



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

Teachtaireacht ó Chomhchoiste - Message from Joint Committee	528
Teachtaireacht ón Dáil - Message from Dáil	528
Gnó an tSeanaid - Business of Seanad	528
Nithe i dtosach suíonna - Commencement Matters.	529
Hospital Services	530
Tourism Industry.	532
Social Welfare Benefits	535
School Accommodation.	537
Fisheries (Commercial Fishing Licences) (Alteration of Duties and Fees) Order 2022: Motion.	554
Planning and Development Act (Exempted Development) Regulations 2022: Motion	554
Animal Health and Welfare and Forestry (Miscellaneous Provisions) Bill 2021: Second Stage	555

SEANAD ÉIREANN

Dé Máirt, 8 Feabhra 2022

Tuesday, 8 February 2022

Chuaigh an Cathaoirleach i gceannas ar 2.30 p.m.

*Machnamh agus Paidir.
Reflection and Prayer.*

Teachtaireacht ó Chomhchoiste - Message from Joint Committee

An Cathaoirleach: The Joint Committee on Environment and Climate Action has completed its consideration of the carbon budget referred to it by the Dáil under the Climate Action and Low Carbon Development Act 2015 to 2021 and has reported back in writing with recommendations, copies of which have been laid before both Houses on 7 February 2022.

Teachtaireacht ón Dáil - Message from Dáil

An Cathaoirleach: Dáil Éireann has passed the Sea-Fisheries (Miscellaneous Provisions) Bill 2021 on 2 February 2022, to which the agreement of Seanad Éireann is desired.

Gnó an tSeanaid - Business of Seanad

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

The need for the Minister for Health to provide an update on the provision of additional bed units at St. Vincent's Hospital, Athy, County Kildare.

I have also received notice from Senator Timmy Dooley of the following matter:

The need for the Minister for Transport to make a statement on plans for the future operation and development of Shannon Heritage.

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

The need for the Minister for Social Protection to make a statement on the inclusion of a broadband allowance as part of the household benefits package.

8 February 2022

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

The need for the Minister for Education to make a statement on the capital development plans for St. Paul's Community College, Waterford city.

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

The need for the Minister for Housing, Local Government and Heritage to outline his vision for HR shared services in local government.

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

The need for the Minister for Agriculture, Food and the Marine to make a statement on the 2021 animal welfare grant programme and the funding allocated for the 2022 programme.

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

The need for the Minister for Health to make a statement on delays in pension entitlement notifications to staff within the Saolta Hospital Group.

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

The need for the Minister for the Environment, Climate and Communications to make a statement on the development of a new strategy to tackle energy poverty.

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

The need for the Minister of State with responsibility for disability to provide an update on the work of the transport working group established under the national disability inclusion strategy.

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

The need for the Minister for Housing, Local Government and Heritage to make a statement on the regeneration of St. Patrick's Park, Rathangan, County Kildare.

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

The need for the Minister for Health to provide an update on resourcing at the adult metabolic service in the Mater Hospital and resourcing for response testing to new innovative therapies for phenylketonuria, PKU, treatment.

The matters raised by the Senators are suitable for discussion and I have selected Senators Wall, Dooley, Keogan and Cummins and they will be taken now. The other Senators may give notice on another day of the matters they wish to raise.

Nithe i dtosach suíonna - Commencement Matters

Seanad Éireann
Hospital Services

Senator Mark Wall: I welcome the Minister of State to the House and I thank the Cathaoirleach for selecting this important matter for discussion. St. Vincent's Hospital in Athy can trace its history back to the opening of the Athy workhouse on 9 January 1844, an event that came just in time to relieve some of the harshest effects of the Famine in and around that area of south Kildare. The Sisters of Mercy arrived there as nursing sisters in 1873. In 1898, it became a county home.

St. Vincent's Hospital has a proud history in the care of older persons that is unrivalled among hospitals. The reputation of the staff of the hospital for the level of care offered is such that there is always a waiting list of families hoping to obtain a bed for their loved ones. One hears again and again from families about the level of care and attention their loved ones receive, or have received, in St. Vincent's Hospital, Athy. Indeed, families come from all over Kildare to avail of the services of the hospital. It is still one of the biggest employers in Athy and continues to be held in the highest regard by all of the town's population and those throughout the county who have had family members as patients there.

It was early in 2019 when we all received confirmation from the HSE that a design team had been appointed for the new hospital and that the HSE was working towards a stage 2 scheme design. The reply confirmed that planning permission would be sought in 2019. It was said at that time the new addition would provide St. Vincent's Hospital with the modern facilities of a new 50-bed unit to mark a 21st century healthcare system at a cost of approximately €9.3 million. Importantly, we were informed that the new hospital would result in a 50-bed unit built alongside the existing hospital where it was expected that 66 beds would be maintained, thus ensuring that all 116 beds in St. Vincent's would remain open and available to those who need them most. Subsequent inquiries with the HSE determined that some of these plans would be modified but that the new hospital was to proceed. Unfortunately, we are still awaiting its delivery.

St. Vincent's Hospital in Athy has stood on the site since 1844. Today it is a model of care with the best staff and management that any family could hope to have to look after their loved ones. I hope the Minister of State will confirm that the new facility will proceed and that despite the delays, this much-needed hospital for the older population of our county will be put back on track and delivered in the quickest possible timeframe. We all know our population is getting older. The outstanding services in St. Vincent's are needed. I sincerely hope the HSE and the Government recognise that and invest in this great facility which will hopefully be providing care for those who need it most for the next 175 years.

Minister of State at the Department of Health (Deputy Frankie Feighan): I thank the Senator for raising this issue and giving me the opportunity to provide to the House an update on this project. This is part of an overall project for the replacement of a 95-bed community nursing unit, CNU, at St. Vincent's Hospital in Athy, County Kildare. The project will be completed in two phases, with the 50-bed unit to be delivered as part of the first construction phase. I thank Senator Wall for the historical analysis he gave. It is quite obvious that the Sisters of Mercy have been very fruitful and active in Athy for many generations and it is nice to see him acknowledge that. I also want to thank the Sisters of Mercy. As the Senator knows, I was in Cuan Mhuire in Athy in my capacity as Minister of State for the national drugs strategy. I thank

the Sisters of Mercy for the great work they are doing.

The standard of care delivered to residents in public units is generally very high, but we recognise that many of our community hospitals are housed in buildings that are less than ideal in the modern context, although without them many older people would not have access to the care they need. It is important, therefore, that we upgrade our public bed stock. This is the aim of the capital investment programme for community nursing units. This provides a framework to allow for a programme to replace, upgrade and refurbish these care facilities as appropriate. The project is part of this programme.

Significant work was undertaken to determine the optimum schedule of projects, within the phased provision of funding, to achieve compliance and registration with the Health Information and Quality Authority, HIQA. A design team has been appointed to progress a project that will deliver a 95-bed replacement community nursing unit on this site. The design for the overall scheme of this development has been adjusted to account for learnings from Covid-19. The revised plan developed includes delivery of the project in two phases. This plan comprises initially delivering the 50-bed unit during the first stage and a 45-bed unit, including two ten-bed dementia units, during phase 2. This project is included in the capital programme for 2022. An application for planning permission is expected to be submitted in quarter 1 of 2022.

The scope of these two projects will enable older person services to decant from and vacate the protected structure building. In order to accommodate the new CNU, a number of wards will need to be demolished as part of a planned or phased decant from the old to the new unit. All capital development proposals must progress through a number of approval stages in line with the public spending code, including detailed appraisal, planning, design and procurement, before a firm timeline or funding requirement can be established.

The delivery of capital projects is a dynamic process and is subject to the successful completion of the various approval stages. The final decision to proceed with the construction of a project cannot be made until the tender process has been completed and the costings reviewed to ensure that the proposal delivers value for money and remains affordable, and that sufficient funding is available to fund the project to completion, including equipping and commissioning costs.

Senator Mark Wall: I thank the Minister of State very much for his reply. It is heart-warming to hear his words of support for the hospital in St. Vincent's, Athy. Since his recent visit, I am sure his words are most heartfelt.

I was very happy with the start of his reply, which stated that the HSE would apply for planning permission in quarter 1 of 2022. It then deteriorated a little when he said that the Department would look at this project as it proceeded through the various planning and construction phases. What the people of Athy and the surrounding areas want to know today, especially the staff who, I can assure the Minister of State, are incredible, is that this hospital will proceed, they will have jobs and those who need this facility most will have one that has lasted 175 years in the town and will, hopefully, last into the future. If the Minister of State could confirm today that we will see a new hospital of St. Vincent's, Athy, it will be most welcome to everybody in County Kildare.

Deputy Frankie Feighan: As the Senator rightly said, the project involves planning permission, for which an application is expected to be submitted very soon. In establishing the

community nursing unit programme, the Government's intention is to secure the future of public provision of residential care through investment in up to 90 centres throughout the country. The overall development at St. Vincent's Hospital, Athy, will deliver 95 replacement community nursing unit beds with the accommodation in line with current standards.

The impact of the Covid-19 pandemic has brought into sharp focus the vulnerabilities of older people living in long-term residential care. It is critical that public investment in this infrastructure is maintained and that the appropriate standards are met for those who avail of this type of care. The ongoing successful implementation of the community nursing unit programme, including the ongoing development at St. Vincent's Hospital, will contribute to achieving this goal.

The project for a replacement of the 95-bed unit at St. Vincent's Hospital will be completed in two phases with a 50-bed unit to be delivered as part of the first construction phase. The development of this project has been included in the capital programme 2022. The good news, as the Senator will note, is that an application for planning permission is expected to be submitted in quarter 1 of this year.

Senator Mark Wall: I thank the Minister of State.

Tourism Industry

Senator Timmy Dooley: I thank the Minister of State for coming to the House to address this matter. As she will know, Shannon Heritage is the tourism attraction division of the Shannon Group. It comprises Bunratty Castle, King John's Castle, Craggaunowen Castle and Knappogue Castle. It has the management contracts for a number of other facilities around the country. As the Minister of State will know, this business was transferred from the old Shannon Development into the Shannon Group when Shannon Airport was established as an independent entity and it was also added to with the assets of Shannon Development.

The true potential or past glory of Shannon Heritage has not been seen in the region for some time. The flagship attractions of Bunratty Castle and Folk Park, as it is known all over the world, has been responsible for driving enormous tourism not only through County Clare but through the wider west and mid-west region. It has been of major benefit over the years to activity at Shannon Airport and I have long campaigned for its survival and protection. It has true potential. Those facilities need to be modernised and upgraded and, effectively, made relevant to what the current tourism industry wants. It is a unique attraction that together with the other facilities I mentioned has provided such good employment and helped create jobs in the wider region, particularly in hospitality businesses and other support services.

Plans are at an advanced stage to transfer the business to Clare County Council, which is a good fit. The council has shown a capacity to operate tourism attractions at the Cliffs of Moher, which was operating very successfully prior to the lockdown associated with the pandemic. The council also has developed a very nice facility at the lighthouse at Loop Head. It is part of a slow tourism offering in the west Clare area. My colleague, Councillor Cillian Murphy, had been to the fore in developing the attractiveness of the west Clare area and the Loop Head Peninsula, in particular. The council purchased an island on Lough Derg in recent years and is currently working on proposals to develop a tourism attraction centre for that ancient monastic settlement in the village of Mountshannon.

8 February 2022

Clare County Council has demonstrated a capacity to be a good operator of tourism attractions. It is clear it is better for Shannon Airport to concentrate on developing and driving passengers and freight through the airport and I know it wants to do that. That will be a big enough challenge for it in light of what has happened during the Covid-19 pandemic. They are making good efforts there. We will see transatlantic business begin again in March and increased activity into the UK and other tourism destinations. What we now need is a definite timeline to bring this process to a conclusion. The tourism season in the Clare area usually kicks off in early March. It is certainly well under way by St. Patrick's Day.

Staff need certainty about their future and tour operators need certainty that the facilities are operational and up to a high standard. We need to see investment, particularly in Bunratty Castle and Folk Park, and money is needed to upgrade those facilities. Craggaunowen and Knappogue also need money to make them fit for purpose and operational to attract tourists to the Clare area, and the wider mid-west and west will benefit from that too. Government funding to keep the lights on and to pay staff will be needed, in particular to support the transfer from one entity to the other. Operational funding will also be needed. It is clear these facilities are not going to be able to wash their face in the short term, frankly, because while the tourism potential is there, it is going to take time to build and grow, and funding will have to be put in place to ensure that happens. There will also be a necessity to invest significant capital funding in upgrading these facilities.

I know there are different initiatives with Fáilte Ireland to support that but we need to bring them together. We need a timeline for action to deliver these tourism attraction facilities, which employ so many people - upwards of 140 at peak season - but also benefit the wider attractiveness of the west of Ireland from a tourism perspective.

Minister of State at the Department of Transport (Deputy Hildegard Naughton): I thank Senator Dooley for giving me the opportunity to discuss this issue. I assure the Senator that the Government appreciates and acknowledges the strategic importance of Shannon Heritage and of the heritage sites in the mid-west region, which is a significant tourism offering, not only for the region but for the country. I am keenly aware of the devastating impact that Covid-19 has had on Shannon Heritage, given its heavy dependence on international tourists visiting the heritage sites. Early in the Covid-19 crisis, the Government implemented a range of horizontal economy-wide supports, and Shannon Heritage has rightly and appropriately benefited from these supports, including the employment wage subsidy scheme, EWSS. Shannon Heritage also availed of the Covid restrictions support scheme, CRSS, and the Covid adaptation grant.

The Senator will be aware that in response to the impacts of Covid-19 and also the imperative to maintain the intrinsic heritage value of the sites in the mid-west region for current and future generations, Shannon Group is continuing to engage with the relevant local authorities in regard to the transfer of the Shannon Heritage business and key sites. Shannon Group considers that this is the best way to secure the longer-term viability of the business and the interests of Shannon Heritage employees. Due to the complexities involved in the transfer, due diligence exercises must be concluded by the local authorities involved. Once the due diligence work is complete and the final business transfer agreements signed, Shannon Group will be in a position to seek the formal consent of the Minister for Transport and the Minister for Public Expenditure and Reform to execute the transfer of the business and the relevant heritage sites, and this will be done with the agreement of the Minister for Housing, Local Government and Heritage.

I can also advise the Senator that OPW has agreed to re-engage on its maintenance responsibilities in regard to the conservation and maintenance role at Bunratty Castle and King John's Castle. In preparation for undertaking this role, the OPW has been carrying out the necessary assessments of both buildings to inform the programme of works needed and the associated costs. I am continuing to engage with the OPW in this regard.

Before any possible transfer is executed, it remains the responsibility of Shannon Group to operate and manage the Shannon Heritage business in line with its commercial mandate and fiduciary best practice, and with awareness of the group's accountability for the proper management of the company. While Shannon Group was due to close Bunratty and King John's Castle in September 2021 for the winter season, the continuation of Government supports through the extension of the EWSS has meant that Shannon Group was able to revise its decision and keep the sites open for the remainder of 2021 and into this spring, although with reduced opening hours. I understand that Bunratty and King John's Castle are currently open on a four-day week basis until March 2022, and I am pleased to advise the Senator that it is envisaged that the sites will reopen fully in April.

Despite the ongoing impact of Covid-19, I am happy to inform the Senator there were some positive developments in regard to Shannon Heritage last year. Almost 500,000 visitors visited the Shannon Heritage sites in 2021, which represented a 64.2% increase on 2020 visitor numbers and was 17.5% higher than the visitor numbers forecast by Shannon Group for last year. This reflects a strong performance in the second half of the year following the site closures due to the nationwide restrictions in the earlier part of 2021. I am confident that we are at a turning point and that we will see a further increase in visitors to our tourism sites this year, which is to be welcomed as a positive development.

I want to reassure the Senator that our heritage sites are of huge importance to this Government. We need to do everything we can to ensure they and their employees have a viable future.

Senator Timmy Dooley: I thank the Minister of State. I really appreciate her commitment and that of the Government to the recognition of the strategic importance of Shannon Heritage to the tourism offering of the island of Ireland. People in the mid-west are more than well aware of its importance and it is particularly pleasing to know that the same is true at the heart of Government. The Minister of State's goodwill and her positive sentiment is accepted wholeheartedly but we need her to use her good offices to support the project, which I know she will do because she is committed to it. I ask her to ensure that it gets a speedy transfer from one location to another. It is still remaining, effectively, within State control so while the due diligence issues are important, they should not be insurmountable.

What is critically important is a commitment from central government to provide appropriate funding, in the first instance to assist with the day-to-day activities of the company because Clare County Council is not necessarily a revenue-generating operation in the way that the airport company would be. I am very pleased that the OPW is on board again. Its financial strength as well as its expertise and skills are really important in the protection, preservation and future development of these historic facilities.

Deputy Hildegard Naughton: I thank Senator Dooley and reiterate that the Government recognises the importance of these heritage sites. I acknowledge that this is a time of great uncertainty for many of the employees of Shannon Heritage but I understand that Shannon Group is continuing to engage with the staff on this matter and that in the context of any future change

8 February 2022

to the ownership and operation of the businesses, it will be mindful of the need to secure the long-term viability of the business and the interests of Shannon Heritage employees.

I assure Senator Dooley that my Department will continue to support the Shannon Group in its engagement with the relevant authorities to secure the future of Shannon Heritage. There are clear synergies between the Shannon Heritage business and the tourism strategies being developed within the county and region. Clare County Council is seeking to develop a whole-of-county tourism experience in which Shannon Heritage sites like Bunratty Castle and Folk Park can play an integral part. Shannon Airport is also relevant here. Its services to 25 destinations, with 107 weekly flights planned for this summer will really help the tourism drive, and the resumption of transatlantic flights will not just benefit the region but also these particular tourism sites. I look forward to continuing engagement with Shannon Group to secure the future of the Shannon Heritage business and the staff employed there.

Social Welfare Benefits

Senator Sharon Keogan: The Minister of State is very welcome to the Chamber. I thank him for giving of his time to deal with this matter.

The household benefits package helps with the cost of electricity or gas and waives the television licence fee for persons aged 70 or over and has been of immense help to thousands of people across the country. It is a scheme which should be lauded and built upon.

In recognition of the role played by the Internet in our daily lives, the inclusion of a broadband allowance as part of the household benefits package is merited. In 2022, the Internet is essential. It is as essential as our road and water infrastructure. People need to be connected and the problems with social isolation during Covid shows that very clearly.

3 o'clock

People need to be connected. All the attention that has been paid during Covid shows that very clearly. Social isolation has been shown to significantly increase a person's risk of premature death and reduce quality of life.

The Internet connects people and the older people in our communities need that connection, perhaps more than anyone. I know of an older woman whose consistent social occasion was weekly bridge played at the local parish centre, which went online during Covid. Her family bought her an iPad to take part and she had to learn how to use that. She only had WiFi installed recently and that was another monthly cost, but it was worth it 1,000 times over to still be able to see her friends, play together and maintain that social identity and connection and to video call family members many countries away and across the seas, to remain even closer while apart.

That is what the Internet offers to older people and if we value mental health and equality in this country, we will help those people who may otherwise struggle or be unable, to stay connected. However, it is not just anecdotal evidence that shows this. A 2020 study, carried out by researchers in University College Dublin and published in the *Journal of Medical Internet Research*, found links between more frequent Internet use and increases in well-being in older adults, from higher rates of life satisfaction, to lower rates of depression.

Another report by the Irish Longitudinal Study on Ageing found that some 30% of adults over 50 who live alone did not have any access to the Internet. Professor Desmond O'Neill, a consultant geriatrician, said, "It does suggest that there is a market for older people to get access, perhaps a subsidy". The amount given monthly by such a broadband allowance would have to be based on statistics collected by the Department in conjunction with the Department of Public Expenditure and Reform, but could be paid directly to the Internet provider as a credit against the bill each month, as is the case currently with Electric Ireland for electricity, or Bord Gáis or Flogas for gas.

Most Internet service providers charge approximately €35 for the first 12 months of a contract, with prices then rising to roughly €55 after that. It may not seem like much to some, but to others, it is an insurmountable financial obstacle. At a time we are acknowledging the rising cost of living and the exceptional rise in global energy prices, we should take this opportunity to ensure that our older community members are looked after and will not be left behind. Now is the time for an opportunity to make a difference in the age-based digital divide.

I know also that the telephone support allowance is there, but that is only €2.50 per week. One has to be over the age of 70, living alone and getting the fuel allowance in order to get that. It really does not cover the cost of broadband. I hope the Minister of State will look at that with regard to extending the household benefit package to include the cost of broadband.

Minister of State at the Department of Housing, Local Government and Heritage (Deputy Peter Burke): I thank Senator Keogan for her very-well presented argument in favour of this allowance. The household benefits package comprises the electricity or gas allowance and free television licence. The Department of Social Protection will spend approximately €273 million this year on the household benefit package for more than 484,000 customers. All proposals, including any proposal to introduce a new broadband allowance as part of the household benefit package could only be considered while taking account overall Government policy and budgetary considerations.

Given the many competing demands for the limited funding available to the Department of Social Protection, recent budget spending increases have been targeted to ensure that it goes to those people who need help the most. Therefore, as well as increasing social welfare payments weekly rates, the Minister, Deputy Humphreys, has increased the rate of household-based schemes such as the living alone allowance and the fuel allowance which are targeted towards households that are at a higher risk of poverty, as evidenced by recent ESRI research.

As part of the overall welfare budget package of €600 million in increases, the Minister, Deputy Humphreys, secured for 2022, she is pleased to see an increase the fuel allowance payment by €5 per week, effective from budget night. This brought the weekly rate of payment to €33. In addition, as part of the budget, the Minister increased the weekly income threshold for fuel allowance by €20. As fuel allowance is a means-tested payment, this ensures that it is targeted towards those most in need of the payment.

People who live alone are considered among those most at risk of social isolation and the living alone allowance is paid by the Department in part a recognition of the greater challenges facing those living alone in avoiding poverty. In budget 2022, the Government increased the living alone allowance by €3 per week to €22 a week. This increase means that, since 2019, the living alone allowance has more than doubled in value from €9 to €22.

8 February 2022

The household benefits package is only one of the Department's schemes. The Department of Social Protection also pays the telephone support allowance, TSA, to over 137,000 customers weekly. The TSA is an allowance of €2.50 that supports recipients by assisting them with the cost of communications and-or security solutions for their home. The primary objective of the TSA is to support the most vulnerable people at risk of isolation, including the elderly and those with disabilities, to access the critical communications infrastructure. In order to receive the allowance, a customer of the Department must be in receipt of a qualifying payment and both the living alone allowance and fuel allowance. This means the scheme specifically targets those who need it most.

Furthermore, the Department of Social Protection operates both exceptional and urgent needs payments as part of the supplementary welfare allowance scheme for people who have an urgent need that they cannot meet from their own resources. These payments are available through the community welfare officers network.

Senator Sharon Keogan: The Minister of State has not told me anything new. I knew about these payments and allowances that are allocated to the elderly. This is a very specific allowance for broadband, which can be a considerable cost to the elderly, particularly those who live on their own and have nobody. Those who live on their own are the most vulnerable. The allowance of €2.50, which amounts to around €113 a year, probably pays for two months of broadband costs. I ask that the Government look at providing a broadband allowance as part of public expenditure in the next budget. It could be added to the household benefits package. We are trying to encourage people to go online, particularly because of Covid. If something else happens, for example, another pandemic, people will feel more isolated. This proposal is an ideal way of connecting our elderly to those who may not be able to get in touch with them on a daily basis.

Deputy Peter Burke: I thank Senator Keogan for her remarks and the case presented. I will revert to the Minister, Deputy Humphreys, with the case the Senator has made in the context of the next Estimates process. I know the Government is adjudicating on an estimate for increased package to counteract inflation, which has to be targeted at those who need it most. The Minister has said the allowances that have been increased significantly are the ones that have been means tested to ensure those who need them most get them. I will relay the Senator's comments to the Minister.

Acting Chairperson (Senator Victor Boyhan): I note the Minister of State, Deputy Burke, is staying with us for the next Commencement matter.

School Accommodation

Senator John Cummins: I welcome the Minister of State to the House and thank him for taking this Commencement matter. I am disappointed the Minister for Education, Deputy Foley, is not here to take this Commencement matter but, that being said, I am sure the Minister of State has a response from the Department. If I require further information, I hope it will be forthcoming.

St. Paul's Community College is the only second level co-educational and multi-denominational school in Waterford city. In the past three years, it has seen strong growth. The number of students attending the school has increased by 33% in that period. Two years ago, it had 475

pupils. This figure increased to 575 last year and stands at 626 this year. The strong growth speaks to the need and demand for this type of school in Waterford city. I should declare an interest at this point. Prior to my election to Seanad Éireann, I was a physical education teacher at St. Paul's Community College for approximately eight years.

The school is located in close proximity to Waterford Institute of Technology. It is in a built-up residential area and on a public transport route. Geographically, it is well placed to support the growing Kilbarry and north-west suburbs of the city. Given all this, and the projected demand for secondary school places in Waterford city, I understand the Department of Education approached Waterford and Wexford Education and Training Board, ETB, about expanding St. Paul's Community College to a 1,000-pupil school to facilitate the lack of post-primary places. I would like to get an update on this today.

Progress needs to be made urgently on these plans because they have, or potentially could have, an impact on the immediate interim accommodation requirements for the school, given its current enrolment figures. If I take the interim needs first, which are required independently of the 1,000 pupil school requirement and specifications, St. Paul's Community College needs four general classrooms, a home economics room, a science lab and a fully-equipped wood-work room to Department specifications, and it needs these immediately. However, the school is expected to reach 850 pupils within the next five years, so in terms of the bigger picture, there is a conundrum here for the Department. A decision needs to be crystalised urgently because some of the interim accommodation needs may impact on the ability of the school to be modified to facilitate that further growth demand.

The reality is that we both know it can take a considerable amount of time to get projects from concept through to completion within the Department of Education. Therefore, I am concerned that any of the interim accommodation needs which are required may impact the ability to be able to complete a bigger project, which is required.

I would ask that an urgent meeting is arranged and that there is a visit to the school by the Department's building unit to scope out the works that are required now and in the short term in terms of the bigger project. I know from my knowledge of the school that it is a difficult site. While there is much space, the roof on the existing school is not standard in nature. Therefore, desktop exercise in an office in Dublin will not cut it. It needs to be done on the ground and with management to ascertain the full facts. That needs to be done as a matter of urgency.

Deputy Peter Burke: I will bring these comments to the attention of the Minister, Deputy Foley. The Senator has made a strong case for the school.

St. Paul's Community College is a multidenominational, co-educational post-primary school under the patronage of Waterford and Wexford ETB. The enrolment for this school for the 2020-21 academic year was 572 and pending validation of all enrolment returns, it is understood to be well above 600 in the current school year. There have been consistently strong enrolments in this school and this is expected to continue.

St. Paul's Community College submitted an application under the Department of Education's additional school accommodation, ASA, scheme. The purpose the ASA scheme is to ensure that essential mainstream and special educational needs, SEN, accommodation is available to cater for pupils enrolled each year where the need cannot be met by the school's existing accommodation.

8 February 2022

Officials from the Department assessed the application and identified a deficit in the school's current accommodation, based on projected future enrolment. In order to address this deficit, the Department wrote to the patron seeking agreement to an extensive range of additional new and replacement accommodation. This includes three mainstream classrooms - design and communication graphics, DCG, home economics, art, graphics and engineering rooms; two multimedia rooms; three science laboratories; an enlarged staff room; a new special education unit; and two special education teaching, SET, rooms, as well as a range of associated reconfiguration work to the accommodation currently in place at St. Paul's Community College.

While the Department has already been in touch with the patron regarding the permanent accommodation proposal for the school, the patron recently submitted an additional request for interim accommodation at the school. This request is also being assessed by the Department of Education. Officials are engaging with the patron to finalise and agree the level of interim accommodation to be put in place pending the delivery of the permanent accommodation.

Following receipt of the patron's agreement to the full range of accommodation offered, officials from the Department's professional and technical section will prepare the project brief for the devolved delivery of the project by Waterford and Wexford ETB. The Department of Education will continue to work with Waterford and Wexford Education and Training Board, as school patron, to identify and advance the optimum solution to meet the long-term needs of St. Paul's Community College.

Senator John Cummins: I thank the Minister of State for the reply, which references the permanent accommodation and outlines what is required going forward to facilitate the 1,000 enrolments projected. However, there is also an immediate need and so both needs require to be met in knowledge of the other. Putting in place the interim accommodation I outlined in my initial contribution may have an impact on the wider project outlined by the Minister of State in terms of the reply from the Department. The immediate need requires to be finalised in the context of the wider development. The site appraisal and a person on site to look at the overall project is required, but not subsequent to the desktop exercise that clearly has happened within the Department and the ETB. There is a need to be met in the immediate term, but that must be done in the context of the wider project and that requires boots on the ground to see what exactly what can be done long-term in terms of the future needs of the school.

Deputy Peter Burke: I again thank Senator Cummins for the strong and robust case he has put forward for St. Paul's Community College. I will bring the case in regard to the community college in the context of the overall long-term plan to the attention of the Minister for Education. I agree that it is important staff of the Department of Education liaise with the patron and the community to find the best possible solution for the school. We appreciate all of the school's efforts in terms of increased enrolments. I have no doubt it is providing a significant service to the community. I again acknowledge Senator Cummins's role in progressing this case. I will do my best to bring the case to the Minister for Education.

Cuireadh an Seanad ar fionraí ag 3.17 p.m. agus cuireadh tús leis arís ag 3.30 p.m.

Sitting suspended at 3.17 p.m. and resumed at 3.30 p.m.

An tOrd Gnó - Order of Business

Senator Regina Doherty: The Order of Business is No. 1, motion regarding the Fisheries (Commercial Fishing Licences) (Alteration of Duties and Fees) Order 2022, back from com-

mittee, to be taken on conclusion of the Order of Business, without debate; No. 2, motion regarding the Planning and Development Act (Exempted Development) Regulations 2022, referral to committee, to be taken on conclusion of No. 1, without debate; and No. 3, Animal Health and Welfare and Forestry (Miscellaneous Provisions) Bill 2021, Second Stage, to be taken at 5 p.m., with the opening contribution of the Minister not to exceed ten minutes, that of group spokespersons not to exceed eight minutes and all other Senators not to exceed five minutes, and the Minister to be given no less than ten minutes to reply.

Senator Fiona O'Loughlin: It is important that the Seanad sends our congratulations to Leona Maguire on her fantastic achievement over the weekend. She has broken many records but the record she broke on the weekend by being the first ever Irish player to win on the prestigious LPGA tour is incredible and noteworthy. She has lifted women's golf and women's sport to a higher level. I congratulate her on that.

Today is the 19th Safer Internet Day and the theme this year is "Together for a Better Internet". We all have to work together with all stakeholders to make sure the Internet is a safer place for everybody but particularly for children and young people. We need to do more in our formal education system to teach our young people how to act in an online world. That is an important message that needs to go forward.

I have no doubt that everybody here saw "RTÉ Investigates" last night. Many of us were shocked by its coverage of the domestic violence situation. It is incredible that breaches of court protection orders in domestic abuse cases have increased by more than 60%. It was heart-breaking to listen to the stories from the women. I was glad that a man who suffered domestic abuse was included as well because it is wrong that there is not one domestic refuge for men in this country and we need to do much more about that. There are also nine counties without refuges for women.

The Minister for Justice has committed to doing more on this. We need an action plan that is very clear in its determination to tackle the root causes. We need to send a strong message so victims will have confidence that the system will support and protect them and that the perpetrators of domestic violence will be brought to justice. While there is a need for extra refuges, we also need a targeted, comprehensive, effective and victim-centred strategy to deal with these dreadful incidents within our courts services. They need to be time-bound as well. We need time-bound policies and actions put in place.

My last words today go to the memory of Maxine Maguire, a young girl I taught in junior infants. Last night was the fifth anniversary of her very sadly taking her own life. She was a beautiful young woman and a wonderful sister, daughter and friend. She presented at hospital with mental health issues, with which she had struggled for a few years, and she was turned away by those she felt would protect her. Very sadly, that led to her attempting to take her own life.

When she was in a physical situation because of her attempt to take her own life, she then got wonderful care from the hospital but sadly it was too late and her life was lost. Her family and friends would say that the care she got when she presented with a physical illness was 100% better than when she presented with a mental illness. We have to acknowledge that Maxine's life mattered and her death mattered. I spoke about this in the other House. We need to be far better at dealing with mental health issues in this country.

Senator Aisling Dolan: We have emerged from almost two years of lockdown where at each step of the way the Government protected jobs and income through the pandemic unemployment payment and the employment wage subsidy scheme. While there has been a strong return, there are shortages in respect of staff and skills, and challenges regarding the ramping up of supply chains to pre-Covid levels. We are also now in the middle of a global energy crisis. We need to act now. We in Fine Gael favour an approach to benefit all households, including those on low incomes and the squeezed middle. Many families are struggling with huge energy bills, childcare costs, mortgages and high rent. This high rate of inflation is having a significant impact on family income and we have to examine ways to put money back into people's pockets.

We see the effects each time we fill our cars with diesel or do the weekly shop, or when we pay to heat the house. We all see the impact and hear about it every week. Additional measures are needed. The fuel allowance scheme was increased as part of the budget by €5 a head, and we need to bring forward the schemes that were agreed in the budget to support people. The increase to the working family payment is due to take effect in June but it has to happen sooner.

A rebate on electricity costs is being considered. There are many such ways in which we need to make savings to show people we are there to support them. If people are working from home, they can claim 30% of the costs of heat, light and broadband, and we have heard about the new national retrofit programme, which will soon be launched. It will ensure people have an opportunity to retrofit their homes but we need to see benefits and funds for people now. It has to happen now, not in six months when they eventually get people in to retrofit their houses.

The cost-of-living issue has been discussed by the coalition leaders at their weekly meetings for several weeks and record inflation rates are being experienced throughout the eurozone. The Minister for Finance and the Minister for Public Expenditure and Reform have been commissioned to develop a package of measures and the Minister for Social Protection is examining what can be done in respect of social welfare. The Taoiseach and the Tánaiste discussed the fast-rising cost of living at the labour employer economic forum yesterday and there will be further discussions this week. We need to recognise that dealing with fuel and electricity costs is a matter not just for families but for small businesses as well, which need to stay competitive. We need to see action now.

Senator Rónán Mullen: The acquittal of the “golfgate” four may not have been satisfactory to the majority of those whose opinions on the subject were canvassed in the newspapers, but anybody who followed closely the events of August 2020 and who is concerned about the rule of law and the idea that convictions should come about only where there has been a clear breach of criminal law will be relieved. Credit and congratulations are due to our colleague, Senator McDowell, whose defence of his client and whose submissions helped bring the matter to the correct conclusion. They say success in the District Court often leads to greater things, and we will see about that.

We have to wonder about the expense that was incurred in prosecuting that case on such thin grounds, as it turned out, and ask why it was decided to investigate and prosecute the case in circumstances where there was an unhelpful media and political climate that seemed to contribute to a decision that perhaps ought to have been taken differently. It is odd that it was only in respect of an event that involved politicians that it was eventually decided to bring an investigation and prosecution. I say all this as a non-golfer. “There but for the disgrace of golf go I”, I was tempted to say at the time but I did not want to join in the general pile-on of

people who were already receiving disproportionate criticism. Some reflection is needed on how public opinion has been managed, and sometimes manipulated, over the past two years and the hysteria over the “golfgate” case should form part of that. What ended up happening was quite disproportionate.

I have raised the next issue previously but I will do so now in more detail because it is important. The Consumers Association of Ireland warned recently of an increasing trend of businesses refusing to take cash and accepting only card payments. This causes problems for, for example, people on strict budgets, low income or social welfare and older people. Some, but not all, of these people are used to paying by cash and do not find the trend helpful. It is interesting to note the legal position on this. Deputy Nolan was recently told by the Minister for Finance that, if a business specifies in advance that payment must be in a form other than cash, the customer cannot subsequently claim a legal right to pay in cash and that, therefore, under certain circumstances, retail businesses or service providers can refuse to accept payment in cash. However, the European Commission recommendation 191/2019 on the scope of legal tender of euro banknotes and coins, signed by our old friend, Olli Rehn, provides that the acceptance of euro banknotes and coins as means of payment in retail transactions should be the rule and that a refusal thereof should be possible only where, for example, the retailer has no change available. I know a recommendation at that level is not binding law but it is a statement of best practice at EU level and it seems to me that Ireland is clearly diverging from this.

I would like it if the Minister for Finance could come to the House soon to address the question of whether we should allow consumers to insist on paying in cash for small retail transactions if they wish to. Does the legal position on cash payments in Ireland, as outlined by the Minister, not clash with the best practice at European level, which states that consumers should have that choice? Should we amend consumer law to allow customers to be able to insist in almost all circumstances on paying in cash for retail transactions up to a certain level?

Senator Róisín Garvey: It is a good day for Ireland and the retrofitting plan we will see announced this evening is a positive step. We could have done with it about ten or 15 years ago but back then only the Green Party was talking about this kind of stuff. Finally lots of other people are catching up and we have prioritised it. Since my first week in the Seanad I was having meetings with officials and advisers about how we could do this better and make it more affordable.

I suffered from fuel poverty as single mum when my son was small. I could not afford even half a tank of oil and I have said in the House before that I remember having to buy a bale of briquettes and move the bedroom down to the sitting room to keep us warm. Back then I found out about grants and told the landlord and I was lucky that he put in attic insulation, although I did all the work, and he also pumped the cavity walls. Those are two of the big things that will be coming in this retrofitting plan we have not had, which allows one to do small retrofitting works. I never had to sleep in that sitting room again because that insulation made a huge difference. Back then the grants were about €400 and now we will see a tripling of that.

This is a positive day but people will always throw mud, especially if there is a successful project in place and it is great that the three Government parties came together and put the money behind this to bring in this hugely important measure that will affect people on every level. People might say that only the rich can afford it but if you look at the details you will see: that all social housing stock will get it done for free; that people on low income will be able to avail of it; and that people with the lowest energy rated houses will be dealt with first because

we know there is a shortage of qualified workers and we have to prioritise the most vulnerable first. That will be rolled out from tomorrow so it is not a long-term plan but a short-term plan to look at the most vulnerable first and then in the long term, people who want to do big and deep retrofits can do so. Already more than 400,000 houses in Ireland have received deep retrofits in case anyone thinks this has not been done before. It just was not as affordable before and now we will see the grants vastly improved. We will also see better and low-percentage green loans made available. This will be more affordable for more people and people will not have to come up with the money up front because the grant can go directly to the person who is doing the work.

I had meetings with people in the building industry a few years ago and this is what they wanted. They wanted a clear plan and commitment from Government so they would know as builders and tradesmen that it would be worth their while taking on more staff and reskilling and upskilling people. Now they can see the supports are there from the Government for the brilliant tradesmen of Ireland. We can do this as a result of today's hugely successful announcement on retrofitting. It is always good to celebrate the wins. We can always throw mud but it is hard to find fault with this one and a lot of the money came from carbon tax. People go on about carbon tax as if it is the beginning and end of all the problems but it is 2 cent on the litre. About 30 cent of the increase is coming from global issues that we could do nothing about. We foresaw all of them years ago, which is why we have worked so hard on this day and night. I congratulate the advisers, experts and civil servants who worked hard on getting this across the line. I also congratulate the three Government parties that committed to it more than anybody else. Talk is cheap but this is action and this is a good day for Ireland and our Government.

Senator Lynn Boylan: I want to raise the cost of living crisis we have and the comments that were made by the Minister of State, Deputy Fleming, on yesterday's "Drivetime". The Minister of State told people to stop complaining and to do some work for themselves by shopping around to find value in energy, gas and insurance. Someone in receipt of a salary in excess of €100,000 telling people to shop around rightly caused outrage among listeners. I welcome that the Minister of State apologised for those comments because they showed just how out of touch he is with the day-to-day struggles people are experiencing in trying to make ends meet. They are having to make the choice between eating and heating.

While he apologised and his tone might have been off, there is nothing in what the Minister of State said in that interview that contradicts Government policy on energy poverty. "Shop around" and "switch supplier" is the advice repeated by various Ministers any time the issue of energy poverty is raised in these Houses. That is despite the fact that the energy poverty strategy that lapsed in 2019 clearly outlined there are mounting barriers to prevent people who are in energy poverty from switching supplier. The Government has known since a 2015 report was released that switching supplier is not straightforward. Despite this, advising people to switch supplier continues to be Government policy. It still tells people to shop around as a way to combat energy poverty. The Minister, Deputy Eamon Ryan, told me that in response to parliamentary questions. I have been told the same by the Ministers of State, Deputies Noonan, Ossian Smyth and Fleming. In both of these Houses, that line is being used in official responses all the time. We are told that people need to switch supplier and shop around to bring down the cost of energy.

The energy poverty strategy clearly outlined there is an issue around switching and there are barriers for people who want to do so. We were promised a review of the implementation of the strategy in 2021 but we have not seen that. How can we expect the issue of energy poverty

to be addressed if we are not using evidence-based policymaking? Hiding behind the Commission for Regulation of Utilities, CRU, will not wash either. When the Government tells people to shop around, it also points in the direction of the CRU. Let me give an example of what the regulator in Britain does. It caps the default tariff energy providers can charge their customers who, for one reason or another, do not or cannot switch supplier. The tariff is capped. Likewise, the English regulator directly intervenes in the prepaid tariff rates. Prepaid tariff rates are significantly higher in this country despite the fact that those who avail of them are the people who are most vulnerable, under most pressure and struggling to manage their bills and income.

I would like the Leader of the House to get an update on when we will get the new energy poverty strategy, when we will see the review of the implementation of the previous strategy and when the Central Statistics Office will produce the indicators that will allow us to accurately gauge whether Government policy is addressing energy poverty. Simply telling people to shop around is not good enough. I am glad the Minister of State, Deputy Fleming, said what he did because now we can all see this is Government policy. It was not just a gaffe on the radio.

Senator Mark Wall: I would like to be associated with the comments of my colleague from Kildare in congratulating Leona Maguire on her historic win on Saturday night in the Ladies Professional Golf Association, LPGA, event. I was fortunate enough to watch the final couple of holes she played. What struck me most was her response in an interview immediately after the event. She said her success would encourage other lady sportspersons to follow in her footsteps. That she was in a position to say that immediately after winning her first event on the LPGA tour shows the strength of Leona's character and what she is doing for Irish sport. She is putting us on the international map. It is important that we recognise what she said and send our congratulations to her.

One issue has already been mentioned three times. It has dominated the conversations I have in my clinics and the calls and emails I have received. It also comes up in general conversation with people. Everyone is deeply concerned about the rising cost of living, not just for themselves but for their families. Last week, my party introduced a Private Members' Bill to address these concerns and other serious concerns many people have. Unfortunately, the Government did not support the Labour Party proposals. Those proposals included the introduction of a rent freeze, the provision of additional targeted support for those in energy poverty by widening access to the fuel allowance, targeted energy cost relief through a VAT reduction for all, seriously addressing the need to make education free and tackling the increased cost of transport, food and housing, among other measures. As has been said, we are now hearing that the Government will introduce a series of measures to relieve the financial pressure and burden on many people this week. I sincerely hope that those measures will include relief on fuel costs and further relief on energy bills. I have previously raised in this House the direction from our European colleagues that could allow the Government to reduce the VAT on energy bills, and even solid fuel prices, thereby putting money back into the pockets of those who need it most.

I also hope that the Minister for Transport, Deputy Eamon Ryan, will use this crisis to reduce costs for commuters. Coming from the commuter county of Kildare, I have continually highlighted the unfair and discriminatory differences in pricing for train users in south Kildare compared to those in north Kildare. It is time that the Minister and the Government take public transport seriously. We need to reduce train fares from these stations in south Kildare to discourage those hard-pressed commuters from taking their cars onto the already packed M7 and N7 roads. We need a mini-budget to address this crisis. Too many need our help. They need somebody to help them.

8 February 2022

Senator Erin McGreehan: I congratulate “RTÉ Investigates” on last night’s heart-wrenching and infuriating programme on domestic violence. I say “infuriating” because there are so few practical supports for people who suffer from domestic violence. We cannot stand in this Chamber any longer and allow this gender-based violence to continue and increase. This morning, the Minister for Justice, Deputy Helen McEntee, said that the third strategy on domestic and gender-based violence would be released very soon. I ask that as soon as that happens we have a debate in the House about it. This strategy needs to be robust, well financed and ensure that at every step along the way the victim is minded. They just need to be looked after to make sure that they are safe and that they have a safe place to go to be looked after.

During the Order of Business a few months ago, I asked for a debate on the rising cost of living. We all hear that. We all live in the real world and, no matter what sound bites the Opposition likes to throw out, we know that the rising cost of living is a real and major problem for people. We all go to our petrol stations and we all have our bills, but this week the Government will, hopefully, have a real robust list of targeted supports for people who are vulnerable.

I also ask for a debate on how we will expand our energy market and make the transition from fossil fuels to wind and solar power. There is a major debate to be had on how we make sure that we have a proper energy supply in the interim before we are carbon neutral. We all want our energy to come from sustainable and renewable resources, but there has to be a strong debate on how we get to that point fairly for all our citizens.

Senator Garret Ahearn: We have a problem, which will develop even more over the next number weeks, relating to people under the age of 40 who are looking to get recovery certificates after contracting Covid, especially during Christmas. We have a situation at present, through no fault of the people concerned, where those under the age of 40 who have had their first and second vaccines, and were going to get boosters, cannot have their boosters for three months because they got Covid. During Christmas, we asked people under 40 to take antigen tests instead of PCR tests and, because of that, under EU law they cannot receive Covid recovery certificates. This is now causing significant problems for people when they travel because they cannot go into countries unless they have a valid Covid certificate, with a booster, or if they have not got a booster, they have to show proof of recovery. This is a major dilemma for people under 40. We asked them to take antigen tests and we now cannot facilitate them to travel to other countries.

Two things can be done. The EU could allow expansion of the freedom of recovery certificates to those who took antigen tests that were reported to the State. People who took antigen tests and reported to the HSE that they had Covid should be allowed to get recovery certificates on the back of that, not just those who took tests such as professional antigen tests or PCR tests.

4 o'clock

More importantly, the time period between recovering from Covid-19 and being allowed to get a booster is three months. That equivalent time period in the UK is 28 days. I call on the National Immunisation Advisory Committee to reduce the time period here from three months to 28 days to allow people to receive a booster in a timely manner. It is a simple recommendation that should be allowed. It should happen immediately. The biggest problem we have is that those under the age of 40 are currently encouraged to do antigen tests instead of getting a PCR test. This problem will become greater the more people book flights and travel abroad. If we do not change that policy to allow people under the age of 40 to get PCR tests, the problem

will become worse.

Senator Sharon Keogan: I want to pay tribute to a Cavan woman, Leona Maguire, on winning the LPGA tournament this weekend. She is a great ambassador not only for Cavan but for young women in sport and young girls.

Last October the Leader promised me she would arrange a debate in the Seanad on mental health and young people. We talked last week and in previous weeks about the death of Eden Heaslip. This weekend I had the experience of the youngest death ever where I had to walk into and out of a house and that was of a 14-year-old child who died by suicide. We need to have a discussion on this issue and to put together some community crisis response teams and permanent councillors in schools. It has gone on too long.

We are not dealing with the issues on the ground. It is left to community leaders like ourselves to come up with solutions. We cannot do that. There is a ripple effect and everybody knows that effect. It was in Cavan last week. It had its fourth such death in the parish of Denn after Eden Heaslip. There was another death last week and now I know of another one in Duleek. I am afraid of my life of what that ripple effect will encounter for us in our town. We had five deaths by suicide in one year in 2017-18. It can devastate a community and it takes years to heal.

I want the Minister for Health to be invited to the House to deal with this issue and for us to come up with some suggestions on how we can set up a community crisis response team. There are no organisations doing that at this time. SOSAD, Pieta House, MyMind or Jigsaw do not do it. There is an opening for an NGO or a Government body to stand up and say it will do that, that it will go into a town and do a health check, and see what it can do to help and support that town. The National Educational Psychological Service and the Child and Adolescent Mental Health Service have been calling for this for years.

I note the Green Party has welcomed the national retrofit plan. We have the warmer homes scheme. There is a 26-month delay in the delivery of measures under it and 7,000 homeowners are waiting to get works done under it. It is all very well announcing plans but we do not have the manpower or workers in the construction sector to do this work. We must address the deficits in that sector.

Senator John Cummins: I would like to raise the issue of sports capital funding. There is much speculation as to when an announcement will ultimately be made on it. The announcement of it was moved to the new year. We have been able to maximise the level of funding available to sports clubs as a result of that. Therefore, it was a welcome move. Clubs are contacting me, as I am sure they are contacting every Member, weekly seeking an update on their sports capital application. There are issues in terms of drawdown under previous applications where difficulty has arisen with respect to title in which the Chief State Solicitor's office has to be involved. I have raised this issue previously. I know the Department wanted the maximum amount of money drawn down prior to Christmas but an impediment to that in part has been the slowness in dealing with these issues in the Chief State Solicitor's office, which needs to be addressed. I believe it needs to be addressed but that is a wider point.

We need certainty in regard to when the sports capital grants will be announced. It involves many clubs in my county of Waterford across a whole host of areas. As a former PE teacher, I fully see the value of investment by the State in local clubs that do so much fantastic work with

youths across the sphere. We cannot but compliment the volunteers involved in all of those clubs who give of their time freely for the benefit of others. I want to put that on the record of the House today.

Senator Paul Gavan: I want to raise the Police Ombudsman for Northern Ireland's report into 27 loyalist murders and attempted murders in south Belfast between 1990 and 1998. As the House knows, this report comes on the back of previous reports into loyalist killings in south Down and the north west and is further evidence of a systematic policy of collusion between state forces and loyalist death squads. My thoughts this afternoon are with the families of the 11 people murdered, including a 15-year-old boy, and all those injured as a result of collusion between the British state and the UDA. This follows previous reports into mass loyalist killings in Loughinisland and Greysteel, carried out with weapons that British state agents helped to import and distribute to the UDA, UVF and Ulster Resistance. Eighty people were killed with these weapons and the ombudsman has revealed that those responsible for bringing them in have never been investigated, despite, or perhaps because of, the involvement of state agents. The ombudsman has also said that eight RUC Special Branch agents were involved in 27 murders and attempted murders in south Belfast. One agent was recruited because of his involvement in the "planning, preparation and execution" of previous murders.

The ombudsman has found collusion in each and every killing. Lives could and should have been saved, but warnings about attacks being planned were not passed on and state agents involved in murder were allowed to kill and kill again. There is then the fact that the RUC handed guns back out to loyalist paramilitaries so they could be used to kill again. The fact the rifle used in the Sean Graham Bookmakers attack ended up on display in the British Imperial War Museum clearly shows the total lack of remorse on the part of the RUC, given it was prepared to allow such a key piece of evidence to be displayed like a trophy. It is no wonder the British Government is rushing to implement legislation that would give these agents of the Crown impunity against prosecution.

It is time to address the legacy of the past by implementing the mechanisms agreed at Stormont House in a human rights compliant manner to ensure that families are not left waiting for another decade for truth and justice. I call for an urgent debate on this matter.

Senator Eugene Murphy: In one way, I hope the Leader does not have a definite date for the sports capital grants as there will be a hell of a rush for the door to get on the phone to the club secretaries and chairmen to give them the good news because everybody wants to get that first. I am sure they will come and I am sure they will be welcomed and, hopefully, most sports groups in the country will be happy.

Like others, I want to pay tribute to Leona Maguire on her fantastic win. I have a link to that. I used to produce a radio show and from when she was 11 years of age, we were ringing her parents because she was having huge success as a youngster. It is a really great story. The one thing about Leona Maguire is that she has been so humble in reaching the top, and that is what struck me about her. She is such a lovely humble person. I am sure there will be another homecoming in Cavan on this occasion - back to the Slieve Russell.

I want to speak about last night's programme, which was horrific. We need to recognise two things, first, that someone has suffered really terrible abuse and violence, and also that some men have also suffered. It was important to realise that the programme pointed out that men have nowhere to go. I am satisfied the Government is going to tackle this and I was very

happy to hear the Minister, Deputy McEntee, speak so positively this morning about moving on this. It is very important that where we do not have refuge centres, and there is none in County Roscommon, we need to put them in place. As somebody pointed out this morning, there should not be a rush to put them in place; this should be done properly. If it takes a little extra time to do it properly, so be it but we need refuges. As I have said previously during a debate in this House, if one is in the middle of a rural area and does not have a Garda station nearby and something goes wrong in one's home involving domestic violence, where does one go?

An Leas-Chathaoirleach: I want to be associated with the kind words of Senators Murphy and Keogan regarding Leona Maguire. On a personal level, her grand aunt was my primary school teacher and like Leona, she too was a lovely lady. Thankfully, she is still with us and is very active in our community. Her daughter is teaching here in Dublin. I want to acknowledge that wonderful family.

Senator Emer Currie: I also want to add my condemnation of the collusion found by the Police Ombudsman for Northern Ireland in connection with loyalist murders in 1990. That would be a good topic for a debate in this House.

I want to talk about the impossible situation in which multiple families in Carpenterstown find themselves because the Archdiocese of Dublin insists on prioritising a date of birth admissions policy for primary schools over a siblings-first policy. I know this is well intentioned but it is causing havoc for families.

We have a very popular school in Carpenterstown, St. Patrick's National School, Diswellstown, which is perennially over-subscribed but there are other primary school places in the area, according to the Department, which makes calls to add an additional or fifth junior infants class at St. Patrick's for 2022 very challenging at the moment. Children who may not get in this year will either have to go to another school or wait another year. That might sound simple to some people but I can assure the House that it is not simple.

Families with children already in the school cannot be in two places at once. They cannot spend twice the time dropping children. Parents have commitments too. How and when are they supposed to work? Life for busy families is squeezed enough already. It is not just the practicalities that hurt families. We invest our time and our trust in our children's schools and in becoming part of the school community. It is impractical and insensitive to split siblings up between primary schools for eight formative years of their lives and expect their families to manage two schools, two ethos, two uniforms, two drop-offs and two school communities. That does not even sum up the entirety of this issue.

A total of 13 children on the waiting list at the moment are at the age where they have used their two years of early childhood care and education, ECCE, and are not entitled to any more. Even if they held back for a year, they still would not be entitled to it because of the rules. The local childcare facilities have no space for these children because they prioritise ECCE and we are under-supplied. There is literally nowhere for these children to go. Another school is not a solution and keeping them home certainly is not a solution. Something has to be done. In areas like Carpenterstown, where schools are over-subscribed, we have to change to siblings-first admission policies or we fail families.

Senator Maria Byrne: I want to express my sympathies to Senator Buttimer on the passing of his father. I have not had the opportunity to do so since his dad died and I just want to

say that we are thinking of him at this difficult time.

I rise today to draw the attention of the House to a study carried out by the University of Limerick. The study, which was actually carried out across 21 countries in Europe, looked at young carers aged between 11 and 18 and found that they are more likely to suffer from depression because they are carers. The study is really frightening. The University of Limerick has been very involved in it. The study found that people with more social interaction were less inclined to be as depressed as people who were at home constantly caring for people or otherwise very much involved and did not have other social interaction. It is an interesting study which was supported by Family Carers Ireland. I commend carers on the role they play. Young carers and carers generally help to keep people at home and living longer. I pay tribute to them.

Senator Currie raised an issue with schools. We have a case in which 12 students in Limerick do not have a place in secondary school. They have not received an offer of a school place. All the offers closed approximately one week ago and they still have no school places. It is an absolute disgrace that 12 children have not been offered a school place. We have a common application system where people fill out 11 schools, but 12 children were not offered a single place in Limerick this year.

It is awful for the children and their families because it is a worry and also makes the children wonder why their friend got offered a school place when they did not. I call for intervention from the Minister for Education and the Department. The families are referred to Tusla which has no role to play in this regard. They get an appointment with Tusla but the person in Tusla has no part to play in this. The system needs to be changed. I call on the Leader to intervene with the Minister for Education on this matter.

An Leas-Chathaoirleach: I associate myself with Senator Byrne's remarks directed to our colleague, Senator Buttimer.

Senator Micheál Carrigy: I, too, send my sympathies to Senator Buttimer and his family on their recent bereavement.

It is apt that today is Safer Internet Day. I express my disappointment, as a member of the Joint Oireachtas Committee on Tourism, Culture, Arts, Sport and Media which carried out pre-legislative scrutiny in this area for the best part of 2021, that this is not on the agenda, as it should be at the start of the legislative process. I look forward to the Minister spending significant time in the House to discuss the Online Safety and Media Regulation Bill 2022. I am also disappointed that one of the main parts of that Bill, the independent reporting mechanism proposed by the committee, has not formed part of the initial Bill.

With regard to July provision, we welcomed significant investment in the July provision programme in 2021. Some €40 million was set aside for that programme last year during Covid, yet only €14 million of that was spent. There are issues in the way the scheme is set up. A significant number of schools did not take part in it, which meant that a significant number of children were not able to avail of it. This whole area needs to be looked at now and a proper system put in place for summer 2022 to ensure a significant number of children and families get to avail of it properly when the funding is put in place. A discussion group and forum met in early November 2021 but I understand it has not met since. Parents want clarity on what July provision will be this year. It has to be different from last year because a significant number of teachers and schools did not take part in the scheme and children with special needs, in particu-

lar, were not looked after.

Senator Michael McDowell: I agree with Senators Currie and Gavan about the report on collusion. It is welcome to see an acknowledgement of the truth of that collusion coming forward. There is more to come on that front. I also believe there is no hierarchy among the dead or the victims, on either side of what was a dirty war in Northern Ireland. The grief and suffering of the families of one side is more or less the same as the grief and suffering of the families of another side. In that context I wish to point out that, last week, there was the sad news that the Glasnevin Cemetery board was forced to throw in the towel and give up trying to maintain a non-judgmental necrology wall, which commemorated everybody who died in the period 1916-23 during the Troubles in this country, regardless of who they were, be they children, civilians, combatants on either side of the Civil War, policemen, IRA volunteers, British soldiers, and the like. This monument was at that cemetery, which is a wonderful heritage site, in a non-judgmental way. It was erected by the board of the cemetery, which is a charity, to remind people that while they are surrounded by history, they are many people who are forgotten by history. It contained the names of children and policemen in the RIC who were shot down in their homes and the like. Their families are looking back across 100 years. Surely, they are entitled to have their names memorialised in some way without thugs coming in and smashing the whole monument.

There was the possibility of attempting to keep that necrology wall functional as a memorial and the cemetery board had to give up on that proposition because it could not afford the security involved. Perhaps the blank tablets that will now be put up instead will be more eloquent in the future than the inscribed names. Perhaps there was a case to be made for leaving it smashed as an indication that the haters in Irish society are the tiny minority and the great majority of us, like Joe Duffy, believe that small people and those who were unpopular deserve not to have their memory obliterated in the cause of some ideology.

An Leas-Chathaoirleach: The last word today is with Senator Conway.

Senator Martin Conway: I agree wholeheartedly with Senator McDowell's contribution. In terms of the report and collusion - it is reprehensible. There is no other word to describe it, to be frank about it. Everybody who lost their lives on this island, irrespective of what side they were on, were cherished by loved ones. They had families. They had parents. Some of them had children. We need to reflect on that. What happened to the wall in Glasnevin Cemetery is appalling. To think that we have to give up because of vandals is terrible. There is a lot to be said for leaving the wall in its vandalised state as a symbol of the hatred that exists in our society. We all have to fight against that type of hatred. We all have to identify ways and means of eliminating that type of hatred from our society.

I would like a debate specifically on the fishing industry. Fisheries received notoriety in recent weeks because of the situation with the Russian army and the exercises that were due to take place off the Cork coast, but there is a very serious side to fishing in this country. To think that we can only catch less than 5% of products like hake and other popular fish off Irish coastal waters. Brexit has resulted in our quota being reduced by a further 25%. This has gone unnoticed by a significant portion of our population. It is very serious because we are an island nation.

If we could reach our potential in the context of the fishing industry, it would create tens of thousands of jobs. We could process the fish and export it all over Europe and it would create

tens of thousands of jobs. This is not possible because of the restricted quotas that we have as a result of the Brexit negotiations. British waters were returned to Britain, and Ireland was hit worst in the dilution of its quota by a further 25%. A quarter of what was already a small portion has been wiped off it. I do not think that is sustainable. We need to fight against that and to try to claw some of this back. Our fishermen do a great job, but we need to claw some of this back because it will create jobs. My fear is that if we do not do something about it, jobs will be lost.

Senator Regina Doherty: I thank my colleagues for the range of topics raised today. First of all, I join with colleagues and offer, on all our behalf, our condolences to our colleague, Senator Jerry Buttimer, whose daddy passed away last Wednesday and was buried on Friday. He was a remarkable man. It is not surprising when one sees the fine people Jerry, John, William and Mary are. They did not lick it from the stones. He was an incredible gentleman. I hope he rests in peace, please God.

I join with others in talking about the remarkable achievements of Leona Maguire. What is most remarkable is that we are only talking about her now. Obviously, what she achieved in the past couple of days, on top of the Solheim Cup, is wonderful and absolutely newsworthy. She was an amateur golfer for 104 weeks and I never knew about it, and I can assume that many other people did not either. This fact perhaps shows how we reflect on the difference between male sports and female sports in this country. Perhaps we should be championing females a hell of a lot more than we do. I recognise her enormous contribution and achievement.

I agree with Senator Murphy in that the most incredible thing about her that comes across is how genuinely humble and grounded she is. It is so lovely to see hard work paying off and what is being achieved. I wanted to acknowledge those two things today.

I recognise Senators McDowell, Currie and Gavan talked about the report issued today by Police Ombudsman for Northern Ireland, Marie Anderson. I was lucky enough to be out for a walk and I listened to her on the radio at lunchtime. She is another remarkable lady. As Senator Gavan said, I think she is only warming up. This is not the first and last report in which she will reflect upon the activities in Northern Ireland.

I would genuinely say that how we reflect and respond to each other and how we speak about each other certainly shows the measure of what the true will of the Irish people is. While we all say we want to share the island and live in harmony and respect, sometimes the actions and activities of some people do not necessarily reflect that. Senator McDowell talked about the small number of haters. It is a real tragedy that the trustees of Glasnevin Cemetery have to give in to the thugs who have continuously wrecked that beautiful memorial. It is incredibly poignant and it reflects that there is no hierarchy of victims or the pain victims' families have felt over the years. It certainly is not shared by a small number of people, who I believe we are giving in to. It is a shame. I commend Mr. Joe Duffy on his vocal contributions in the past couple of days.

It would be good if there was any way that we could resolve that issue on behalf of the State and on behalf of all of the Irish people who want to live on a shared island and respect each other, without every glorifying anything that has happened in the past. We should be able to find a way to be able to memorialise and just remember what has happened on this island without, as I said, ever glorifying anything that either side did or continues to do to each other.

Senator Conway looked for a debate on the fishing industry. The Sea-Fisheries (Miscellaneous Provisions) Bill 2021 will be in the Seanad tomorrow afternoon. That would be an opportunity for him to raise with the Minister all of the concerns he just raised.

Senator Carrigy spoke about the fact it is Safer Internet Day today. We were due to take the Bill with the Minister this afternoon but, unfortunately, the schedule changed and I could not do anything about it. I apologise for that inconvenience.

I reflected on a statement that was made in the past number of days about how we teach our children, who now at younger and younger ages have access to the Internet, because of peer pressure and mummies giving in to 12- and 13-year-olds, perhaps when we should not. The reality is that our children are learning far more from the Internet today than ever before. An awful lot of the time, it is not a positive experience. When we talk about teaching our children the three Rs in primary school, perhaps we should add another critical pillar to children's educational experience and teach them how to interact in a safe matter so that way we could alleviate some of the issues Senator Keogan spoke about so eloquently. I will reschedule that debate as quickly as I can and let Senator Carrigy know as soon as I can.

Senator Maria Byrne spoke about the study by the University of Limerick in regard to carers, particularly younger carers, and how much pressure they are under. The fine work they do and the adult roles they step into for their families and loved ones is to be commended.

Senator Murphy asked me not to give away what I was told this morning in regard to the sports grants. I can tell him that it will happen relatively soon. He also touched, as did others, on the "RTÉ Investigates" programme on domestic violence which aired last night. Senators McGreehan and O'Loughlin also spoke about it. It was an absolutely shocking programme. Sometimes, it takes a programme like RTÉ "Prime Time" to bring it into everybody's home.

We have been talking about this issue particularly in the past couple of years because of lockdown as it has accentuated the difficulties in which many women and men live on a daily basis. In the ten years that I have been working in this campus we have been talking about domestic violence but nothing seems to have changed. I put store in the ambition and aspiration of the current Minister for Justice, Deputy McEntee, to make a change once and for all. As a first step, we need to stop talking about it as a single sex issue, which it is not. It is apparent that many men never tell anybody about it because they do not want to be seen to be victims of what is historically seen as a gender-based violence. There are many men who are mistreated in their own homes. Equally, thousands of women are likewise mistreated in their homes. We know from recent Garda reports that there was a 60% increase in reporting in the past two years, which is shocking. It shows the extent of the problem.

For years, nine counties have had no refuge places and there are currently only 140 such facilities in the country. That is a reflection on nobody but ourselves. It does not make me proud to say that. The time for talking is over. The time for doing is now. As I said, I put store in the fact that the current Minister for Justice has made it her issue. Hopefully, we will see a real reaction when the report on the strategy is published in the next couple of weeks. As soon as that report is issued, I will arrange a debate on it.

Senator Cummins spoke about capital grants and Senator Keogan spoke about mental health. I will double down on efforts to try to secure a debate on mental health. Senator Keogan is correct in what she had to say. Senator O'Loughlin mentioned a young lady she taught

in junior infants. We have a real crisis in this country. We continually say that but, again, it seems like nobody is listening. There are tens of thousands of families who Senators know as well as I do are struggling on a daily and weekly basis to keep their children alive and afloat. With the exception of some exceptional charities, we do not have a service that we can say is value for money for the €1.2 billion that we spend on mental health in this country. We should have a service that we are able to say we are proud of and delivers that community response on an emergency or exceptional needs basis that currently is so sadly lacking. We have an issue with regard to how when people of any age present to our accident and emergency services they are not being dealt with appropriately. I acknowledge the Senators' contributions. I will try to arrange that debate as quickly as I can.

Senator Ahearn spoke about the under 40s. He made a very valid call to NIAC to allow the timeframe in respect of getting the booster to be reduced to 28 days, which I will follow up on. Senators McGreehan, Wall and Boylan spoke about the rising cost of living and the Government responses. In framing the budget last year, the Government was acutely aware that there was an increase in the cost of living and appropriately responded by not only providing a tax package of €550 million to allow people to retain more money in their pockets and to account for the inflation, but also a social welfare budget of which I was envious because it was over €550 million, which is nowhere close to what I had secured for the previous number of years. That was a reflection of increasing costs and an awareness of an increasing cost base in Ireland. Unfortunately, when that budget was framed the anticipated increase in the cost of living was 2% to 2.5%. As we all know, it is now closer to 5%. That is why Government is at this time reflecting on how it can help hard-pressed families, of whom there are tens of thousands. We will see reaction from the Government this week.

Senator Garvey spoke about the retrofit scheme. A great idea has many mothers but nobody wants to take the blame when something bad happens. Senator Garvey is correct that this scheme is genuinely very worthwhile. I acknowledge Senator Keogan's point that we are short in terms of the workforce that we need. That is why when the Minister for Further and Higher Education, Research, Innovation and Science, Deputy Harris, introduced extra places for apprenticeships in these particular industries a number of years ago it was with the foresight that we would need those people to ensure we could carry out the works that will be needed by every household in the country, no matter what type it is.

Senator Mullen spoke about how people in the court of public opinion, as opposed to the actual courts, reflect on some of the events of the past couple of months. It is probably fair to say, genuinely, that the courts system is as robust in most cases as it was in the case last week. I commend everybody involved. What is also obvious is that the court of public opinion can be incredibly reactive and buoyed up by whatever way some of the media outlets report on events. There was certainly a frenzy of upset and bad feeling around the events that occurred in the summer of 2020. I wish the people at the centre of this case well and hope they can get back to their careers and day jobs without further ado.

Senator Mullen also referred to the need for the Minister for Finance to address the refusal of payment by cash. I was not aware that was occurring but I will certainly bring it to the Minister's attention today and come back with a response.

Senator Dolan spoke about the energy costs crisis and the increases in childcare costs and our shopping bills. People up and down the country are well aware of the issues she raised because they are all experiencing them. They will all be addressed by the Cabinet committee on

economic recovery and investment which is meeting this week. I hope we will have a response from the Government as setting out exactly what it will do to ensure we address this issue for people.

Senator O'Loughlin spoke about Internet safety and the "RTÉ Investigates" programme on domestic violence. I am sure we will have a debate on the report in question as soon as it comes out.

An Leas-Chathaoirleach: I thank the Leader.

Order of Business agreed to.

**Fisheries (Commercial Fishing Licences) (Alteration of Duties and Fees) Order 2022:
Motion**

Senator Regina Doherty: I move:

That Seanad Éireann approves the following Order in draft:

Fisheries (Commercial Fishing Licences) (Alteration of Duties and Fees) Order 2022,

copies of which were laid before Seanad Éireann on 17th January, 2022.

Question put and agreed to.

Planning and Development Act (Exempted Development) Regulations 2022: Motion

Senator Regina Doherty: I move:

That the proposal that Seanad Éireann approves the following Regulations in draft:

Planning and Development Act (Exempted Development) Regulations 2022

a copy of which has been laid in draft form before Seanad Éireann on 3rd February, 2022, be referred to the Joint Committee on Housing, Local Government and Heritage, in accordance with Standing Order 71(2)(b), which, not later than 15th February, 2022, shall send a message to the Seanad in the manner prescribed in Standing Order 75, and Standing Order 77(2) shall accordingly apply.

Question put and agreed to.

Cuireadh an Seanad ar fionraí ag 4.38 p.m. agus cuireadh tús leis arís ag 5.03 p.m.

Sitting suspended at 4.38 p.m. and resumed at 5.03 p.m.

5 o'clock

8 February 2022

Animal Health and Welfare and Forestry (Miscellaneous Provisions) Bill 2021: Second Stage

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

Minister of State at the Department of Agriculture, Food and the Marine (Senator Pippa Hackett): I am pleased to be here to introduce the Animal Health and Welfare and Forestry (Miscellaneous Provisions) Bill 2021. The Bill went through all five Stages in the Dáil, and pre-legislative scrutiny before that, and is now before the Seanad.

The Title of the legislation was changed on Committee Stage in the Dáil to the Animal Health and Welfare and Forestry (Miscellaneous Provisions) Bill 2021 from the Animal Health and Welfare (Miscellaneous Provisions) Bill 2021 to reflect amendments to the Forestry Act 2014 introduced by me and incorporated in the Bill.

The purpose of the legislation is to prohibit fur farming in Ireland, provide for a compensation scheme for the farmers affected and introduce other miscellaneous amendments to the Animal Health and Welfare Act 2013. The legislation also introduces some unrelated but important amendments to the Forestry Act 2014, enabling the Minister to facilitate small-scale planting of native trees without the need to first obtain an afforestation licence.

I will now deal with the main provisions in the Bill. Section 1 is a Short Title and commencement section. It defines the Short Title of the Bill as the Animal Health and Welfare and Forestry (Miscellaneous Provisions) Act 2021. The section also contains a commencement provision which will authorise me to choose the date on which the provisions of this legislation will come into operation.

Section 2 is the definition section. It contains one definition only. The Animal Health and Welfare Act 2013 is defined as the “Act of 2013”.

Section 3 is an amendment to the definition of “animal product” set out in section 2 of the 2013 Act. The new definition will include wool, skin, fur or feathers derived from an animal.

Section 4 is an amendment of section 39 of the Act of 2013. Section 39 provides gardaí with a power of arrest without warrant for certain animal health and welfare offences.

Section 5 is an amendment of section 52 of the Act of 2013. Section 52 provides for the penalties that apply to animal health and welfare offences. The offence will be prosecuted on indictment only, indicating the serious nature of the offence and the person convicted will be liable to a fine not exceeding €250,000 and-or to a term of imprisonment not exceeding five years.

Section 6 repeals Part 12 of the Act of 2013. The latter contains provisions in respect of the regulation and licensing of animal marts. This part of the 2013 Act has never been commenced. The Minister’s sole policy concern in relation to marts relates to animal health and animal welfare and not the “business of an animal mart” as currently provided for in Part 12.

Section 7 inserts a new Part 12A into the 2013 Act, containing 13 separate sections that collectively provide for matters such as the prohibition on fur and skin farming, compensation for existing fur farmers and related ancillary matters. These new provisions are sections 71A

to 71M.

Section 71A provides for a set of definitions to apply to specific terms appearing in this new Part 12A of the Animal Health and Welfare Act. Of particular importance here is the wide definition of “specified animal”, which ensures that the prohibition on fur and skin farming contained in this new part is extensive. It should also be noted, however, that the definition of what constitutes fur or skin farming is confined to the breeding, rearing or keeping of specified animals solely or primarily for the value of their fur or skin, etc. This prohibition will therefore not apply to animals farmed primarily for other purposes. A further definition to note is the definition of a “redundant worker”. A redundant worker is defined as an employee who was dismissed during the period commencing six months before and ending six months after, the date of commencement of the Act. This provision applies certain parameters and limits to the group of workers that will be eligible when compensation is being calculated.

Section 71B contains the prohibition on fur and skin farming and creates a new criminal offence of engaging in fur or skin farming in contravention of the section.

Section 71C provides for a procedure to be followed for the disposal of specified animals that have been seized by authorised officers on the basis that they are being kept for the value of their fur or skin. The Minister shall, as soon as is practicable after the seizure and detention, apply to the District Court for an order authorising the disposal.

Section 71D sets out the overarching principles that will govern the compensation payable to existing fur farming enterprises that will be forced to cease their business activities as a direct consequence of the prohibition on fur farming provided for in this Bill. Compensation will be payable for income losses, non-income losses and costs incurred as a direct result of the prohibition. The amount of compensation for each affected fur farming business is to be determined by an independent assessor to be appointed by the Minister.

The Bill contains principles and policies that authorise the Minister to make regulations to specify the income and non-income losses and other costs in respect of which compensation will be payable; the basis of valuation for assessing income and non-income losses, and to provide for financial limits to apply to certain compensation payments where appropriate. Regulations will also provide compensation for the costs involved in disposing of breeding mink, demolition and clean-up costs, for payments required to be made to redundant workers, for certain professional fees incurred in the preparation of applicants’ claim form and in the making of representations to my Department relating to the development of this legislation.

Regulations can also be made to provide for a number of administrative matters including advanced payments to claimants prior to any final determination of their compensation entitlements under this Bill, the appointment of an assessor, the form and content of applications for compensation, information required to be furnished by applicants and any other matters that are incidental, supplemental and consequential thereto.

Section 71E provides for the appointment of an assessor to determine the amount of compensation that will be payable to an applicant. The person so appointed must possess an appropriate level of skill, knowledge and qualifications to perform this important function. The assessor shall be independent and shall be paid fees and expenses as determined by the Minister and the Minister for Public Expenditure and Reform. Section 71F establishes the procedure to be followed when an application for compensation is received by the Minister. Section 71G

provides the assessor with the power to require further information or documentation from an applicant if the assessor considers that it is reasonably necessary to have the additional information. The assessor may issue a notice in writing requiring applicants to provide further information or documents or to verify such information or documents within a defined period for response. Where the information or documents are in the power, possession or procurement of a third party, the applicant shall make every reasonable effort to obtain that information.

Section 71H provides direction to an assessor on how to proceed in the event of a failure of the applicant to co-operate. Section 71I provides for the procedure that the assessor will be required to follow in determining a compensation application under this Bill. Section 71J provides for an appeal option where either the Minister or an applicant is dissatisfied with the assessor's compensation determination. Appeals against the assessor's determination will be brought in the High Court and applicants will have three months to lodge any such appeal. The High Court will have the power to affirm, vary or set aside an assessor's determination. The High Court will also have the power to remit an assessor's determination back to the Minister should it consider it appropriate to do so. However the High Court in affirming, varying or setting aside an assessor's determination, may do so only when there is a serious and significant error or a series of such errors in the determination. The legislation will provide an effective right of appeal against an assessor's compensation determination should any party consider it necessary to challenge same. Section 71K is related to High Court appeal options while section 71L deals with payment of compensation. Section 71M covers the revocation of licences. The legislation provides for the revoking of all licenses to mink farms for the value of their fur that are current on the day before the commencement of Part 12A of the Bill.

Section 8 is an amendment to Schedule 3 of the 2013 Act. Section 9 is an amendment of the Forestry Act 2014 and introduces definitions that facilitate the promotion of small scale planting of native tree species in a nuanced manner. The section defines "native tree area" as meaning:

land under trees—

(a) with—

(i) an area of not less than 0.1 hectare and not greater than 1 hectare, or

(ii) an area of not less than 0.1 hectare that is not greater than 20 metres in width,

and

(b) where the trees concerned are native tree species only, of which not more than 25 per cent are Scots pine

Section 9(b) aims to enable the State to successfully transition to a low-carbon, environmentally sustainable economy. Under this section the State will be able to introduce schemes to incentivise the planting of native tree areas. Section 9(c) introduces text that permits the Department to facilitate the planting of native trees without an afforestation licence under section 22 of the Forestry Act 2014. Section 9(d) through the planting of native trees, enables the State to successfully transition to a low-carbon, environmentally sustainable economy. This amendment is supported by additional provisions to ensure that any scheme protects the environment and complies with environmental law. Section 9(e) introduces a reference to a native tree area grant into section 27 of the Forestry Act 2014 which deals with offences and penalties. Where

an applicant furnishes information or makes a statement that he or she knows to be false or misleading in a material respect, he or she shall be guilty of an offence under the Forestry Act 2014. Section 9(f) introduces a schedule that lists the native tree species for which the amendment will apply. Any scheme subsequently created on foot of this amendment will also be confined to the native tree species listed in the schedule.

Section 10 repeals certain legislation. It provides for the repeal of the Milk (Miscellaneous Provisions) Act 1979. This Act is no longer required and will now not be replaced.

I have presented a detailed view of the provisions of the Bill and now welcome comments from Senators.

Senator Róisín Garvey: This is another great day for the Minister of State whose portfolio includes biodiversity and land use. This Bill is so important. Not only did the Green Party get this included in the programme for Government, we now see it coming to fruition.

Everyone knows that it is barbaric to have fur and skin farming and such farming will no longer take place in this country. There will be a complete ban on fur and skin farming, thanks to the work of the Minister of State, with support from the Government.

As someone who lives in the middle of nowhere with a couple of acres of land, I am really happy to see the removal of the need for an afforestation licence to plant up to 2.4 acres or 1 ha of native woodland. This is a game changer. Many people have contacted me about this issue. They have land, are aware of climate change and understand the importance of trees in the context of carbon sequestration. They have asked why planting trees is so complicated and why it is not possible to plant on some of their land. Today is a good day for them. I had many people to contact when I saw this legislation coming through because they have been looking for this. While 2.4 acres might not seem like much to some people, it is an awful lot to others. If every farmer and landowner takes part in this scheme, it will be a total game changer in terms of biodiversity, native species, flooding and water quality. It can be a seriously good win for rural Ireland as well as for the environment.

The design of the initiative to utilise these measures will have to ensure compliance with all environmental law, of course. In advance of the development of a scheme, the Department will undertake a strategic environmental assessment in order to develop thorough scheme criteria. Advisory structures and approval processes will be put in place. The inclusion of an exemption can be undertaken in a legally compliant and sustainable manner. Not only is the Minister of State doing it, she is doing it correctly. It is not being rushed through. It will be done properly, with all aspects considered in terms of best practice and the best use of land.

I also welcome the limit of 25% on Scots pine. There is almost a phobia about pine or Sitka spruce at this stage. One is in danger of being lynched if one mentions them. There is a more nuanced debate to be had Sitka spruce, forestry and the need for same in the context of Rebuilding Ireland and having the materials required to build houses. It is great that the Minister of State has focused on this and given it the time it needs. I thank her officials for working on this legislation.

I am living on the farm that I grew up on and I see much less native wildlife, including birds. I have seen a red squirrel once. All of the things that we grew up with and took for granted are not being seen by our children. They are not experiencing what we experienced. The amendments in this Bill could be a game changer in terms of reintroducing a lot of native species. I

also see a lot of flooding due to bad river management involving hard engineering. This legislation is a really good win because every tree is a column of water. That is how we need to start seeing trees. They soak up water and reduce flooding. Not only that, their root systems hold onto soil and stop it from being washed away, which is another really important benefit of tree planting. A tree is not just a lovely green thing to look at on a nice day when one has nothing to be doing. Trees are hugely important in how we move forward as a country and lead the way around native woodlands. Woodlands are also great places for kids to go to play and climb in. I spoke to a friend of mine recently who said that it would be great if children could go out and play in forests like we all did as children, unsupervised, where they can learn to hurt themselves but pick themselves back up, play with sticks and stones and live in the realm of the imagination. This is so important. If every farmer and landowner in Ireland puts in a hectare of native woodland, that will enable children, teenagers and everybody else to enjoy native woodlands again. During Covid and lockdown we all asked, where are our open spaces, where is our nature, where are our beautiful native trees? No matter what kind of person you are, if you go into a native woodland, you will come out a happier person.

I welcome this day and really appreciate the Minister of State's work on this, along with her colleagues in the Department.

Senator Victor Boyhan: I welcome the Minister of State and her officials to the House. As she said, the programme for Government includes a commitment to end fur farming. The tripartite Government agreed to a prohibition and I welcome it. Indeed, it should have been outlawed a long time ago. I want to acknowledge the focus of the Green Party on this, among other items that I do not have time to discuss today. Clearly, the experience of being in government previously has taught the Green Party some lessons, one of which is to get out of the traps early and get one's message across. While I might have concerns about other measures and policies of the party, in this particular case, it is the right decision.

It is important to stress that fur farming is a lawful activity. It is a job for some. We are talking about three farms and three individuals operating businesses. As of today, they are within the law. I call on the Minister of State to insist on a fair compensation package for them. If the Government decided tomorrow to stop turkey farming on animal welfare or other grounds, it would be a crazy idea which I would not support. I have real concerns about the business these people are running, which the Government has collectively decided to close down. The argument and battle are over and we have moved on. We have control over a decent and fair compensation package for the people who have invested heavily in this trade. I ask the Minister of State to clarify that it is the case that these people are prohibited from selling these mink and their mink stock cannot be sold. They are valuable and they cannot go outside the State. There are reasons for that and I understand them too. I ask the Minister of State to confirm that in her reply.

Councillor Norma Moriarty from Waterville in Kerry engaged with me yesterday, as did other people, but she particularly impressed upon me the importance of the engagement on fur farm activities in her local community. She made the point that the Department had mentioned an assessment of the business model or income for the past five years. The past two and a half years have been really bad for most people. I suggest that the Department assess the best three years of the past seven years. We are talking about three businesses. We need to be fair and give them an honest assessment.

There are three active farms in the State. Councillor Moriarty made the point well that they

are employing people, contributing to the local economy and are viable businesses. Most important, they are legal businesses which the Government has decided to shut down. I support that decision but I also support the very important need for compensation. I know Senator Paul Daly is very active in this regard as well. We met many of these groups when they appeared before the Joint Oireachtas Committee on Agriculture and Food, where we made the point that we wanted adequate compensation for the employees as well. It is not all about the employers. The employees who work in this area must also get a fair package. To suggest that they should be given a few weeks' standard redundancy is not good enough. I would like to think that some of the compensation these businesspeople will get will be used by them to develop new enterprises, perhaps in other areas of animal husbandry or other activities. Let us hope that it will be seed capital for new business in rural communities, one of which the Minister of State represents. She knows the heartbeat of the rural economy and rural communities. That is very important.

It is important that mink farmers are compensated. How that is to be calculated is a little scientific. The specific detail with regard to the methodology around the calculation of the compensation payable is important. What we do here is very important. The legislation gives the Minister powers. It also makes it an offence to engage in fur farming and it provides for appropriate penalties, which is a follow-on from what the Minister of State is proposing.

I want to speak about trees. As stated by the Minister of State, trees play a very important part climate change mitigation and diversity. I fully respect that. I refer to the great Green Party analogy and byline that it is about the right trees in the right places. I have some concern with regard to the proposal to have 25% Scots pine. I do not understand the logic behind that but I am to be convinced. I welcome that the emphasis has to be on native trees, in particular native deciduous trees. They are small enough plantations but if this scheme were to be rolled out, the cumulative effect would be significant. It should be encouraged and welcomed but, as I said, I have some concerns about what is proposed.

I ask the Minister of State to clarify in her reply that these measures are not a substitute for the ongoing work to reform the licensing process or for large afforestation sites which remain the priority for the Department. I want to discuss the opening up of the forestry licence business. We have serious concerns about forestry licences and the infrastructure associated with that. We have to get timber out of forests. The economy, rural communities and the construction industry need it. It is becoming a great difficulty and frustration for many. I know the Department is focused on it and that things move slowly. That is perhaps a matter for another day so I do not expect the Minister of State to dwell on it.

I have been asked by the Irish Environmental Network to raise concerns about the strategic environmental assessment, the SE directives and so on and the importance that decisions in this area are made in compliance with environmental law and appropriate assessment. The Minister of State is aware of all of the issues around that. This is about compliance with environmental law such as the environmental impact assessment, EIA, the habitats directive and the water framework directive, all of which the Minister of State is familiar with. They are really important. It is about how we consult people and ensure we are on the right side of all of that. We have obligations on consultation under the Aarhus Convention. The scheme and the criteria around it have to be legally compliant. I know the Minister of State is conscious of that but it is important to flag these issues with her because clearly they are issues of consent, which will exercise some people outside of this House. I flag them because I may introduce some amendments in regard to these areas on Committee Stage.

8 February 2022

I want to flag the issues of strategic environmental assessment and appropriate assessment, the legal requirements of the EIA and the water framework directive. It is important that the scheme addresses those issues. Hopefully, we can have meaningful engagement on it. In principle, they are both really good ideas. I welcome the end of mink farming. I beg the Minister of State to ensure there is a fair deal for the three businesses that are being shut down. Hopefully, the compensation they get will be used to compensate their workers but also as seed capital to bring new businesses into their communities.

Senator Paul Daly: I welcome the Minister of State to the House to discuss the Animal Health and Welfare and Forestry (Miscellaneous Provisions) Bill 2021. Like Senator Boyhan, I also had a communication from Councillor Moriarty. I welcome her endeavours to contact all Senators on behalf of her constituents, one of whom is one of the three farmers ultimately affected by this legislation.

It is agreed across all political parties and by those who are members of none that the day has come for the prohibition of fur farming. There is no longer an argument for it to continue. That has been accepted by the three farms involved. As stated by Senator Boyhan, we now need to get the compensation package right. I note from the Bill that the specific detail of the compensation scheme will be provided for in regulations made by the Minister. In that regard, the buck will stop with the Minister of State. I hope she will take on board our requests. I was unavailable on the evening on which the relevant meeting of the agriculture committee was held. I ask the Minister of State or her officials to review the proceedings of that committee when they come to making the final decision.

I welcome that an independent assessor is to be employed. I accept that for legislation to stand up, it is important to dot all the i's and cross all the t's and to include the safety of the right of appeal for both sides. I am a little alarmed about even raising the issue of a right of appeal to the High Court given this will affect only three farmers. It would be normal in circumstances like this for the Minister or Department to negotiate with a stakeholders forum or representative body. As there are only three businesses involved, I do not understand why it would not be possible to have all of those directly affected at the table when the final package is being negotiated.

I have had correspondence not only from Councillor Moriarty but from all three people affected. They have a number of requests, which have been already outlined but they are important enough to repeat again. As a farmer, the Minister of State will know that not only in this commodity but in all commodities there are price cycles. The past two and a half years in the context of the Covid-19 crisis have been difficult for many sectors. As has been stated, it would be totally inappropriate that the income of these farmers for those particular years would be used as a baseline in respect of the calculation of the compensation. I support Senator Boyhan's proposal that the income over the last seven years be the baseline as that would give a more realistic picture of the turnover, income and profit, which would not have been evident in some of the years currently proposed for the assessment. It is vital that happens. Covid-19 aside, the assessment should be based on a full cycle of prices over seven years.

I have also had requests from some of those involved that they be given the opportunity to review the Grant Thornton report commissioned by the Department. They seem to think they have not had an opportunity to see the report.

The Minister of State said that a lot of information had been sought from the people involved and further information may be required for the independent assessor. I hope the individuals

in question will be compensated for the provision of this information, which will require them to employ accountants and maybe even legal representatives. We all know none of that work comes cheap. I hope the compensation will include the expenses and costs they will incur in providing the information that may be requested from them by the Department.

On the forestry side, I welcome the change to the Act and the inclusion of a provision allowing the planting of up to 1 ha without having to go through the rigours of getting an afforestation licence. The devil will be in the detail and this provision is just a foundation. The Minister of State and her officials may incorporate riparian or agriforestry in future schemes. We will have to wait for the detail of those schemes to learn more about how this process will go forward.

I make one plea to the Minister of State. Irrespective of how the schemes are designed, I ask that trees planted without an afforestation licence, following this amendment to the legislation, be incorporated in the national inventory when it comes to the calculation of our net carbon emissions. They will have to be included in accounting for our sequestration totals. We have the ludicrous situation where hedgerows are not included. While I welcome the possibility of farmers all over the country being able to plant up to 1 ha, it would be ridiculous if, like hedgerows, those trees were then not included in the national inventory. It would defeat the whole purpose of selling this scheme and similar schemes for the purpose of combating climate change. That is vitally important. I know progress is being made on the possibility of including hedgerows in the national inventory but given that this measure is in its infancy, the inclusion of these trees will have to be set in stone from the word go. Other than that, I warmly welcome the Bill.

On fur farming, the buck will stop with the Minister of State. There are only three people involved. They are all in rural areas and provide employment. Considering that their enterprises are now being taken from them, if they are to move on to the next stage of whatever their lives may hold, they will need seed capital to start something else. I hope they are not short-changed. That is my plea.

Senator Garret Ahearn: I welcome the Minister of State to the Chamber and welcome her home, if I can put it that way. I thank her for the very effective and strong work she has been doing in her portfolio for almost two years. I urge her to continue with that work because it is very important.

As other speakers have said, everyone accepts that this Bill is necessary and legislates for a commitment made by the previous Government. In fairness to the three businesses in question, they also recognise that. They have wanted to work with the Government, Department and Minister on how to do that best. That is the real issue. We are here to speak on their behalf because they are in a very difficult situation. This is one of the first times a Government has decided to close all the businesses in a sector. How we do that and support and compensate these businesses is very important.

Last summer, these businesses made numerous calls for an opportunity to appear before the Joint Committee on Agriculture, Food and the Marine to air their views during the pre-legislative scrutiny stage. They had to fight for an opportunity to speak and it was important for them to do that. On the back of that, it is frustrating for them that they have not seen any development. They probably feel they have been left out of the loop. As previous speakers noted, these people have certain issues they want addressed. They made five asks at a committee meeting held during the pre-legislative scrutiny stage of the Bill. I have been asked to put these

forward today. They relate to staff redundancy and reskilling, particularly in rural areas. The three affected businesses are located in County Donegal, County Laois and Waterville, County Kerry. They are seeking agreement to compensation for farmers; agreement on costs for the demolition of farms, which is crucial; an environmental assessment of the area of the farm prior to demolition; and the opportunity to view and discuss the report compiled by the Department's auditors, Grant Thornton. The businesses believe they have not had the opportunity to do any of these things because they have not had engagement. They welcome a compensation package, which is important, but they need to know what it will be.

The two main questions are very simple. When will the businesses close and what will the compensation be? The talk that the compensation will be based on earnings over the previous five years seems very unfair because those were loss-making years. It would be much fairer on the businesses to extend that period to seven or ten years. That has been done in other jurisdictions so it would not be unique.

The real ask is for information. These people totally understand that their businesses must close. Some of them want to go on to a different life or career or start another business. None of that is possible until they know what type of compensation they are to get and how much they will get for the demolitions on their lands, which can be tricky and costly. They need to have that information as soon as possible. As previous speakers have said, this situation does not just concern employers but employees as well. They need to be able to upskill and they need opportunities somewhere else.

These are businesses in rural Ireland. We are trying to encourage people to leave city centres and have a life, job, career and better quality of life. In counties Donegal, Laois, Kerry and my home county of Tipperary we try to offer that but we need to ensure it is available. I stress the importance of being open with these businesses and letting them know as quickly as possible when decisions will be made and how much compensation they will receive when the source of their livelihoods is closed down.

On forestry, I welcome what the Minister of State has announced. The position in forestry is improving month on month, which is extremely important for County Tipperary. There are numerous sawmills in the county, including Dunnes Sawmills in Drangan, Sheehan Sawmills in Ballyporeen and Dundrum Sawmills. These companies employ an awful lot of people, do good business and provide good jobs in rural areas. It is hugely important that they are viable and that the Department processes forestry licences as quickly as possible. I acknowledge that the process has sped up on the Minister of State's watch. When there is improvement people want more and faster improvements. That is an understandable demand. I wish the Minister of State well with the legislation and in the work she is doing.

Senator Lynn Boylan: Cuirim fáilte roimh an Aire Stáit. I echo what previous speakers have said in welcoming the aspects of the Bill that relate to a ban on fur farming. It is a barbaric practice and it is about time we, as legislators, caught up with where the public has been for a long time.

Senator Victor Boyhan: Hear, hear.

Senator Lynn Boylan: Sinn Féin, as a party, has opposed the farming of mink since our 2007 Ard-Fheis. I am pleased that, through this legislation, we are moving with the tide against fur farming, which is already banned in other countries, including Austria, Croatia, the Nether-

lands, Britain and the Czech Republic. It will also become illegal in Norway from 2025. Others have already pointed out that there are just three active farms in the State that breed and rear mink for the purposes of pelting for the fur industry and each December approximately 80% of those mink are killed, while the 20% that are left are kept as breeding stock.

It is important for people to realise that mink is not native to Ireland. Mink is native to Canada and the United States of America and was introduced as a fur farming animal in many parts of Europe in the 1920s and 1930s. I have a background in working in the national park in Killarney and unfortunately that experience showed me the devastation that mink escapes have caused to our biodiversity. It is welcome that at least our ground-nesting birds, waterfowl and fish will no longer have the threat of any more large-scale releases of mink. However, we also need to focus on eradicating the mink that are out there in the wild because it is an invasive species and it does untold damage to our native species.

As others have pointed out, there are issues around those who own the fur farms but I would like to focus more on the workers because of the nature of the industry. It has been a legal industry until now and we are going to make it illegal. While we see that the industry owners are to be compensated, the workers also deserve to know what package will be put in place for them. It is entirely unfair that they will only be eligible for statutory redundancy and I hope the Minister of State will be able to outline how that matter can be addressed going forward, perhaps through a retraining scheme. What progress has been made on the issue of statutory redundancy and does the Minister of State foresee anything above that being provided to those workers? Where are we on the request for a retraining fund for staff being put in place? Given the change the workers will experience in their work life as a result of this Bill, it is only right that the Government steps in to provide training for those workers so that they are not left out of work.

Selfishly, I would like to talk about broadening the scope of this Bill, and I welcome the move to broaden it out to allow for miscellaneous provisions because there are plenty of other animal welfare issues that need to be addressed through legislation. I thought the Minister, Deputy McConalogue, would be here but it is the Minister of State. Maybe she can relay this back to him because he is familiar with the issues I am concerned with and I have engaged with him a number of times, both during pre-legislative scrutiny and during the ongoing post-enactment scrutiny of the Animal Health and Welfare Act 2013 at the Joint Committee on Agriculture, Food and the Marine.

One of the biggest areas of concern has to do with tackling the illegal puppy trade and the smuggling of dogs. Despite the provisions of the 2013 Act, the illegal trade and wanton abuse of puppies is still regularly reported in the media. I will be proposing amendments to this Bill that would address some of the legal loopholes in the legislation that were not foreseen when it was drafted. Nobody will disagree with the fact that the Animal Health and Welfare Act 2013 has seen great improvements in animal welfare but we still have a very long way to go to address all the issues, particularly those around dogs. The amendments I want to put forward will tighten up concerns around the proof of ownership of dogs and give primacy to the microchip. Thus, when one gets a licence it would be mandatory to include the microchip number on that licence. I would also like the Animal Health and Welfare Act 2013 to align with the Control of Dogs Act 1986, which comes in when an animal is seized due to welfare reasons, whether that is illegal smuggling or just general welfare. The Control of Dogs Act 1986 allows for that animal to be rehomed after five days whereas that is not possible under the Animal Health and Welfare Act 2013. That is an oversight from when the legislation was drafted and we need to

align those two Acts because authorised officers, such as the Dublin Society for the Prevention of Cruelty to Animals, need to go through lengthy and expensive court processes in order to rehome those animals. The animals are generally seized when they are young pups and they are kept for anything up to 18 months before they can be legally rehomed. This serves to strengthen the illegal puppy farmers because they know this and they use this facility to weaken the charities by trying to defund them through lengthy legal processes. I look forward to debating those amendments with the Minister and I hope he will keep an open mind when considering them. Now that the scope of this Bill has been broadened, it would be useful to take those amendments on board.

I refer to forestry. It is a welcome step to sort the uncontroversial projects from the large-scale conifer plantations. We are all familiar with the failures we have had to date in handling the crisis in the forestry system. Unfortunately, time is not on our side and we need to get the issues within forestry resolved as a matter of urgency if we are to have any hope of meeting the climate targets. Much needs to be done to turn the ship around and it is welcome that improvements are being made but we have to resolve the issues within the system itself. We need to establish a system that is fit for purpose, well-resourced, and that screens out the bad planning applications at the start as opposed to trying to prevent people from objecting to those bad planning applications. We need to screen them. As others have said, we need a system that is compliant with the Aarhus Convention and that does not block people from making objections.

I look forward to engaging during the Committee and Report Stage debates and I ask the Minister of State to take back my comments on my animal welfare amendments. They are well-crafted amendments that I have been working on for the last year and a half with the Office of Parliamentary Legal Advisers and I would like if the Government would consider facilitating them in this Bill.

Senator Annie Hoey: As always, it is a pleasure to welcome the Minister of State back to her own House, particularly to discuss a topic that has been of huge importance to the Green Party. This legislation shows the benefit of having the Green Party in government.

My views on animal rights are not a secret and like many in this House, I abhor animal cruelty. We have a long way to go towards living in harmony with our furry, scaly and winged friends but today we are here to talk about our furry friends. I am glad to speak on behalf of the Labour Party in support of the key principle and purpose of this Bill, that is, to introduce a statutory prohibition on fur farming. Speaking for the Labour Party, and as a long-standing advocate for animal rights, I am glad to see this legislation come before us. There is a growing acceptance of the need for such prohibition and the Bill is receiving a broad welcome, which is good to see. It would be remiss of me not to say I am sad it has taken this long to get to this stage of collective agreement on the banning of the abhorrent and disgusting practice of fur farming but I suppose we should be glad we eventually got here. Hopefully no more innocent animals in Ireland will have to suffer for the sheer vanity of wanting to wear a fur pelt.

I will take this moment to note the alternatives to fur for those who want them. There are bio-based faux furs made from oil from vegetable crops, rather than the traditional petroleum oils. There is the option of using what we already have and using recycled faux fur. I am a particular dab hand at sourcing funky faux fur coats and will happily help anyone who is on the hunt for one online. We all need to move towards making better use of what we already have and have already produced in order to reduce pollution and avoid adding to our already overstuffed landfills.

We could have a conversation about going one step further than what is in this Bill and I know we cannot do that today but I would like for the Minister of State to consider this and take it back with her. We should consider our stance on the importing of fur into Ireland. Our opposition to this practice should not end with simply banning it here. We should not be funding this cruel industry globally. Fur should not be contributing to the already massive carbon footprint of fast fashion and to be perfectly honest, I would be happy to see us reach a point in Ireland where the wearing of fur is considered socially unacceptable. I am aware that this might be seen as an extremely radical position but it is one I stand by.

I have often gotten up in this House and spoken about a just transition for workers and I welcome the fact that there is provision for a compensation scheme in the Bill before us. There is no doubt that jobs will be lost because of this and it is only right and proper that the workers are compensated. Part of the compensation and assessment is regarding the proper dismantling of buildings. Particular issues were raised during the pre-legislative scrutiny on the removal and disposal of asbestos at some of the sites. Given the environmental focus of our time, which is only right and proper, it is important that adequate funding is provided in the scheme for the correct dismantling of buildings with the least amount of damage to the surrounding environs, and that buildings are not simply left to rot, particularly if there is a concern around asbestos. The safe and proper dismantling of buildings must be thoroughly included in the cost of compensation.

I would like to raise a question on section 71C(3) regarding the disposal of animals and I want to clarify what this means for the animals. I note that an application has to be made to the District Court and I assume that what is meant is for the mink to be put down. Does this section mean there will be an automatic disposal or if alternative methods were to be found, could they be utilised? It is vital that these poor animals are treated as humanely as possible. Is it definite that the animals will be put down? I am in no way suggesting they be let out into the wild or anything like that but they must be treated as humanely as possible. I would like the Minister of State to get clarity on that.

While we are on the topic of animal welfare, which is arguably the reason we have this Bill before us given that we agree that farming animals for their fur is an egregious abuse of their welfare, I will take a moment to reflect on the wider issue of animal welfare in this country. I think we can all agree we are a country of animal lovers but also one that, at times, has had a poor track record on accountability for animal cruelty. There are no circumstances, personal or commercial, where it should be permissible to excuse or overlook animal cruelty. We have relatively decent pro-animal legislation in place but enforcement is woeful at times. Every so often an image appears online of some awful, terrible animal cruelty such as a mare with overgrown hooves or a horse left at the side of the road. People pile on and we all proclaim how awful it is and say, "My God, whatever can we do about this?" However, it is extremely rare for perpetrators to be held to account. I am aware there are a variety of reasons for that, including tracing, but we do not hold the perpetrators of animal cruelty to account in the way we should and could do.

I regularly come to the House to discuss giving more money to commercial industries which literally profit off the backs of animals. I note that all welfare charities must share approximately €3 million with the rest of their work done on the basis of goodwill, volunteering and fundraising. My family fundraises regularly for Drogheda Animal Rescue, a small organisation in desperate need of funding to help animals in its care. When I hear the eye-watering figures mentioned in relation to the industries that profit from animals I am sometimes left reeling and

8 February 2022

I think of my mother trundling down West Street in Drogheda trying to get every penny she can so the animals in the organisation's care can be fed. Large amounts of money have been invested in industries that profit from animals. We are discussing the right and proper compensation for those working in the fur farming and skinning industry and workers losing their livelihoods. I posit that alongside today's conversation, we perhaps need to consider how much money we are investing in animal welfare. When we compare the billions of euro for the industry with the couple of million euro for animal welfare charities, we see an enormous gap. Animal welfare charities often do this work off their own bat, relying on the goodwill of volunteers and without much State support.

I am aware I have gone somewhat off track but I wanted to focus on the animal welfare issue for a moment. There needs to be tougher sentencing for those found guilty of animal cruelty. There should be higher fines and jail sentences and in the most serious cases, life bans from keeping animals, to stop those found guilty of animal abuse reoffending. There also needs to be better funding for the charities that literally pick up the broken pieces of animals people have abandoned. I hope the Minister of State will take back that message under her Green banner and consider those issues which are vital to animal welfare.

I am very glad to speak in support of the Bill. I reiterate my support and that of the Labour Party for this important measure, which will see us finally move to a prohibition on fur farming in the interests of animal health, welfare and rights.

Senator Frances Black: The Minister of State is very welcome to the House. I am in broad support of the Government's proposed legislation and welcome its provisions on the welfare of certain farmed animals in Ireland and related biodiversity. However, I have significant concerns about the sections of the Bill that relate to forestry licences.

As previous speakers acknowledged, the practice of farming animals specifically for the production of pelt is outdated. In saying this, we are not condemning in any way the three farms in Ireland currently breeding mink for their fur, which are provided for in the current law. Instead, we are saying we no longer feel it is appropriate or necessary to breed animals specifically for the purpose of fur production and asking these three fur farms to come with us on the journey as we build a society that treats animals and the natural environment with greater care.

I am glad the Government is prioritising this legislation and taking learnings from EU counterparts that have successfully outlawed fur farming without it having a negative economic impact on the affected farms. Fur farming is not a traditional industry with heritage that needs to be preserved but we need to ensure the businesses currently operating legitimately and their workers are compensated for the loss they will incur due to this new legislation. I warmly welcome the provisions made in the Bill in that regard. I would like some clarification from the Minister of State on the proposed timeline of the legislation and what lead-in time is intended to be provided to the three fur farms in order that they can begin to phase out their operations over a gradual period. In addition, I am curious about whether any efforts have been made to support the affected fur farms to diversify their businesses such that they could make a positive contribution to the environment and Irish wildlife.

While this Bill will have a positive impact on animal welfare and biodiversity here, we need to have a broader conversation about the international fur trade. This legislation will not have the broader intended effect if we continue to play a role in the trade of farmed fur products internationally. Consultations are taking place in the UK on the trade of fur trade. We should

consider advancing conversations of this nature at European level.

On the issue of animal welfare, I cannot speak on this Bill without mentioning the concerns I have about the health and welfare of other animals, specifically in the greyhound racing and hare coursing industries. Figures published yesterday in the *Irish Examiner* highlighted that the number of greyhound deaths at Irish racetracks rose to their highest ever level in 2021, with 154 deaths recorded by Greyhound Racing Ireland last year in addition to 197 injuries. The true figures are likely to be much higher. It is beyond me, in this day and age, that we continue to provide such vehement support to industries that are treating animals in this way for the purpose of “entertainment”.

My Civil Engagement Group colleagues and I have a number of concerns about the forestry provisions contained in the Bill. From my reading of it, the provisions to change the Forestry Act 2014 were introduced by ministerial amendment on Committee Stage and there was no mention of such provisions when the Bill was introduced initially in the Dáil. While we acknowledge the important role of forestry in combating both the climate and biodiversity crises, our group is concerned about how these changes are being introduced. I am concerned that in passing this legislation we will award the Minister a blank cheque in respect of powers with which he or she could seek to decide on exemptions and a regime to allow for unregulated planting. The Climate Change Advisory Council emphasised in its technical report on the carbon budgets the importance of the right tree in the right place and noted that impacts of climate measures on biodiversity are context-dependent and require “... assessment on a case by case basis to determine how to implement ‘the right action in the right place’.” This criterion must apply to our actions in forestry.

I ask the Minister of State why size-based thresholds are being applied in this legislation when Ireland’s application of size-based thresholds was found to be an issue for their use in screening out requirements for environmental impact assessments in case C-66/06 before the Court of Justice of the European Union in 2008. The area defined in this Bill as a native tree area can be up to 1 ha, which for perspective, is more than the area covered by 38 tennis courts. This is a huge amount of land to exempt from section 22 of the 2014 Act. What provisions are in place for public participation and access to justice on these matters? It is vitally important that in any changes we make to the current regime, our obligations under the Aarhus Convention are upheld. I am concerned that in passing this legislation we will instead contravene those obligations. My colleague Senator Higgins is very concerned about these provisions and we may seek to introduce amendments on Committee Stage to address these concerns. I thank the Minister of State for taking the time to be with us in the Chamber and look forward to her response.

Senator Eugene Murphy: Like others, I welcome the Minister of State and this particular legislation. As we now know, this provides for the statutory prohibition of fur farming and will impact on the three active farms in the State. It is important to point out they were acting lawfully but the legislation is to compensate them as they are about to lose their businesses and certain people will lose their jobs.

6 o’clock

The Bill governs the nature of the compensation scheme that can be provided to ensure that mink farming operators are to be compensated for their losses and costs directly resulting from the prohibition on fur farming in Ireland. The Bill sets out the criteria on which compensation

for income loss, non-income loss and certain costs that will be payable, and the type, of costs that will be covered by the compensation scheme under the legislation, will include redundancy payments to the employees, which is important, certain professional fees, mink disposal and clean-up costs and the costs involved in the demolition of mink buildings. There are only three mink farms in the country and it is only right that they would be compensated.

I welcome what is happening in the Bill on forestry. I have been a strong advocate of urging people to plant trees and make things as easy as we can for them. I acknowledge, as have many others, that we have issues with forestry. Hopefully we will get through that and we can encourage more planting of native species. I am sure the Minister of State realises that there is a market for some of the pines that are growing now. It is the only thing that will grow on certain types of land. While we do not want them all over the place, there is a market there. They are important to sawmills and for exporting. While we do have to encourage more native trees, and that is what I want, we do have to keep that in mind.

I will raise a hobby horse of mine. I wonder can it be brought in under the legislation. It relates to the planting of fruit trees. Going back generations, nearly every homestead in this country had an orchard. There could be ten, 12, 15 or maybe 20 trees. Imagine encouraging that and what it would do for our carbon count. Moreover, I was presented with figures recently which I am getting checked out. Someone in the business told me that we are actually spending €80 million on importing apples into this country when we have one of the greatest climates for growing apples in the world. Much of that comes in from France. I know that we have shortages when our own crop runs out and we have to import but imagine the double benefit of covering small tree plantations and allowing it to be included in the carbon count. That is something that should be encouraged because, going back to many of the small and medium farm outlets, there was that orchard. I robbed some of the orchards myself, to be honest. I put my hand up; lámha suas. It really should be followed up. I think that farmers would engage in that. It is another method of getting the carbon count right and it would be doubly productive because we would have all these apples produced and sold in local markets. It is worth doing some research on this issue. I would be really delighted if the Minister of State could look that up and see if we can include it somewhere in the legislation and move forward with it.

Senator Aisling Dolan: I welcome the Minister of State. I welcome the legislation to prohibit fur farming in Ireland. We are looking at promoting more sustainable fashion but also that we in Ireland would be leaders in animal welfare. It is crucial that there be a package for the farmers that are impacted by their loss of income.

I am particularly interested in the small-scale planting of native trees that is part of the Bill whereby we can increase the native tree planting area by removing the requirement for an afforestation licence for an area of not less than 0.1 ha. and not greater than 1 ha. This is really important for encouraging farmers to take benefit, not to have to do the administrative part of applying for another licence. Can the Minister of State give an update on forestry licences and so on? How many ecologists have been taken on by the Department of Agriculture, Food and the Marine to deal with the challenges we have seen in forestry over the last year or two?

I look forward to lots more coming through the Minister of State's remit, particularly under organics although that is not what we are here to talk about. I look forward to an update in that regard. I am sure we will engage again. Hopefully the Minister of State will visit the areas of Roscommon and east Galway in future.

Senator Seán Kyne: I welcome the Minister of State and the publication of the Bill. “Miscellaneous provisions” allows for a number of things being included under the same Title. It is something of a pity because the central provision of the Bill, the ban on fur farming, is worthy enough of its own Bill with its own Title included but I understand the decision.

I served in the Department of the Gaeltacht which is across the road from Agriculture House where there were numerous protests. Perhaps the Minister of State was part of them in her day, I do not know. There were certainly noisy protests for a long number of years. They achieved a result. The ban was announced in Cabinet, of which I was a member, in June 2019. That came about by pressure and campaigning. I welcome the move. It has taken some time from that decision at Cabinet to the publication of the Bill. I know it was part of the programme for Government. As time goes on, there are things that are ethically and morally difficult to defend. That is evident in this case. I am sure that for whoever is here in ten or 20 years’ time there may be other things that are taking place now that will equally be deemed difficult to defend. I will leave that for another day. I welcome the central provision and welcome the ethical treatment of the animals as they come to an end and the proper treatment of the owners and the workers who have been operating a legal business. We are, through legislation, closing them down for the reasons as stated.

Turning to the element on native trees, I particularly like the schedule with all the native trees that we have, particularly the hazel, ash, holly, crab apple, Scots pine, Sessile oak, pedunculate oak and the rowan. We are familiar with all those. They add so much beauty and diversity to the Irish countryside. I think I mentioned during the Forestry Bill 2014 the poor holly tree at Christmas. We are not talking about a few branches or a few sprigs of holly but unfortunately in certain cases whole holly trees being cut down at the base and taken away. That is a pity. One sees a lot of situations where they are all male holly trees and none with berries in certain areas. I hope there can be initiatives to enhance the situation regarding holly trees.

An area that comes up every year and will come out again in the next few weeks is that of the forage areas under the basic payments scheme and the disadvantaged areas scheme each year. For example, last year, as it would have been historically, the terms and conditions state that the eligible area excludes woods, scrub, ponds and marshy and wet areas. I understand that because there is very little grazing in those areas and in some cases they may be inaccessible therefore they are not deemed to be eligible. However, they are so important for biodiversity that, quite rightly, farmers are expected to promote them. Lands planted post-2009 are not eligible but presumably plantations pre-2009 are. I am not sure if that includes conifers or just deciduous trees. I am not sure about the areas either.

If there are native schemes that this legislation will allow for, it is important that they would be included in terms of forage areas because there is a difficulty we have in convincing not all but some farmers. I attended the IFA session in Athenry mart some weeks ago. There are some farmers who do not want to plant trees. They feel that it takes land out of production. They feel it is setting them back. Therefore, we have to try and encourage farmers. It is important that if small areas, even up to 1 acre are planted, they would be eligible in terms of forage areas as well. It is worth looking at scrub and so on. Under the satellite scheme, farmers get letters telling them that certain areas are not eligible and sometimes their first inclination is that they should remove it. Obviously we do not want that to happen. It is worth looking at small areas of forage acre like that, where it would be counterproductive to penalise them.

I wish the Minister of State the best of luck in getting the Bill through the Houses.

Senator Fiona O'Loughlin: The Minister of State is welcome. The change to the Title of the Bill was interesting in that it has brought two distinct areas together, but they are two important areas. I welcome and will support the introduction of the legislation, which will deliver a key commitment made in the programme for Government. In the case of mink farming, it will place a statutory prohibition on the practice, which is welcome because it has been considered outdated and inhumane for some time. It was important that certainty was brought in that regard. Nevertheless, we acknowledge the three mink farms in the country that breed and rear mink for the purposes of producing fur. Obviously, they have been operating a lawful, if not popular, business, so it is important that provision be put in place to offer compensation to those three farm businesses.

One key area of interest to the Minister of State's brief relates to the section on forestry. What she is proposing in that respect through the Bill is welcome. We are all conscious of the problems that have existed in forestry over recent years, and this will remove a legislative barrier to small-scale native planting. Our native trees are very important in all our counties. My county is named after the oak tree, a particularly lovely tree. I am glad to see we are encouraging farmers. As Senator Kyne said, not every farmer will want to go down this road, but it is important we give those who do the opportunity to do so. My family has forestry land in Kildare and it is mainly native. That farmers will no longer have to acquire a licence for an area of not less than 0.1 ha and not greater than 1 ha is important because it will re-engage farmers in forestry and play a part in meeting the ambitious roadmap towards climate neutrality, as outlined in the climate action plan. That target is ambitious compared with that in recent years and it will be challenging to meet in the next decade, which is why measures such as these must be put in place to support and encourage farmers. Obviously, much more needs to be done to increase our forestry rates substantially over the next decade but I have no doubt that, while this is not a substitute for ongoing work, it is a measure that will help and support people.

I certainly welcome and will support the Bill.

Acting Chairperson (Senator Róisín Garvey): I thank everyone for their input to this important Bill. It has had two very different Titles, relating to fur farming and the native woodland scheme. It is good that there is a Minister of State in the House who has worked on this Bill. She is one of our own, a Senator. I invite her now to make her concluding remarks.

Minister of State at the Department of Agriculture, Food and the Marine (Senator Pippa Hackett): I thank all the Senators for their constructive feedback and their support for the Bill. There are two main issues here and the forestry aspect was added on Committee Stage in the Dáil, for a number of reasons. The main reason related to the fact the Bill was coming from the Department at which I am Minister of State and it was not going to be easy to attach the forestry aspect to a different Department's Bill, but there was also an importance in enabling us to plant more trees, the importance of which was highlighted strongly by all the Senators.

The programme for Government includes a commitment to bringing forward legislation that will prohibit fur farming. As Senator Kyne indicated, it has taken quite a while to get here, but it is here now. Fur farming is still legal, as was highlighted by Senators, but will soon become illegal. We have moved from a position where it was considered socially acceptable to one where it is perhaps less so, and there is now broad consensus, not just among society and citizens, but also among veterinary and other scientific experts that certain animals should not be farmed for their fur or skin because the serious animal welfare concerns cannot be mitigated. That has had an impact on the societal concern in respect of this issue.

As Senators mentioned, there are three active fur farms in the State that breed and rear mink for the purposes of pelting for the fur industry. This statutory prohibition on fur farming will impact on these farms, which currently operate a lawful business. For this reason, the draft legislation makes provision for a scheme of compensation, which the Department will make available to the three farm businesses affected by the prohibition. Several Senators, including Senators Paul Daly, Boyhan and Ahearn, spoke about how we have to ensure it will be a fair compensation package for the farms, and Senator Boyhan and others mentioned the workers specifically. As they noted, we will have to ensure the compensation and redundancy package they face is also fair, and we will endeavour to ensure that is the case. That is only right, and the appointment of an independent assessor will help us in that regard.

The Bill will introduce a number of miscellaneous amendments to the Animal Health and Welfare Act, most notably the forestry provisions, which include provisions to introduce a limited exemption from which a licence to carry out small-scale planting will be allowed. It is important to say this is enabling legislation, not a scheme as yet, and we will engage widely with stakeholders in the design of that scheme to ensure it is fit for purpose. It must not impact negatively on the environment, water courses, land or special habitats, and we will work hard to ensure the development of such a scheme will be undertaken following the completion of a strategic environmental assessment and appropriate assessment, which will include stakeholder and public consultation. I hope that will ease some of the concerns expressed by Senator Black and the wider Civil Engagement Group.

Beyond the need to plant trees, there were a few queries on the size of area allowed. At the moment, it is permitted to plant up to 0.1 ha, or about 30 sq. m, without a licence. That is not accounted for in our carbon inventory, whereas anything larger than 0.1 ha is. By raising the permitted size above 0.1 ha, that area will be included, provided it is more than 20 m deep. It is not particularly straightforward, but if we were to plant, for example, a riparian margin, suitably positioned, around a river that was less than 20 m deep, that would not currently be accounted for.

Senator Paul Daly mentioned the work Teagasc is doing in respect of the inventory of hedgerows and trees outside of forests. That work is ongoing. I checked earlier today and it could involve a further year's work. Teagasc will then propose its findings to the EPA, which will make a decision as to whether to include it. That will be progress within the next couple of years. We will, I hope, get to a stage where we can include every hedgerow and potentially every type of tree-planting. Unfortunately, at the moment, from my understanding, if we were to include hedges, we would be in negative territory because we have lost more hedges than we have planted since 2018, so we would be on rather shaky ground. Hopefully, as we kick in, we will reverse that and be in a more positive situation. Plenty of hedges and habitats continue to be removed and destroyed, even as we speak.

On the timelines, we hope the fur farming Bill will be enacted once it has got through the Seanad. We have not set a commencement date as such, but I think it will happen as soon as possible. The fur farmers understand that and, as I understand it, this year's breeding season will not take place. It is fair to say they are aware of that. The engagement has been fairly extensive with my Department and I am sure my Department is open to further engagement with the fur farmers involved to make this as fair as possible. We have had an independent review of the compensation mechanisms to date and we will have to see how that pans out. We hope an independent assessor will be able to come to the fairest package possible.

8 February 2022

Senator Kyne noted that basic payment scheme payments are available for forested land. I think there are proposals in the next CAP strategic plan, and not only for the eco-schemes under which we have identified payments for non-productive areas. If we have tree planting in a scheme under this legislation, it would help to support that. There is also a proposal to increase the eligible area to include up to 30% of scrub or rushes on types of land where farmers previously would have felt forced to drain, cut or remove. That is positive for biodiversity into the future.

In response to Senator O'Loughlin, oak is one of the species on the list of native trees. It is one of our best and most special native species, and that is to be welcomed.

With regard to updates on forestry, I know there is a lot of concern out there. In the last year, we have seen a significant turnaround in terms of the number of felling licences issued. This time last year, we were very much in a crisis in regard to felling licences, and supply to the sawmills was in difficulty. I am happy to say that is no longer the case. We do not have an issue with supply to the sawmill sector, so that has been improved. We do have an issue with the issuing of afforestation licences, which I accept. The intention this year is to double the number of afforestation licences issued, which is positive. If this legislation is passed, small-scale planting might help that target also.

What is important is to engage with farmers and landowners to make planting of trees something they want to do. There is a fear and perhaps people are dissuaded from planting trees, so we need to reverse that. We need farmers, landowners and the wider sector to engage and to promote the positive benefits of forestry for all of its functions, not only for timber production and rural economies, but also for all of the issues we understand in terms of carbon sequestration and storage, biodiversity and amenity values. Most people live relatively close to a wooded area which they certainly enjoy.

I thank all of the Senators. I hope I have answered all of the questions but, if not, Senators can contact me afterwards. I hope we can agree, as we seem to, that the prohibition of fur farming and the provision of enabling legislation to facilitate native tree planting is a positive step forward. The Bill will result in positive change to our society. I look forward to subsequent engagements on the Bill with Senators. I commend the Bill to the House.

Acting Chairperson (Senator Róisín Garvey): That was a nice wrap-up of everybody's comments. I thank the Minister of State for her feedback.

Question put and agreed to.

Acting Chairperson (Senator Róisín Garvey): When is it proposed to take Committee Stage?

Senator Garret Ahearn: Next Tuesday.

Acting Chairperson (Senator Róisín Garvey): Is that agreed? Agreed.

Committee Stage ordered for Tuesday, 15 February 2022.

Acting Chairperson (Senator Róisín Garvey): When is it proposed to sit again?

Senator Garret Ahearn: Tomorrow at 10.30 a.m.

Seanad Éireann

Cuireadh an Seanad ar athló ag 6.25 p.m. go dtí 10.30 a.m., Dé Céadaoin, an 9 Feabhra 2022.

The Seanad adjourned at 6.25 p.m. until 10.30 a.m. on Wednesday, 9 February 2022.