me speak at this point. I have to leave early so I will not be here for the Minister of State's reply. I support the Bill and thank Senator Malcolm Byrne for bringing it to the House. Three great loves of mine are

empowering local government, being tough on crime and good data management. I supported the Labour Party's Local Government (Use of CCTV in Prosecution of Offences) Bill 2021 last year but argued that its scope needed to be broadened. That seems to have happened with this Bill which accounts for the data obtained via mobile camera systems and drones in addition to the more traditional fixed and permanent CCTV systems.

If it were up to me I would see a further expansion of the admissibility of CCTV footage in our courts in the prosecution of more serious crimes rather than drawing the line at litter and waste management, although perhaps this Bill is not the place to pursue that. It does strike me that it is bizarre that we would pave the way for a greater role in CCTV in the prosecution of someone who throws a bag of crisps out on the road but not an individual who commits an assault in the same spot.

I spoke last year about how local authority executives can be slow to seek authorisation for CCTV systems given the difficulty associated with being data protection officers at that scale. This is still an issue that needs to be solved. Perhaps city and county managers would be more willing to implement these systems if they felt more supported in that function. An Garda Síochána could certainly play a role in this regard.

I love the idea of this legislation coming in. The fact that almost €100 million is spent every year on waste management in this country is scandalous. The magic words in this, and Senators may take it from me because I have learned over the years from the system we set up in Duleek, are the data controller and the processor. That is it. It is really important to specify who the data controller is and how the information is going to be processed. Those roles are key.

Another thing I would like to see is the calibration of the system. It is not provided for here. Speed cameras have to be calibrated every year. Breathalysers have to be calibrated every year as well. To have a calibration system put in place for these would be ideal. I certainly welcome the Bill. There are changes that can be made but we will certainly work with the Senator to make sure it moves forward.

Senator Pat Casey: I thank Senator Malcolm Byrne for his work on this, and Senator Wall for his previous legislation around illegal dumping. We all agree that it is a blight on everybody and on society. Senator Wall mentioned a rural area. Coming from a rural area, I can give the House example after example of dumping in the uplands. Wicklow started an initiative almost 13 years ago, the PURE project, protect the uplands and the rural environment. It has been massively successful. Senators should see how successful it is in Wicklow and what it has done for education and for the collection of waste in our uplands. It is one truck, one man driving it and a bit of administration behind it, sponsored by the Department, Wicklow County Council, South Dublin County Council and Coillte. At the early stages a few other State bodies funded it but they have backed out of it now. It has collected 3,473 tonnes of waste in the uplands in our rural communities. It is waste of every description and every kind we can mention.

The sickening thing is the majority of this waste can be brought to a recycling centre and disposed of free of charge. There is no need to bring it to the uplands. There is no need to dump in forestry entrances or sensitive woodlands. Fridges, sofas, mattresses - I could go on and on. The Minister of State is aware of it. That project should be adopted in every county. I ask the Minister of State to have a closer look at it. I have spoken to the Minister, Deputy Eamon Ryan, about it. We are trying to get a ten-year funding stream in place for it. It is massively successful. Senator Pauline O'Reilly is aware of this. Another of the schemes is the adopt a

mile scheme where the community adopts a mile of their area and looks at the biodiversity, the natural heritage. On some roads in Wicklow people might see a sign in a field that just says “Biddy’s field”. That gives the history of that mile of road.

We need to help organisations like the PURE project by bringing those who are dumping rubbish in our uplands to task. That is the thrust of this legislation. We might have issues around surveillance and GDPR. The thrust of it is to attack this continued illegal dumping. Despite this project going on for 13 years we still have the dumping. It is not that this is a spur-of-the-moment thing; this is ongoing. This is 244 tonnes of rubbish collected every year in the uplands - there is no urban environment there - in Wicklow.

Given our proximity to Dublin, there are a lot of rural and scenic parks. I gave an example yesterday when we were speaking on the plinth about this. I come from Glendalough and I am lucky because there is a great deal of State influence in Glendalough. There is the national park. The Office of Public Works and Wicklow County Council ensure it is maintained and managed. There is surveillance there almost all the time through rangers and other people. However, there is a corresponding valley in Glenmalure. This weekend, the first weekend with good weather, it was thronged with campers. The level and type of waste that was left behind was disgusting and an absolute disgrace. Martina Byrne has fought a campaign, year in, year out, to try to prevent this happening. We need this legislation to support her campaign. Glenmalure welcomes the campers, but does not want them to leave their rubbish behind. When I refer to rubbish I am talking about the entire camp. The campers come down for the weekend, have a good time and walk away leaving everything else behind them. Another area, Lough Dan, was crucified during the pandemic. After one weekend, in just one collection, a trailer load of waste was collected.

This has to stop. We must do whatever we can to prevent this happening now and into the future. I accept that there are concerns about this legislation, but we cannot let what is happening in our rural environment continue. It must stop. I know this legislation will help. The PURE project has gone through hell and high water to try to bring prosecutions against illegal dumpers, but it failed. This is where this legislation can help. As other Members have said, we need to do this now. We have to get this legislation through the House now and have it enacted so we can protect our environment. At the end of the day, that is what we are doing - protecting our environment.

Senator John McGahon: Where will I begin? I was a member of Louth County Council for six years and every couple of months there were motions about this subject. Many other Members of this House were in local authorities for longer than me and they would say the same, that this is a very common issue. I commend Senator Malcolm Byrne and the rest of the Fianna Fáil group on bringing this Bill forward. Over the past year Senator Wall has been very forceful about this matter as well and has put forward some very good ideas. I will offer my own 2 cent on it.

To give the context, about a year ago I went picking up litter along the verges. I was amazed at the amount of rubbish that is in our hedgerows and verges. It is really sickening. What is even more amazing is how much of it is buried in the debris of a hedgerow, which means it has been there for 12 to 18 months or even longer. This is the result of two things. One is people wilfully throwing their rubbish out the car window and people taking household rubbish and dumping it in rural, isolated places. The other is that there are people who pay disposal people to takeaway waste, but these disposal people are cowboys of one form or another and they are

dumping that household rubbish in those areas and nobody is liable for it. This is an ongoing issue across the country, whether it is in the middle of Dublin city centre or in the middle of rural Ireland. It is a common issue wherever one goes.

Local authorities and people's hands are essentially tied as to what they can and cannot do. This legislation tries to offer some tools and powers to local authorities and others to do something about this. Litter wardens can only do so much. They have to physically search through bags of rubbish to try to find some type of incriminating evidence as to who the individual is. This legislation gives local and enforcement authorities more tools to combat any form of illegal dumping and littering.

One of the issues I have had over the years, and this is a personal view, is that GDPR can be an excuse to hide behind in many instances in respect of things that can be difficult to do. People say "Oh no, we cannot do that due to GDPR" without actually examining the matter. To go off on a slight tangent, I encountered that a year ago when I proposed, with regard to rubbish from takeaways, that a person's licence plate should be printed on the takeaway packaging or bags. People said that could not be done due to GDPR. I then had an online meeting with a GDPR specialist who said there are no GDPR rules here. At times, GDPR can be a red herring and a reason not to do things. I am glad we are taking a legislative approach to try to get around that.

To conclude on that point about takeaway rubbish, while I know that on the larger scale we are talking about van loads of stuff such as household waste, mattresses and the like, on a much smaller scale but equally prominent is the waste from fast food outlets. People eat the food in the car, drive away and throw the packaging out the window. There is no recourse and no way to follow up with those people. I wish to be clear about this. There will not be somebody walking around the countryside trying to pick out rubbish to catch somebody. Let us say a person gets a takeaway from McDonalds. Somebody is not going to go to the bin in which the person put the rubbish, take it out and then throw it in a hedgerow to try to catch the person out. None of that will happen. The only people who have anything to fear from car registrations going on takeaway bags or from legislation such as this are the people who are engaging in that type of illegal dumping. Nobody else has anything to fear.

I listened to Senator Casey talking about this. He comes from one of the most scenic parts of Ireland and it is horrific to hear about the dumping that takes place there by people who are coming to the county from all over the country. I see it in my area too. One of the biggest issues in County Louth, closer to the Border area, is massive dumping of tyres. Huge amounts of tyres are being dumped on Border roads and on Annaverna, one of the mountains beside the Border. It is a common occurrence and a number of councillors in Louth County Council are trying to do things about it. What they are trying to do is physically trying to block the roads off at evening times or at the times that type of dumping will take place. To go on a real tangent, there is a lot of illegal fuel laundering around the Border. Louth County Council spends hundreds of thousands of euro each year cleaning up illegal, toxic sludge and diesel. It is not as prominent now as it was when I was first elected to the council because of different things that were brought in over the last number of years to tackle it.

The point of this debate is that illegal dumping is widespread. It can range from the tyres and fuel laundering I mentioned to somebody throwing crisp bags out the window to the substantial household rubbish mentioned by Senator Malcolm Byrne and others. The important thing about this legislation is that we are trying to do something about it. We are trying to arm

the bodies of the State and give them the tools to enable them to tackle it and hold the people who engage in these practices accountable. People have talked about this for many years and I am glad we are trying to do something now. I commend Senators Malcolm Byrne and Wall on their strong advocacy on this issue over the last year and a half in this House. It is great to see that we are finally trying to do something about it.

Senator Mary Fitzpatrick: I commend my colleagues, Senators Malcolm Byrne and Wall, on the work they have done on this issue and all the Senators who I hope will support this Bill unanimously. I hope the Minister of State has come here with open ears and with a spirit of embracing this initiative from Senator Malcolm Byrne, which is supported by the Fianna Fáil group and, hopefully, by Members across the House.

I was first elected to Dublin City Council in 2004. It is the largest local authority in the city. I speak on this subject not just as a former city councillor but also as a resident in the city. I reside in Dublin Central and every year the north inner city appears as a litter black spot on the Irish Business Against Litter, IBAL, report. While my colleague, Senator Casey, lives in the beautifully scenic County Wicklow, I like to think that Dublin Central is quite scenic too. There are many beauty spots in the Dublin Central constituency. There is the Royal Canal, the Phoenix Park, Griffith Park and Drumcondra Park and even the inner-city parks like Mountjoy Square, and in around the courts at Green Street. We have a great deal of beauty in our city but it is destroyed, degraded and undermined by illegal dumping. We have fought this issue and to be fair to Dublin City Council, it is spending more than €1 million every year dealing with and trying to respond to illegal dumping. The illegal dumping can be anything from what was described by Senator McGahon as the takeaway food wrappers and foodstuffs, to mattresses, fridges, clothes, electrical items and recyclables. Some people seem to act as if the streets of Dublin are an actual dump. They travel into Dublin Central and treat it as if it is a municipal dump. They consider it as a destination. It is probably one of their favourites on Google maps.

To be fair to the city council, staff are out sweeping the streets and picking up rubbish but it is an endless task and futile activity because no sooner have they cleaned it up but there is more dumping. They are doing this in the context of a city that has enormous footfall. We have people coming to O'Connell Street, the GPO, Henry Street, Croke Park and all of our attractions such as the Hugh Lane Gallery and it is impossible for the city council to both do the job of ordinary street cleaning and deal with the illegal dumping. The council is supplemented and supported by city residents and businesses. To every business owner, it is a cost to have to clean up outside of their property on their street and they do it willingly. They get up early in the mornings, pay their staff extra and do this on a daily basis because they know that it detracts not only from their business but from the street. The thought of having to walk through dirt and wondering what is there actively discourages people from coming into the city. Residents living in the city are giving of their time, after a long week of work no more than the rest of us, on a Saturday where they go along the canals and into the parks and along our beautiful Tolka River and pick up bags of rubbish. They are picking up so much of this, and of illegal dumping, that the city council has to send trucks to pick it up. This is indisputable.

During the pandemic alone, the city council said that it believes there is at least a 30% increase in illegal dumping in the city. The problem is indisputable. It has proven intractable to resolve using all of the resources that are already available so this legislation is needed.

The legislation is very prudent and focused. I commend Senator Malcolm Byrne on taking the approach of this legislation being discreet, measured and very controlled. It clearly sets

out that the local authority will authorise use of technology. We use technology for speeding and to police our public spaces and we need to use the technology that is available for this purpose. The legislation sets out that the local authorities will have to have a prescribed code of practice and requires that that code of practice will be fit for purpose, legally compliant, GDPR-compliant and compliant with all of the human rights and equality legislation. It will provide for confidentiality, security, storage, access and the retention of data. This is comprehensive, fit-for-purpose, is completely proportionate and is completely necessary.

In the Minister of State's response, I very much hope that he will be able to advise the House, not only that he supports the legislation but on how he is going to bring this legislation forward in an accelerated manner because it is long overdue. Gabhaim buíochas.

Senator Jerry Buttimer: Gabhaim buíochas leis an Leas-Chathaoirleach and I thank him for allowing me to join this debate. I welcome the Minister of State and I commend Senator Malcolm Byrne for this legislation. I also welcome the opportunity to support the Bill and to speak on it. It is an important piece of legislation but it is also an important conversation that we need to have in a wider context. Anyone watching this debate in anticipation of the Minister of State's response should look at what we are trying to achieve through this legislation.

Senator Fitzpatrick spoke about Irish Business Against Litter, IBAL, and the Tidy Towns movement. If we look at the quantum journey we have come by, in the first instance, the work of the volunteers of the Tidy Towns committees and, second, the role in which IBAL has challenged all of us, whether it is local authorities, civic and community groups and business groups to make all of our areas better places and to enhance the public realm, then we are in a much better place.

There is a deficit and an issue around illegal dumping, littering and the damaging of the public realm. In my own city and county of Cork there was a great outcry at the damaging of a defibrillator, and rightly so. Similarly, as we become more aware of the environment and of the need to ensure that we act as stewards of it, then every assistance that we can bring to that must be looked at and investigated. That is why this Bill is an important move in a direction that will help to empower and assist our local authorities in the fight against litter but also against those who engage in this practice of littering our communities, towns, cities, laneway or byways. In this regard, local authorities are engaging and working in their different parks, recreation and environment staffing areas. There is an element of personal responsibility and we are bringing technology in this legislation to assist in the campaign. I use the word "campaign" deliberately because this is what it is. Our Green Schools programme has been very positive in our schools. Our Blue Flag projects, in a similar way in a European context, have also been fantastic. We are bringing here a new dimension to our campaign.

Senator Fitzpatrick in her contribution referred to the whole issue of GDPR and human rights. She has a very valid point and we must be careful with that but there is an element in which we need to ensure that we work with our local authorities to ensure that data protection is not abused. We also need to work with them to ensure we eliminate the scourge of littering and that we have a measured approach.

If we are all honest about this, the IBAL table is one we all look to, to see where we are scoring and where we rank. The Tidy Towns competition is one in which we all want to see our own area improve and, in a competitive process, perhaps emerge victorious. That is why it is important in this forum and House that we commend the volunteers and Tidy Towns committees.

This is a very important piece of legislation and is one that I hope the Government will support and that it is not just left to gather dust on a shelf. I say that with respect to all of us because this is about ensuring that we bring a new dimension to the campaign. I commend Senator Malcolm Byrne for his contribution to this debate and for this legislation. I also thank the Minister of State for being here and the work that he is doing. Gabhaim buíochas leis an Leas-Chathaoirleach.

An Leas-Chathaoirleach: I thank Senator Buttimer and I call now Senator Horkan to speak.

Senator Gerry Horkan: I thank the Leas-Chathaoirleach very much. The Minister of State is very welcome. This is a little bit like Dún Laoghaire-Rathdown on tour here with him, Senator Ward and myself. We all soldiered together on Dún Laoghaire-Rathdown County Council. It is not unique but at the moment every single Member in the House, including the Minister of State, has been a former local authority member. We have all had direct experience of working as councillors on the ground and seeing this issue play out. In 2009, I was lucky enough to be nominated as the chairperson of what at the time was called the water and waste strategic policy committee. That was a time when councils had responsibility in totality for both water and waste. We dealt with this matter a lot and we were much involved with the setting up of the Protecting Uplands and Rural Environments, PURE, project in the uplands. Dún Laoghaire-Rathdown County Council was involved with that. The amount of waste in the rural areas was huge.

People are speaking about their own areas. Senator Wall covers a large rural territory, as do other Senators, but as Senator Fitzpatrick and, I am sure, Senator Ward would agree, this is also an urban matter. It covers parks, hedgerows, at and behind bottle banks. It also covers industrial areas and it is not just about somebody who is not sure how to get rid of a bag of something. It can be done on an industrial scale and in a very respectable park, for example, one might pull back a piece of foliage and see 26 bags of something. One wonders at the effort to get them under that hedge. It might have been easier to go to a bring centre or leave them at a refuse centre. The effort to leave them in the park, probably in the dead of night, would have been significant.

Senator Cummins indicated this is not a silver bullet and we know that. It sends out a message, however, that people might get caught and it is a deterrent. The fact the process is both fixed and mobile means it can be anywhere. Drones are great because there are dumps out there and we do not even know about them. They are behind banks of clay, up mountains or in fairly secluded areas. There was industrial-scale dumping in the Dublin Mountains a number of years ago. For weeks on end, trucks full of stuff was being dumped up there. It cost a fortune to clear it out.

This is measured legislation and, to his credit, Senator Malcolm Byrne has checked with the Data Protection Commissioner. This is not a free for all and people will not be looked at going down the street on a sunny Sunday afternoon. Dumping is a scourge and there is not a local authority member in the country who has not been contacted about it, I am sure. There is not a local authority that has not had environment officers dealing with it. The €90 million or €100 million figure that is being talked about does not even take into account all the man hours of all the Tidy Towns groups and clean-up groups that go out on Saturdays and Sundays. I have done it with groups in places like Mount Merrion. These may be places we might not think of as being that dirty. The groups go out road by road, hedgerow by hedgerow and park by park,

coming back with 50, 60 or 80 bags of rubbish on a Saturday. They are not filled with vegetation but litter such as cans, bottles and, in some cases, road signs or supermarket trolleys. They see all kinds of things.

This is a very measured Bill. It is nice that there is almost no opposition to the legislation in the House. The latter does not happen that often, so I hope the Minister of State's response will be as positive as everybody else's. It is a good measure and as 99% of people are very good, it will not affect them at all. There may be 1% or 0.1% of people who do this kind of activity and maybe they will think twice and go to their bring centre. As Senator Casey mentioned, much of this stuff can be disposed of for free. Why do people go to the mountains with a washing machine that can be brought to a civic recycling facility at no cost? Why would people do the same with televisions? Perhaps people do not know the service is free. Equally, if people are getting waste taken away, they should ensure that the person disposing of it has a permit and is going to a place where they are getting rid of it in a measured and appropriate way.

My local authority has indicated there are people in the area who only operate there because they keep getting waste from people. If people stopped giving those people waste, they would move somewhere else. I urge people to ensure that if they are having some sort of clear-out, they should use a registered and approved contractor so we know the waste will go where it is supposed to. Otherwise, it will be a problem. This is not just people in the middle of the night dumping a small bag and this happens on an industrial level as well.

I welcome the legislation. I hope it will be passed unanimously in order that it might be speedily processed through both Houses for enactment. It will not solve the problem but it will certainly help alleviate it. I congratulate Senator Byrne on bringing it forward.

Senator Barry Ward: Gabhaim buíochas leis an Leas-Chathaoirleach. Ba mhaith liom i dtús báire fáilte a chur roimh an Aire Stáit, mo chomhghleacaí ó Dhún Laoghaire, mar a dúirt an Seanadóir Horkan. Bhíomar ar Chomhairle Contae Dhún Laoghaire-Ráth an Dúin le chéile agus cuirim fáilte roimhe.

I welcome this Bill and, in fairness, much work has gone into it and it is a very important matter. I say that as somebody generally opposed to the "Big Brother-isation" of our communities and I have a real difficulty with the way closed-circuit television, CCTV, is used in other jurisdictions. Travelling through the UK, one can see it is pervasive and intrusive. This is also true of places in the United States and Europe. I am opposed to the wholesale rolling out of CCTV everywhere, where nobody can move in public without being observed by an unseen observer, computer or whatever.

That said, we all know there are issues that must be addressed and there is an ongoing scourge of particular criminal activity. Dumping and littering has been mentioned but there are other aspects as well, and we are failing to address them in real terms. I see CCTV as part of the toolkit we can use to address those matters, starting to combat them and sending a message to people that this kind of behaviour will not be tolerated. We must show people that if they are going to engage in this kind of activity, they will be caught, prosecuted and suffer the consequences of disrespect and the absolute failure to have any regard to other members of the community.

Places in my area have been mentioned on a number of occasions, as well as Tidy Towns groups and community organisations that look after places from Blackrock to Shankill,

Monkstown to Dún Laoghaire and everywhere in between. These are good, community-minded people who set aside every Saturday morning to keep their area tidy, clean and presentable. At the other end of the spectrum, there are people who have no regard for others whatever. They are not all from the area and they come from outside, as has been mentioned. Many of them have good intentions and we might see somebody arriving to a bottle bank with a box of bottles for disposal. If the bottle bank is full, the person might simply leave the box there and the cardboard will disintegrate as soon as it gets wet. People might come with other recyclable material that for whatever reason they have not put into a recycling centre and leave them at the bottle bank, where they become litter. There are also much more nefarious people who set out with the aim of littering, dumping and not taking the civic responsibility we would expect and hope everyone would exercise.

The key words I apply to this legislation is “appropriate” and “proportionate”. It is appropriate and proportionate to what is involved to have a key opportunity for local authorities to get involved in a crime-solving measure that we know can work. The GDPR protects all our data. It is an important piece of European and Irish national legislation that is there to protect people’s personal data from abuse and being dispersed etc. It is often, however, seen as an obstacle to doing things. When I was on the council, I often said that sometimes officialdom can find certain things as a mechanism to stop doing things or not doing things in the first place. Very often we hear discussion of insurance or legal reasons as an impediment and data protection is another example. These are all measured and reasonable legal instruments put in place to protect us all, and the GDPR is one of them. Nevertheless, it has been used by many organisations and people as an instrument to stop us using such resources. The use of CCTV has suffered as a result.

I pay particular tribute to the work done on section 7 of the Bill, which provides for the admissibility of evidence in prosecutions for acts like littering. That is entirely appropriate and proportionate. We need the message to go out that where there is evidence of people committing a crime, there would be a local authority, as the prosecutor in the legislation, to prosecute the matter and bring such people before the courts for the purposes of making people accountable for that kind of behaviour.

I am against CCTV being used in a careless or scattergun approach but there is a good notion that our local authorities, particularly councillors at the local level, should be involved with deciding there are black spot sites for particular criminal activity. Equipping them to deal with that is entirely appropriate. For the past quarter of a century we have seen the gradual diminution of local authority powers and it is entirely appropriate and right that this type of legislation would put this responsibility back in the hands of local representatives. Ultimately, they are the people closest to our communities around the country and they speak to residents and business owners around the country. They should have a serious role in putting in place a mechanism to help address matters that affect us all. I praise Senator Malcolm Byrne for bringing forward this legislation for that reason alone. I also think it is important that this is a workable solution. This Bill can solve a problem that we know exists. Most local authorities have probably been mentioned at this stage but we know from speaking to our colleagues throughout the country that this is an ongoing issue. It is important that local authorities are equipped with the skills and legislative instruments they need to address this issue and stop this kind of behaviour. I hope the Minister of State will give a positive response to this Bill and help it on its way to becoming law and empowering local authorities again.

Senator Martin Conway: The Minister of State is welcome to the House. This is an

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excellent Bill. It equips councils to do their job more successfully. It will also equip our environmental patrol wardens who, by and large, do a great job. The problem they have is that the level of proof required to bring a conviction is significant and this Bill will help that.

I come from a nice part of the country, namely, County Clare. I live near the beach and, unfortunately, there are people in our society who believe it is appropriate to dump rubbish on the beach and in scenic areas. An asset we have as a country is phenomenal scenery. We do not have gold, too much silver or huge amounts of raw materials. The one raw material we have is our landscape and scenery. It is incumbent upon us to keep that in the precious state we find it. Unfortunately, significant numbers of people do not believe in doing that. Thousands of people think it is appropriate to throw rubbish on the street, on the beach or on our landscape. A small minority of those do it on an industrial scale. They make money from collecting and dumping rubbish. They are not registered and do not do their business right.

Sadly, the number of those people who are convicted for what they do is minuscule. We have seen the benefit of improved technology in dealing with crime. We have seen what DNA has done over the last 30 or 40 years. We have CCTV and we need to use it. There is no reason protections cannot be built into the legislation to ensure it is not abused. The vast majority of people want to see the members of our society who are acting the blackguard brought to justice.

There has to be a way to bring Senator Malcolm Byrne's Bill through Committee Stage to ensure whatever protections the Minister of State feels are necessary are built in and that our local authorities are given the necessary equipment and resources to do their job. I do not think a councillor in the country would oppose this Bill because every councillor has been contacted on many occasions about illegal dumping. Many councillors feel frustrated that the people who do it get away with it all the time. This will not be a panacea to solve all problems and eliminate illegal dumping but it will arm the toolkit in a significant way to ensure we eliminate the blight illegal dumping is causing in our landscape throughout the country.

I wish the Bill well, hope it is passed unanimously and congratulate Senator Malcolm Byrne for the great work he has done.

Senator Erin McGreehan: I thank the Leas-Chathaoirleach for giving me the opportunity to speak. I do not have a whole pile to say on this other than to congratulate my colleague, Senator Malcolm Byrne, on bringing forward this important legislation. As a councillor and active citizen in my community, I have wanted this type of legislation brought forward for a long time.

I live in probably the most beautiful part of Ireland, namely, north County Louth and the Cooley Mountains. We are scourged with fly-tipping and illegal dumping. Every weekend I go towards the Long Woman's Grave, which is a beautiful scenic spot. There are mattresses and an endless amount of people passing and thinking they can casually dump things there. Louth County Council has to clean it up. If we added up all that money and cost upon our already struggling councils working within tight budgets, it must be astronomical. It is disgraceful that, on one hand, people talk about protecting our beautiful countryside, biodiversity and what we have in this country for free, namely, the beauty thereof, while on the other hand we have scumbags coming along and leaving their scum behind. It is uncalled for and I am sick of seeing my beautiful countryside, towns and villages ruined by the scourge of fly-tipping and illegal dumping.

As a Border representative, I highlight the scourge of diesel sludge. I hope it will be pre-

vented by this legislation. There are hotspots around the Border where diesel sludge is dumped continuously and it needs to be tackled.

I urge the Minister of State, when he meets with his northern colleagues, to focus on cross-Border co-operation, particularly along the Border. We have serious issues making sure northern-registered cars can be prosecuted and that people who have addresses in the North can be prosecuted for dumping their rubbish.

I congratulate my colleague for bringing forward this legislation. It is important that we tackle illegal dumping and fly-tipping because it is a cost and that money should be spent on far better things, such as building up our communities, looking after our streetscapes, putting in better resources and housing maintenance. There are so many better things our councils could spend their money on instead on cleaning up other people's rubbish.

An Leas-Chathaoirleach: It is my pleasure to welcome the Minister of State at the Department of the Environment, Climate and Communications, Deputy Ossian Smyth, to the House and invite him to respond to the debate so far.

Minister of State at the Department of the Environment, Climate and Communications (Deputy Ossian Smyth): I thank the Chair and Senators. I am back again. I thank Senator Malcolm Byrne for bringing this legislation to the House. It is clearly well received by everybody. The Government will not oppose it. My staff tell me it is very well drafted and that it is fiendishly complex to do so because they have been working on the same problem.

We have had advertising and awareness-raising campaigns about littering and they have been successful. It is now socially unacceptable and shameful to throw litter on the ground. Every week, as many Senators have referenced, people get up early in the morning and clean up their town or village voluntarily in their Tidy Towns groups. In the privacy of their homes, people conscientiously segregate their waste into the correct colour bin and think about the environment. At the same time, there are people going up to beautiful scenic areas with kitchen appliances they plan to throw into a field, a mattress they will dump somewhere or, even worse, a trailer full of waste which they have been paid to dispose of and which they are furtively in the middle of the night throwing onto some farmer's land to make money.

Those people cannot be reached by an advertising or awareness campaign. They know what they are doing is wrong and the only thing that will make them change is a criminal sanction. For that, one needs evidence. Local authorities, of which we have all been members, have tried to gather that evidence and often failed because they have breached the laws on what is admissible and what they can do within the law. Even though the GDPR is often offered as an excuse, it is a real thing and sometimes prevents people from lawfully proceeding with a course of action and gathering evidence. Therefore, underpinning primary legislation is needed to provide a legal framework under which evidence can be gathered about littering. A statutory framework is needed and is the right approach.

The Senator has asked me not to come in here and say that I have my own legislation that I will do one day and not to worry about it. Many Senators asked when the circular economy Bill will be forthcoming. The general scheme of the Bill has undergone pre-legislative scrutiny and the report in that regard has been published. Drafting will start in the coming days. It is key priority legislation for this session. It is my intention that it will be completed as soon as possible.

Senators Boyhan, Ruane and others raised the issue of the infringement of civil liberties,

which is a real concern. We are talking about surveillance here, but mass surveillance is incompatible with democracy. Nobody is suggesting that we should have cameras on every lamp post, gathering evidence all day that could be used retrospectively in respect of any crime. The circular economy Bill I will introduce does not allow for local authorities to piggyback on other people's CCTV footage and use it as a third party.

Limits and constraints are needed. Senator Malcolm Byrne's Bill proposes a code of practice for local authorities, as does my circular economy Bill. As Senator Boyhan stated, there is a difference between somebody watching a monitor in real time and seeing somebody committing a crime of dumping, for example, at a local authority recycling depot, and going through hours and hours of footage to find evidence retrospectively.

There was also mention of social media. People are advertising on social media to have rubbish taken away which is then being fly-tipped into somebody's property. That definitely needs to be looked at.

Senator Ruane, in expressing her fears on the overreach of CCTV use, referred to facial recognition and ANPR, which are also important. Will we allow for ANPR? Will we allow for facial recognition? How far would we go? How intrusive can we be? Senator Keogan asked about calibration. There is no point in having devices set up that are not functioning properly. These are all practical matters we need to consider.

The deposit-refund scheme, which I will introduce later this year, will make a big difference. Local Tidy Towns groups that gather up cans and bottles by the sackful will be aware that by September, I will introduce a scheme whereby those cans and bottles can be exchanged for roughly 20 cent at any shop that sells bottles or cans. A large portion of litter consists of those things. During the pandemic, many people were having picnics and so on, and leaving fields full of bottles and cans. People will not leave money on the ground in that way and certainly not to the same extent. What I propose in this regard will have a dramatic effect and will be very welcome.

The Government has a multifaceted approach for tackling littering and illegal dumping, incorporating enforcement, public awareness and education. We continue to invest significantly in the local authority network to ensure there is a robust, sustainable, waste-enforcement system in place to combat all illegal waste activity.

Ireland's Waste Action Plan for a Circular Economy, published in September 2020, commits the Government to implementing a range of measures, including measures to tackle the problem of litter and illegal dumping. In a direct response to the findings of the Data Protection Commissioner on the use of CCTV and other recording devices, the action plan commits to ensuring that all waste enforcement legislation will be data-proofed to ensure that all available and emerging technologies can be fully utilised in a manner that is GDPR compliant. This brings me to the circular economy Bill, which will be introduced shortly. I intend that these commitments in the waste action plan will be given effect in the circular economy Bill. This will advance a number of priority provisions identified in the waste action plan. This will include provision for the GDPR-compliant use of a range of technologies such as CCTV, drones and other recording devices for waste-enforcement purposes. This will support ongoing work by local authorities to tackle illegal dumping and littering.

A combination of legislation, guidance, and the use of mandatory codes of practice will

ensure that the processing of personal data may be carried out by local authorities tasked with enforcing litter and waste law. This will provide an important deterrent to protect our environment from the scourge of littering and illegal dumping, while at the same time respecting the privacy rights of citizens. My Department has welcomed the involvement of the Data Protection Commission in the development of these provisions. I fully expect that this co-operation will continue in the context of the development of codes of practice.

Other amendments to the Waste Management Acts in the Bill will further support local authorities in their work in this area. Provision will be made in the Bill for the use of fixed-penalty notices for additional waste streams, including under the extended producer responsibility model for dealing with waste tyres. Further provisions will help drive better segregation of waste in the commercial sector, where EPA statistics indicate that 70% of the material placed in the general waste bin should be in recycling or organic bins. This in turn will help us to attain our EU targets for recycling and landfill. The Bill will also help streamline and improve the end-of-waste and by-product application processes.

The Bill will also provide the necessary legislative basis for several key circular economy measures including the circular economy strategy and the circular economy programme. The adoption of a high-level, whole-of-government circular economy strategy will play a fundamental role and provide an overarching policy framework that works for the public, private and voluntary sectors. The first version of that strategy, which was published just before Christmas, sets out the first high-level steps we need to take to make the transition possible.

The circular economy programme, which will be implemented by the EPA, will provide critical evidence-led support to achieving the objectives of the strategy. Food waste is a global problem that has environmental, social and economic consequences. The circular economy Bill will place the national food waste prevention roadmap on a statutory footing and provide a pathway to achieving the goal of reducing food waste by 50% by 2030. Placing the strategy, programme and roadmap on a statutory footing will ensure that the circular economy transition remains a national policy priority.

The Bill will give the Minister for Environment, Climate and Communications the power to introduce new environmental levies on single-use items, including coffee cups, and, in due course, to prohibit the placing on the market of other environmentally harmful products, replacing and building on existing powers currently set out in waste legislation.

The general scheme of the circular economy Bill was published in June of last year and was the subject of pre-legislative scrutiny by the Joint Committee on Environment and Climate Change. In October, the committee held three meetings, engaging with stakeholders and it also invited submissions. The detailed and comprehensive report of the committee was published on 16 December last and made 62 recommendations. I take this opportunity to thank the committee for its constructive and detailed engagement on the substance of the Bill. I intend to respond formally to the contents of the report when the Bill is published. Drafting of the Bill is now well advanced and, following consideration of the report of the committee, it is intended to finalise drafting and publish the Bill as soon as possible.

Senator Malcolm Byrne's Bill is well drafted. However, I am told it is fiendishly complex to come up with workable legislation and difficult to get right on the first draft. I have some minor constructive criticisms which I hope he will accept in the spirit in which they are given. The Bill intends to address the issues raised by the Data Protection Commissioner on GDPR-

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compliant use of CCTV by local authorities. As this seems to be its main intention, the Government has agreed in principle not to oppose the Bill. However, the Government is already well positioned to address the complex issues raised by the Data Protection Commission in the circular economy Bill.

As I outlined earlier, drafting of this Bill is well advanced. It has been the subject of pre-legislative scrutiny by the Joint Committee on the Environment and Climate Change, and detailed consultation with the Data Protection Commission.

The circular economy Bill will ensure that the processing of personal data may be carried out by local authorities tasked with enforcing litter and waste law, thus protecting our environment from the blight of illegal dumping, while at the same time respecting the privacy rights of citizens.

I wish to flag some concerns with Senator Malcolm Byrne's Bill, which will require careful and detailed analysis if it is to proceed through the legislative process. The Bill tabled identifies the Minister for Housing, Local Government and Heritage as the responsible Minister.

7 o'clock

Senator Boyhan raised this issue. The Minister for Housing, Local Government and Heritage has general responsibility for the local government system but, in this instance, policy responsibility for waste and litter pollution related offences under the Waste Management Act 1996 and the Litter Pollution Act 1997 rests with the Minister for the Environment, Climate and Communications. That is why I am here as a junior Minister at that Department with responsibility for the circular economy. It does make sense. I know it has to do with local authorities, but it also has to do with waste and waste prevention, which is my major preoccupation.

Overall, I thank all the Senators who have contributed on the Bill. The Government is not opposing it. The measures proposed in the Bill are something that would be generally welcomed and supported by the public. People want to find a way of enabling evidence to be gathered of people committing these crimes. I am advancing my legislation; the Senator has this Bill. One of them will be enacted first.

An Leas-Chathaoirleach: I thank the Minister of State for his comprehensive and very positive response. As I call my colleague, Senator Malcolm Byrne, to speak, I warmly congratulate him on the legislation and piloting it through the House with such a level of unanimity. It is a great personal achievement by him and I offer him my congratulations on that.

Senator Malcolm Byrne: I thank the Leas-Chathaoirleach. It was always intended to be collaborative legislation. In fact, there was almost a race between me and Senator Wall to see which of us could get legislation in first. I did not begrudge the fact that he was able to bring his legislation before this Chamber last March because the view we all expressed was that we did not care whose Bill it was; we just want to see the issue addressed. We do not care whether it is the Minister for Housing, Local Government and Heritage or the Minister for the Environment, Climate and Communications. It can be the Minister for Foreign Affairs as far as we are concerned. We just want this issue to be addressed quickly.

Although I appreciate the response of the Minister of State, I took the opportunity during the debate to compare his response to that of Deputy Peter Burke, the Minister of State who responded to the debate on 5 March 2021. It is interesting to compare the two response. In

both instances, the Minister of State before the House stated that the circular economy Bill was coming and that there were several issues that were addressed. The Minister of State, Deputy Burke, actually stated there were several flaws in the Bill brought forward by Senator Wall. What we purposely sought to do in the past year in the context of this Bill was to consider that and address some of the concerns. I engaged with the Data Protection Commission and the Office of Parliamentary Legal Advisers to ensure the problems that were there could be addressed. If the circular economy Bill had arrived very soon, as was promised, I would not have had to introduce this legislation and we would not be outlining the problems we had before. I am going to progress and continue to push with this Bill because I am not as optimistic in respect of the circular economy Bill. I appreciate the kind comments of the Minister of State in respect of the Bill, but why not just adopt it? He should go with this. The circular economy Bill deals with a range of other issues. I am very supportive of the deposit scheme for bottles, for example, and he will find strong support in this House. The Bill before the House, however, aims to deal with a specific issue.

I am glad Senator Ward used the word “proportionate” because I was very careful in that regard. I probably speak about data and data privacy and protection more than any other Senator in the House. I have those big concerns in respect of surveillance issues. I certainly share the concerns in respect of mission creep. I do not want what is happening in the US or the UK to happen here. Certainly, I do not want what is happening in China to happen here. That is why this legislation is very specific in terms of the matters with which it deals. It is why the controls and necessary measures for protection are put in place.

Everyone is saying this is not a magic bullet. I entirely get that. No one thinks it is a magic bullet, but it is a tool that is really necessary. I am surprised with Senator Boyhan, who would not normally stand up here without getting the flavour of councillors, particularly Independent councillors. I know, however, that Independent councillors - in fact, councillors of every party - want this issue to be addressed. I get his concerns regarding what happened in Limerick. It should not have happened. However, this legislation would ensure it would not happen. The Bill addresses a specific concern and the safeguards are put in place. I have no problem in respect of some of the suggestions made by Senator Keogan. We can deal with many of those details on Committee Stage.

Many Senators rightly spoke about civil liberties and the right to privacy. That is something about which I feel very strongly. However, all of our rights are balanced and when we talk about civil liberties, I believe we also need to start to talk about our right to a clean environment, the right of animals not to be poisoned by people who throw rubbish onto land and the right of community land or individual property not to be destroyed by people who have no care for communities or the environment.

I will be pushing the Bill, as will Senators Wall, Cassells and Horkan and other colleagues across the House. I will be looking to move it to Committee Stage. I know the Minister of State said the circular economy Bill will be introduced shortly. The one thing we need to ensure is that, irrespective of whose legislation is progressed, by this summer, local authorities will finally have the underpinning legislation that will allow them to deploy CCTV and other technologies in a controlled and safe environment to finally tackle the scourge of illegal dumping.

An Leas-Chathaoirleach: I thank the Senator. I congratulate Senator Wall on his pioneering work in this area.

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Question put and agreed to.

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

Senator Malcolm Byrne: Although I am tempted to say we should take it now, I propose that it be taken next Tuesday.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Committee Stage ordered for Tuesday, 1 February 2022.

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

Senator Malcolm Byrne: Tomorrow morning at 10.30 a.m.

Cuireadh an Seanad ar athló ag 7.07 p.m. go dtí 10.30 a.m., Dé Déardaoin, an 27 Eanáir 2022.

The Seanad adjourned at 7.07 p.m. until 10.30 a.m. on Thursday, 27 January 2022.